



Internet shutdown in Senegal: Causes, Impacts and Solutions

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ACRONYM S AND DEFINITIONS

HASHTAG : This is a keyword preceded by the # symbol used on social networks to categorize content and allow users to find publications concerning the subject.

ISP : Internet Service Provider

ICT : Information and Communication Technology

2G : Second generation technology providing data services at slower speeds

3G : Third generation technology with a significant increase in data rates enabling services like video calls.

4G : Fourth generation technology offering even higher speeds, enabling high definition broadcasting.

VPN : Virtual Private Network

ECOWAS : Economic Community of West African States

ACHPR: African Charter on Human and Peoples' Rights

ECHR : European Court of Human Rights

UN : United Nations

CNRA : National Audiovisual Regulatory Council

CORED : Council for the Observance of Rules of Ethics and Professional Conduct

ARTP : Telecommunications and Postal Regulatory Authority

CSO : Civil Society Organization

OCB : Community Based Organizations

ASC : Sports and Cultural Association

DGE : General Directorate of Elections

ACCESS NOW : Civil society organization defending digital rights

AFRICTIVISTES : Senegalese civil society organization for the promotion of participatory democracy and digital inclusion

JTI : Journalism Trust Initiative

LOSI : Orientation Law on the Information Society

EXECUTIVE SUMMARY

The context in which this study intervenes is that of threats to public freedoms through cuts in internet access or restrictions on communication networks open to the public such as social networks (Facebook, Google, X, TikTok, etc.).

Senegal, like Kenya recently, did not think that one day it would resort to an internet cut-off by the authorities. The importance of the internet for the population is no longer in doubt, which is why during the dialogue on the high cost of living, the question of the cost of the internet was taken into account. The resource is thus considered a basic necessity.

The study's methodology uses interviews with sectors impacted by internet shutdowns to assess the damage. The study also focuses on the doctrine regarding internet shutdowns and their lack of proportionality in relation to the limits set by international law on the conditions for restrictions on freedom of expression.

Disinformation, incitement to hatred and violence are the standard arguments used by governments to order internet access cuts, this study also shows that cutting off the internet amounts to restricting public freedoms such as the right to search for and disseminate information. It also shows that cutting off the internet is a risk to the safety of people and property, especially during demonstrations.

Finally, possible solutions are discussed in order to combat disinformation and dangerous discourse in order to remove the excuse for governments to cut off the internet while ensuring the safety of people and property and the exercise of public freedoms.

INTRODUCTION

During periods of demonstrations, the need for information is crucial to our activities. Having an idea of the traffic, the areas to avoid because demonstrations are planned or taking place there allows you to make your arrangements. The student who relies on the internet to study from home can then avoid the risk of crossing paths with demonstrations, or of being taken away by the police on the basis of a facial check. A bracelet, the screen of your phone with the image of a political leader could constitute a reason to take you away.

Our societies are increasingly dependent on communication infrastructures. Telecommunications, the Internet and other online services such as decentralized finance have become essential social infrastructures ¹.

An internet outage makes it impossible to exercise these rights, namely: education, freedom of movement in complete safety and other rights whose exercise is based on the availability of this resource. The use of mobile money being a good alternative to the low rate of banking of the populations, facilitates financial transactions. But, for political reasons, the populations pay the high price of disconnection with family, friends and the business community.

According to Accessnow, an **internet shutdown** is defined as "*an intentional interruption of electronic or Internet-based communications that renders them inaccessible or unusable to a particular population or geographic area, often for the purpose of controlling the flow of information* ²."

We have other types of internet access outages, namely: those caused by a mechanism external to the communications system or by physical damage to the communications infrastructure, such as a power outage, the destruction of cell phone towers or the destruction of undersea cables.

In this study we will focus on intentional outages according to the Accessnow definition by considering different types of intentional outages.

A total shutdown occurs when access to the Internet is completely cut off. There is no possibility of opening a web page, nor any service that works with the Internet.

¹ de Bruijne, van Eeten, Roe, C Schulman, 2006.

² <https://www.accessnow.org/campaign/keepiton/> .

Internet throttling is said to occur when there is an intentional slowdown in internet speed, making it difficult or impossible for users to upload or download information. This was recently seen in Nigeria during the [#EndBadGovernance campaign](#) ³.

Throttling can also target specific services, apps, and platforms, rendering them unusable. This is the case when it is impossible to start a live stream on FACEBOOK or YOUTUBE.

We also have disruptions to specific telecommunications networks that also reflect an intention to block or sabotage the internet. This is the case, for example, when the outage affects 3G and 4G mobile networks and leaves the 2G network intact. Finally, we have partial outages, which are disruptions that target specific services such as social media platforms and messaging applications like Telegram, which we experienced in Senegal, and the blocking of TIKTOK.

Internet outages often occur during demonstrations and election periods. During these demands of the populations, the use of the Internet is almost systematic for the organization of peaceful marches and other forms of expression of freedom of assembly and demonstration.

It is not in the interest of leaders, especially those who have problems with transparency, to allow demonstrations to flourish. To be convinced of this, it is enough to revisit the number of march bans and this decision of the Senegalese Minister of the Interior who dared to delimit the areas that cannot host a march ⁴. This form of ban is often overcome by the use of the internet in order to amplify the voices of protest in unimaginable areas. To be convinced of this, it is enough to note the number of messages posted on X with the hashtag #FreeSenegal.

" *Public safety* " and " *Fighting rumors and the spread of illegal content* " ⁵ are the reasons most often given to justify cuts by politicians. Thus, the cut makes it impossible to exercise other human rights, namely the right to information, to expression, not to mention economic and social rights.

The digital revolution has been a boon for citizen participation worldwide. One of the advantages of the Internet is the reduction of distances, in other words the bringing together of people. The Internet makes citizen participation possible and at the same time exposes cases of mismanagement of public affairs. Faced with the demands of these two categories of actors (citizens and leaders), the following question arises:

³ <https://westafricaweekly.com/nigerian-internet-users-lament-slow-network-speed-as-protest-begins/> .

⁴ Order No. 007580/MINT/SP of July 20, 2011, which prohibited all demonstrations in the city center (Avenue El hadji Malick Sy – Cap manuel – surroundings of the Renaissance monument and in front of the hospitals).

⁵ <https://www.accessnow.org/keepiton-shutdown-tracker/> .

Instead of internet shutdowns that hinder human rights, by what mechanism can the State ensure the full enjoyment of rights and freedoms while ensuring the security of people and property?

STUDY PLAN

I: Legislation and jurisprudence in Senegal

II: Challenges and issues to be addressed in the context of internet cuts

III: Link between internet shutdown, disinformation and freedom of expression

IV: Economic and social impact of internet shutdowns

V: Recommendations for ending internet shutdowns

I: Legislation and jurisprudence in Senegal

Facilitating the use of information and communication technologies so that the "*benefit can be reflected in economic prosperity, the development of knowledge, the strengthening of peace and the promotion of democracy*" is one of the major objectives of the World Summit on the Information Society (WSIS).

Following this summit launched by the United Nations General Assembly by Resolution 56/183 of December 21, 2001, a wave of legislation followed in many countries to legislate in the field of information and communication technologies. Thus, in 2008 we have Law 2008-10 of January 25, relating to the orientation law on the information society.

In the explanatory statement of this law on the information society, we can read a desire to regulate the development of technologies in order to guarantee: "*responsible freedom of communication, participation, expression and creation of resources in all sectors of the information society*".

In addition to the electronic communications code⁶, Senegal has a set of texts concerning activities related to information and communication technologies. These include law no. 2016-29 of November 8, 2016 amending law no. 65-60 of July 21, 1965 on the penal code.

This text takes into account the dignity of the person with regard to automated processing, which is materialized by the creation of the violation of privacy and the representation of the person by capturing images and sounds, without the latter's consent. This text also takes into account the criminal protection of personal data (law 2008-12 of January 25, 2008) with the consecration of *specific violations of the rights of the person with regard to the processing of personal data*. Among the offenses protecting the person we have digital identity theft, the disclosure of personal data and the offense which aims to protect the prior formalities before any processing of personal data.

Personal data is the gold of digital technology; without it, the Internet and technologies are nothing more than an empty framework. This is why regulation should involve the proper use of tools such as the laws governing personal data and other 2008 texts on the information society.

In section 2 of the law amending the penal code, hate speech and insults are taken into consideration. This concerns content exchanged on the internet (text, photo, video) that can be manipulated by groups whose aim is to undermine stability. This is the case of provisions 431-42 and 431-43 which punish insults and threats made through a computer system with six months to seven years of imprisonment and a fine of 500,000 to 10,000,000 CFA francs.

Always with the aim of adapting to the evolution of technology, the legislator, through law n° 2016-30 of November 8, 2016 amending law n° 65-61 of July 21, 1965 relating to the Code of Criminal Procedure, takes into account the realities of technologies in criminal proceedings.

⁶Law No. 2018-28 relating to the electronic communications code.

For this purpose, a section (II) is inserted in Chapter III of Title II of its first book, worded as follows: *Investigative measures using information and communication technologies*. Here, it is necessary to adapt to the volatility of information with technology and to be more precise in the collection of evidence in the digital environment. This is why special rules have been introduced such as electronic and even remote seizure and search to compensate for the volatility.

It is in this concern to protect the person with regard to automated processing that the code of criminal procedure allows the police officer, under the authorization of the prosecutor, or the investigating judge, to ask operators to block the site to avoid the dissemination of pornographic representations of minors or manifestly illicit content (art 90-13).

In Law No. 2008-08 of January 25, 2008 on electronic transactions, the first title enshrines freedom of communication by electronic means. This text supports the regulation of online public communication services. This is " *any transmission of digital data that does not have a private correspondence character, by an electronic communication process using the Internet network allowing a reciprocal or non-reciprocal exchange of information between the sender and the receiver.*"

However, if digital services, namely public communication networks such as Facebook, Twitter (X) or YouTube were companies under Senegalese law, it would be easy to regulate the content found there. For example, service providers have an obligation to identify users of their platforms. Even those who claim the use of a pseudonym must register on the platform in order to allow the person responsible to meet legal obligations.

Before social networks, it was on online press sites, forums or blogs that we had interaction. The law on electronic transactions (article 10) requires that users register before using communication services. Even if they do not have a general obligation to look for facts or circumstances revealing illicit activities, service providers must set up a system for reporting clearly illicit content ⁷.

This concerns " *content of proven seriousness and whose illicit nature does not seem to be in question, in particular content of a pornographic nature or that advocates war crimes or clearly undermines public order or morality* ⁸". Platform managers must set up an easily accessible and visible system allowing anyone to bring to their attention the types of content that are clearly illicit.

⁷Article 3.5 law 2008-08 of January 25 on electronic transactions.

⁸ Article 2 Decree No. 2008-719 of June 30 relating to electronic communications taken for the application of Law No. 2008-08 of January 25, 2008 on electronic transactions.

The retention of personal identification elements and the implementation of technical measures to facilitate the reporting of clearly illicit content make it possible to assess the commitment of the service provider's responsibility to combat disinformation. What should be noted is that those responsible for online sites are not aware of these provisions; a visit to the most visited sites can attest to this.

The latter cannot be held criminally liable if they did not actually have knowledge of the "illicit" activity or content. This is also the case if, after acquiring knowledge of the illicit content or activity, the service provider or platform manager "acts promptly to remove this information or make access to it impossible"⁹.

Law No. 2017-27 of July 13, 2017, relating to the Press Code, in its article 179 and following, describes the obligations and responsibilities regarding the provision of online press services. "*The publisher and the administrator have editorial control over the content published on their site and social networks.*" The code instructs managers to put in place appropriate mechanisms for the moderation of content in the personal contribution spaces of Internet users. By repeating almost verbatim the provisions of the law on electronic transactions, the code instructs administrators to set up reporting mechanisms to allow Internet users to report inappropriate "illicit" content. Thus, such content must be promptly removed or access to it made impossible.

Article 180 of the Press Code states that: service providers are "required to restrict the provision of access after noting comments that are offensive or that undermine the dignity of individuals". Furthermore, this text makes it mandatory to retain "data that could enable the identification of any person who contributed to the creation of content for the services they provide".

In its paragraph 3, the press code describes the duties of journalists and media technicians. With regard to article 13, the latter must not:

“-Distort the facts;

-Publish information, documents, images and sounds whose origin is not known to them;

-Distort a text, a document, an image, a sound, or the opinion of others;

Give unconfirmed news very precisely as such.”

⁹ Article 3.3 Law No. 2008-08 of January 25, 2008 on electronic transactions.

To give more weight to this article, the penal code, in its last paragraph of article 363 bis, punishes with imprisonment of one to five years and a fine of 500,000 to 5,000,000 CFA francs "anyone who creates a montage with the words or image of a person without their consent if it is not clearly apparent that it is a montage or if it is not expressly mentioned". The content is thus protected to ensure reliability and avoid manipulation. Through this provision we have taken into account the very issue of "deep fake".

CORED being a good framework for self-regulation, equipped with a tribunal of peers, is the body responsible for judging the actions of information professionals at a first level and as a last resort the courts can be seized to restore the rights of some and others.

By reaffirming the principle of net neutrality ¹⁰in Law No. 2018-28 on electronic communications (Article 25), the legislator reminds internet service providers of the obligation to treat all traffic equally and without discrimination. But further on, there is what is called reasonable traffic management measures which reminds that internet service providers "must comply with applicable laws and regulations or measures giving effect to these laws and regulations, *including decisions of the courts or government authorities* ."

This is about traffic management in times of congestion, that is, when the demand for bandwidth exceeds the network's capacity to manage data flows. It is not about the possibility of ordering an internet shutdown; what is possible and envisaged are the possible actions when the internet is available but in insufficient quantity.

The authorities refer in many cases to the dissemination of false news to order the cutting of the internet while specific penalties are provided for in article 255 of the Senegalese penal code. And, it turns out that in the same code, as if premonitory, article 248 seems to integrate the web as a means of public diffusion it provides "... *any technical process intended to reach the public* ". It is then permissible to agree that fairly clear provisions make it possible to take into account almost any type of manifestly illicit content and where there would be doubts, the judge can rule.

The Robert Sagna case ¹¹allowed the Senegalese judge to address the issue of defamation on the internet. A way for the judge to designate the web as a means of public dissemination based on article 248 of the Senegalese penal code. In this case, a person was warned of disseminating defamatory remarks against Robert Sagna, mayor of Ziguinchor, on his website

¹⁰ Formalized in the early 2000s by Tim Wu, this principle means that all data flows on the internet must be treated equally and without discrimination .

¹¹Robert Sagna / site Sénégalaisement.com January 6, 2004.

sénégalaisement.com . According to his remarks, the mayor would engage in "unfair competition in disrespect of the people of Casamance". For the press offence, advertising being the offence, the judge considered the internet as a means of public dissemination.

We have a plethora of court decisions regarding the regulation of activities in the internet and technologies but no decision yet regarding internet shutdowns as we have experienced in recent years. Senegal has just faced its first internet shutdowns that the government authority has assumed through press releases to explain the reasons why it took this decision.

II: Challenges and issues to be addressed in the context of internet cuts

Internet outages call into question transparency in the electoral process on the one hand, and on the other hand the sincerity of the State in respecting the human rights of the populations. Civil society organizations have chosen to invest in transparency and reliability by sharing information, this civil society risks not working if the internet is cut. The members of these organizations who are on the ground will not be able to communicate with those who are in the monitoring rooms.

Human rights defenders cannot document rights violations. As a reminder, during the demonstrations against the arrest of leader Ousmane SONKO, violations were noted, including journalists who were brutalized, demonstrators who were tortured, the most striking case being that of Pape Abdoulaye Touré. It should also be noted that children were imprisoned and other people who had nothing to do with the demonstrations because they were not in the right place. We also have the case of thugs, including the one with the famous number 9 who was next to police vehicles, and so many other human rights violations would not be documented in the absence of the Internet as a vehicle for freedom of information.

Already during the pre-election period the need to use the Internet is real for the citizen in order to have relevant information, such as the location of polling places. A very large volume of information prepares for the conduct of the election and also allows observers to know whether the foundations of a fair and sincere vote are laid. Observers come from all over the world, sent by democracy promotion organizations, they need information even before being on site.

It is thanks to the Internet that we have the opportunity to inform about changes that may impact the voting process. Well before the election, there is the enrollment campaign for registration on the lists and the change of voting location for those who have changed their address. It was possible to find on the Internet all the information to carry out these acts, change polling station, find the address

of town halls and working hours for the issuance of the certificate of residence or registration on the electoral lists.

It is also thanks to the internet that we had the possibility to search online for our polling station and check if it has not been moved. It should be noted that many associations use the internet as a vehicle to encourage citizens to participate in the electoral process. We have the example of SenegalVote which through its Hashtag #SenegalVote on Twitter shared a lot of information to invite citizens to participate in the process. In addition to this information centralization tool, there is also the mobile application which gives, among other things, the possibility of geolocating your polling station, consulting the candidates' programs and even making comparisons by theme.

Depriving citizens of the internet during these times is obviously a violation of the electoral process.

Journalists also rely on this resource to send their reports and stories. It is also with the internet channel that we can verify or have verified by fact checking the veracity of information, also verify the occurrence of fraud or electoral violence. In the context of a trial ¹²before the Indian Supreme Court, the editor-in-chief of a newspaper said that "***Internet is essential for the modern press and by cutting it off, the authorities have forced the written press to a "brutal stop"***".

During elections, it is crucial to disseminate information on voting irregularities in real time to ensure that fraud is addressed by polling station officials. This will give affected candidates the opportunity to file legal appeals within the time limits set by the texts. Civil society actors received calls and reported malfunctions, allowing officials at the Directorate General of Elections (DGE) to make quick decisions to allow voters to exercise their right to vote. When irregularities are not revealed, there is less chance of addressing them, learning from them to improve future elections and, most importantly, holding those responsible for violations to account.

On the outcome of the election, the way information will be processed, its access through the internet can impact on the candidates and their score. False or true information can harm or benefit a candidate. Often opposition candidates rely on the internet to make themselves known and communicate with voters for a better understanding of their programs. In the media landscape we have in Africa what are called state media which highlight more the actions and speeches of the leaders in power than those of the members of the opposition. So depriving others of the internet amounts to asking them to make more efforts to campaign.

¹² <https://globalfreedomofexpression.columbia.edu/cases/bhasin-v-union-of-india/> .

The latter only have the internet to make themselves known and heard by the populations. To be convinced of this, we must remember the words of former President Macky Sall when he was an opponent: "The magic of the *click will face the power of money and the cops*". This is what also allowed his main opponent to position himself, Ousmane SONKO did not need state media to make himself known, his speeches broadcast live on Facebook had a considerable impact on his popularity.

But when they are on the other side of the wall separating them from the aspirations of the people, these politicians who have taken advantage of the wonders of the internet to come to power begin to use it to stifle the voice of their people. Thus, governments even try to hide their involvement in internet outages by making people believe that they are network outages or cable cuts. This is a phenomenon that we have seen during the recent outage in Kenya. The body responsible for electronic communications tweets to reassure that the network would not be affected. But by observing the press releases of the communications operators, we clearly see that it was an intention to hide the truth that the order to cut came from the authorities.

Below is the decision of the Kenyan regulatory authority giving guarantees that the internet would not be cut off.



PRESS RELEASE

CONCERNS OVER INTERNET SHUTDOWN

24th June, 2024: The Communication Authority of Kenya (CA) has received inquiries regarding an imminent Internet shutdown on Tuesday, 25th June, 2024.

For the avoidance of doubt, the Authority has no intention whatsoever to shut down Internet traffic or interfere with the quality of connectivity. Such actions would be a betrayal of the Constitution as a whole, the freedom of expression in particular and our own ethos.

Further, such actions would also sabotage our fast-growing digital economy as Internet connectivity supports thousands of livelihoods across the country.

However, we urge Kenyans to use the digital space with respect to all and within the confines of the law.

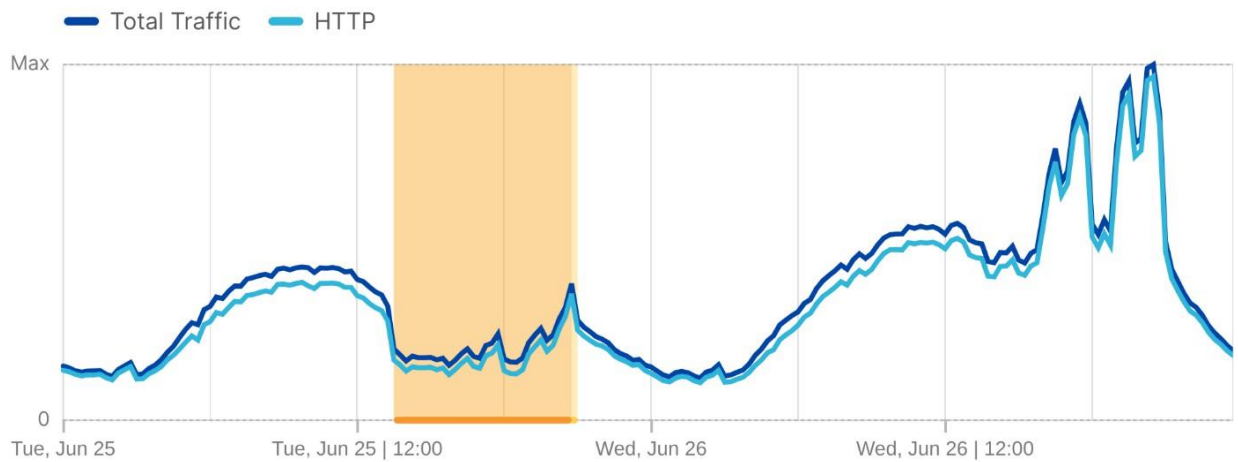
David Mugonyi, EBS
Director-General & CEO

For more information, please contact:
Director/Corporate Communications
Email: info@ca.go.ke

Below is an image of connectivity measurement in Kenya indicating an internet outage.

Internet traffic trends in Kenya

Traffic volume over the selected time period



 **Cloudflare Radar**

Jun 25 2024 00:00 UTC → Jun 26 2024 00:00 UTC

The Internet is one of the most accessible means for people to get information and share their opinions on the progress of the country. Since the second alternation in Senegal, President Macky Sall has not stopped talking about regulating the Internet. Even if we could grant him the argument that there is a lot of illegal content "to regulate", his way of approaching the issue showed that he had another problem behind it.

It is through the internet that members and supporters of political leaders participate financially to help organize meetings and political activities. We have the Kopar express platform whose managers have been mistreated. This platform has contributed a lot in crowdfunding to support political activities or help a press group, namely WALFADJRI to face the suspension measure. It is deplorable to note at the time that this campaign was interrupted by the authority. Thus, like the internet cuts, the WAVE platform ¹³was ordered to stop the fundraising campaign.

The importance of freedom of expression and the place of the Internet in its realization faces the proliferation of false information which, if we are not careful, may even divert from the objective of the right to information and that of spreading one's opinion. By weighing the two imperatives, it is possible to find solutions by trying to find the different implications.

¹³ <https://www.youtube.com/watch?v=VDLOYGU9fYc>.

III: Link between internet shutdown, disinformation and freedom of expression

The mobile internet park in Senegal increased from **16,610,393** in September 2022 to **18,595,500** in September 2023 ¹⁴, this figure clearly shows that almost the entire population of Senegal uses mobile with 10.2 million internet users or 58% of the population ¹⁵. Through a survey to find out through which channel the Senegalese get their information, 94% of respondents out of a total of 112 say they use the internet to get their information. When asked which channel they use to express themselves, 99% responded that it is through the internet that they express themselves.

A Freedom of expression and its limits

Apart from searching for information, the majority of Senegalese people use the internet to express themselves because it is the most accessible channel. It should be understood that this is the royal road to freedom of expression because not everyone has access to radio or television.

In its Article 19, the **Universal Declaration of Human Rights** enshrines freedom of expression as a global standard that takes into account the right to "*seek, receive and impart information and ideas through any media and regardless of frontiers* ."

Freedom of expression is a natural right, fundamental to the development of human beings. This is why the **Universal Declaration of Human Rights** was right to materialize its protection by saying that: "*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers* ." By consideration of frontiers, we must understand that governments cannot draw limits on the platforms that we can visit to obtain information or to express ourselves. The citizen is also free to choose the form of his expression, which can be oral, written, printed or artistic, or by any other means of his choice. It is in this sense that we must understand Article 25 of the Senegalese Electronic Communications Code, materializing this fact by the consecration of the neutrality of the Internet.

In its 2016 resolution, the United Nations Human Rights Council said, "*The same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice* ," in accordance with Articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

¹⁴ Internet Observatory quarterly dashboard as of September 30, 2023.

¹⁵ Magazinedelafrique.com.

This article 19 of the **International Covenant on Civil and Political Rights** reinforces the right to freedom of expression while defining the limits.

The exercise of this freedom of expression is conditioned by " *special duties and special responsibilities* ". Thus, to limit the exercise of this fundamental right, these must be **provided for and fixed in a law** and **necessary** for:

" -Respect for the rights or reputation of others

-To safeguard national security, public order, health or public morality .

The call for national, racial or religious hatred constituting an incitement to violence is also another limit to freedom of expression with regard to article 20 of the international pact ¹⁶. We are always within the framework of limits provided for and framed by texts.

At the regional level, the African Charter on Human and Peoples' Rights (ACHPR) in its article 9 enshrines the right to freedom of expression:

" 1-Every person has the right to information

2 Everyone has the right to express and disseminate his or her opinions within the framework of laws and regulations .

The Senegalese constitution enshrines in its article 8 civil and political freedoms, namely freedom of the press, association and assembly, etc.) and article 10 returns to freedom of expression.

"Everyone has the right to freely express and disseminate their opinions by word, pen, image, and peaceful march, provided that the exercise of these rights does not harm the honor and consideration of others, nor public order."

With the advent of the internet, getting information through this resource has become the daily life of users. This is the place where the target of the press is, which is why press organizations now have variations of their content in digital media (website, mobile application, newsletter, podcast or video support). It is also for this reason that the Senegalese press code has provided for the responsibility of publishers with their accounts on social networks.

However, freedom of expression and information are not absolute, they can be subject to acceptable limitation, which must be based on legality , **legitimacy and proportionality** . In view of the usefulness of the Internet in the accomplishment of these freedoms, any restriction of information

¹⁶ https://www.eods.eu/library/UN_ICCPR_1966_FR.pdf .

dissemination systems (television, radio, **Internet**), must comply with the criteria of restrictions imposed on freedom of expression. ¹⁷A State which intends to restrict a right, must demonstrate that this restriction respects the conditions set by the texts.

The "three-part test" is the filter through which any decision to restrict freedom of expression via the Internet must pass.

Legality : Any restriction must be previously provided for by a law. This law must be formulated precisely, so no vague terms. The precision of the text must allow everyone to understand without difficulty what the standard requires. A rigorous judicial review must be guaranteed by the texts in order to avoid arbitrariness of the executive. The extent of the discretionary power that we can see in article 27 of the electronic communications code provides information in more than one way on its imprecision and lack of clarity.

In light of the above, it is permissible to note that cuts ordered secretly or without a clear legal basis violate this requirement of legality. This is an opportunity to note that to avoid these secret cuts, civil society organizations, under the umbrella of JUNCTION, conducted network measurement campaigns several months before the cuts occurred. These campaigns made it possible to collect data on the state of the network before, during and after the political events that caused the cuts, using tools such as OONI PROBE.

Thus, the authorities had no choice but to assume the cuts, even without a legal basis. On closer inspection, in the press releases of the Minister of Communication, Telecommunications and the Digital Economy, he does not cite any legal provision that allows him to take this decision to cut. So the lack of a legal basis is too obvious, there was no text that sufficiently and clearly defined the extent of his discretionary power organizing this restriction.

¹⁷ General Comment No. 34, paragraph 34, <https://www.ohchr.org/en/documents/general-comments-and-recommendations/generalcomment-no34-article-19-freedoms-opinion-and>.



REPUBLIQUE DU SENEGAL

Un Peuple - Un But - Une Foi

Ministère de la Communication,
des Télécommunications et du Numérique

Dakar, le 13 février 2024

LE MINISTRE

COMMUNIQUE

OBJET : Suspension provisoire de l'Internet des données mobiles

Le Ministre de la Communication, des Télécommunications et du Numérique informe le public qu'en raison de la diffusion sur les réseaux sociaux de plusieurs messages haineux et subversifs qui ont déjà provoqués des manifestations violentes avec des décès et des dégâts matériels importants, l'internet des données mobiles est suspendu ce mardi 13 février 2024 selon certaines plages horaires.

Les opérateurs de téléphonie sont tenus de se conformer aux réquisitions notifiées.

The image shows a blue ink signature over a red circular official stamp. The stamp contains the text 'Ministère de la Communication, des Télécommunications et du Numérique'. Below the stamp is a red rectangular stamp with the name 'Me Moussa Bocar THIAN'.

Legitimacy is the second filter through which the decision to restrict **freedom** of expression, protected by international law, must pass. The restriction must pursue a legitimate aim consistent with the stated reasons, it must also be necessary to achieve the aim pursued. It turns out that the list of aims announced by international treaties to restrict freedom of expression is exclusive, no other objective is legitimate to justify a restriction on freedom of expression.

The decisions to cut off the internet or block access to social networks, in the case of Senegal, do not specify the legal basis. These are vague decisions, and of very broad scope, which does not fit with article 19.3 of the **ICCPR**. The decisions refer to public order, to national security without giving the conditions under which the internet would be cut off, nor explaining how this measure helps to safeguard peace. For demonstrations in Dakar, it was decided to cut off the internet across

the entire territory, to combat hate speech it was decided to cut off all social networks. There is a serious problem of **proportionality here**.

The decision must take into account the importance of freedom of expression in order to choose the least intrusive means that best respects this freedom. An assessment would allow targeting "manifestly illegal" content that risks disturbing the peace and acting at this level. A serious analysis of the decision to restrict freedoms would allow choosing the level and the method.

According to a report from the Office of the United Nations High Commissioner for Human Rights dated May 13, 2022,¹⁸ internet access cuts very rarely respect the principle of proportionality. It is enough to consider the duration compared to the time when the country was calm but without internet, the private sector forced to put their activity on hold for political considerations, the other regions that are not concerned will also have to wait for calm to return to the capital. The cuts affect the well-being of the populations by causing more stress because they are disconnected from their community. It was just necessary to see how people who did not have digital skills asked for help in multi-service stores, or from relatives and friends to install VPNs (virtual private networks) in order to bypass the restrictions.

Given the impact on other fundamental rights, essential activities and services, it is undeniable that the cuts harm other fundamental rights and restrict freedom of expression.

Furthermore, this desire to violate freedom of expression in Senegal was so obvious that the Minister of Communication, Telecommunications and the Digital Economy had, by decision No. 00056/MCTEN of June 1,²⁰²³, suspended the television programs of the WALFADJRI press group for a period of 30 days. This decision will be annulled by the 1st^{administrative} chamber of the Supreme Court¹⁹ on the grounds that the minister, "*by suspending the television programs for 30 days, exceeded his powers.*"

The United Nations Human Rights Council called in 2022²⁰ on all States to lift existing restrictions on the free flow of information and ideas, incompatible with Article 19 of the International Covenant on Civil and Political Rights.

¹⁸ Internet Shutdowns: Trends, Causes, Legal Implications and Impacts on a Range of Human Rights. Report of the Office of the United Nations High Commissioner for Human Rights, 13 May 2022, A/HRC/50/55, paragraph XXX, <https://www.ohchr.org/en/documents/thematic-reports/ahrc5055-internet-shutdowns-trends-causes-legal-implications-and-impacts> .

¹⁹ WALFADJRI SA Group Company C/ State of Senegal.

²⁰ Freedom of opinion and expression, Resolution adopted by the United Nations Human Rights Council on 8 July 2022, paragraph 8, point (o), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/407/30/PDF/G2240730.pdf?OpenElement> .

These include blocking the internet to control information, and banning or closing media outlets through administrative measures.

In the chapter on jurisprudence, we have two decisions of the ECOWAS Court of Justice on internet shutdowns and restrictions that illustrate very well the negative impact of shutdowns on freedom of expression. This is the case *Amnesty International Togo and Ors v. Togolese Republic*²¹ of June 25, 2020 and the case *SERAP v. Federal Republic of Nigeria*²² July 14, 2022. After Togo and Nigeria, Senegalese civil society actors such as Africivistes²³ have attacked the decision of the State of Senegal to restrict freedom of expression by cutting off the internet.

In Togo, the authorities had cut off access to the internet during popular demonstrations. They cited "national security" as their reason. They said that the ongoing demonstrations risked turning into a "civil war" because of the hate speech and incitement to violence spread by some demonstrators.

For Nigeria, it is following the suspension of the **X application** formerly known as Twitter on the grounds that the platform's activities threatened the stability of the country and its "existence as a nation". To better support their decision, the authorities spoke of the lack of a license for over the top (OTT) audiovisual services for their activity on Nigerian territory. This argument is also contested by civil society actors in their complaint against the government because no Nigerian law provided for this license.

What can be remembered in these two decisions is the correlation that is made by the Court between freedom of expression and internet shutdowns. According to the Court, access to the internet may not be a fundamental right, but it is a "derived right" because it supports and makes possible the exercise of freedom of expression, which is a fundamental right under international law. Thus, any restriction of this right must be provided for by the law that sets out its terms in order to be certain of not ending up in arbitrariness. The nature of the right to freedom of expression means that anything that can make its realization possible benefits from its protection. This is how the internet, like radio and television frequencies, can benefit from it.

In the case of Nigeria, the Court specifies that the "derived right" protected by Article 19 of the International Covenant on Civil and Political Rights and Article 9 of the African Charter on Human and Peoples' Rights, allows people to enjoy freedom of expression through the means of their choice (Twitter at the time for Nigeria, YouTube, Facebook, Instagram and TikTok). Thus, any derogation

²¹ <https://globalfreedomofexpression.columbia.edu/cases/amnesty-international-togo-and-ors-v-the-togolese-republic/> .

²² <https://globalfreedomofexpression.columbia.edu/cases/serap-v-federal-republic-of-nigeria/> .

²³A non-governmental organization that fights for democracy and inclusion.

from the derived right of access to the internet, or access to social media platforms that allow the realization of freedom of expression, must go through a decision that draws its force from an existing law or a court order; it must also respect the principles of legitimacy, necessity and proportionality.

Basically, what can be noted about these two decisions is the generalized shutdown and suspension of Twitter without any legal basis, nor any court decision cited for their motivation. Thus, without legal basis we can say that these decisions are motivated only by the political will to control the exercise of fundamental freedoms in violation of the principle of legality.

The Court, however, noted that it is possible for freedom of expression to be limited in view of national security, but in the cases studied, the circumstances show the total absence of any law or legal instrument capable of supporting the legality of the decisions taken. It then asked the governments of Togo and Nigeria, "to take all necessary measures" to prevent this situation from recurring. Both countries were ordered to enact laws to protect the right to freedom of expression in accordance with international human rights law.

With regard to regional intergovernmental organizations, it is important to note that the African Commission on Human and Peoples' Rights has called on States to " *recognize that universal, equitable, affordable and meaningful access to the Internet is necessary for the realization of freedom of expression, access to information and the enjoyment of other human rights* ²⁴."

B : Disinformation, a weapon of restriction

The European Commission defines disinformation as " *information that can be verified as false or misleading that is cumulatively created, presented and disseminated for profit or with the deliberate intention to deceive the public and is likely to cause public harm* " ²⁵.

In their taxonomy ²⁶of information disorder, academics define disinformation as " *the sharing of information known to be false with the intention of causing harm* "; in contrast, misinformation is defined as "the unintentional dissemination of false information."

²⁴ African Commission on Human and Peoples' Rights, Declaration of Principles on Freedom of Expression and Access to Information in Africa, Principle 37 (2). 2019.

https://www.achpr.org/public/Document/file/English/Declaration%20of%20Principles%20on%20Freedom%20of%20Expression_ENG_2019.pdf .

²⁵ European Commission, Code of good practice against disinformation (2018).

²⁶ Claire Wardle and Hossein Derakhshan, *Information Disorder: Toward an Interdisciplinary Framework for Research and Policymaking* (Council of Europe, 2017), p. 5.

In today's world, the one who has the information is way ahead of the one who doesn't. That's why there is a war over the control of information. In relation to freedom of expression, we are facing new threats such as disinformation and the cutting off of the internet which is often mentioned as a means of combating the former. This response to the spread of false information is in reality a false solution to a real problem. At least that's what the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression thinks ²⁷.

The lack of a globally accepted definition makes it impossible to implement a global solution that must nevertheless be accepted given the different contexts. Therefore, the difficulty of dissociating facts and deceptions, intention to harm and good faith, makes the problem of disinformation very complex. Accurate data can be manipulated for a hidden objective and presented as false, lies can be disguised and presented as accurate always with a very specific objective.

Those who, behind their intention to harm, spread content that they know to be false (disinformation), see their content amplified by those who, in good faith, are incapable of dissecting the true from the false in the digital environment (disinformation).

When relaying information, anything can happen, such as a text that has been truncated, an image for which we choose the angle to present to the public depending on what we want to obtain. This decision on what to show, whatever the reason, can even cost lives. This is the case in India of a fake kidnapping in which a child is brought back safe and sound, carried out by a Pakistani charity to raise awareness about child kidnapping. (Rebelo, 2017).

The distorted version of the video did not mention the name of the charity, the campaign, and the fact that the child was returned safely. While many such rumors circulated online and offline, mobs killed 33 people in India between January 2017 and July 2018 (Sanghvi, 2018).

The person creating content can, by broadcasting, come across a person with more influence. These people can also, depending on the context, with cognitive biases, make disinformation content viral because they find it useful. To this must be added the functioning of algorithms, it is what interests us that determines the content that is offered to us.

In November 2017, US President Donald Trump retweeted a series of shocking and violent videos. One of them was falsely titled "Muslim migrant beats up Dutch boy!" The Dutch embassy in the United States indicated via its Twitter account that the boy in question was not a Muslim migrant.

²⁷ Irene Khan Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression Human Rights Council, Forty-seventh session, 21 June-9 July 2021.

The videos were originally shared by Jayda Fransen, deputy leader of the far-right group Britain First. Fransen had 52,776 followers at the time, while Trump had over 42 million followers ²⁸. So in addition to the nature of algorithms showing us what fits our choices without worrying about the truth of the content, and influential accounts sharing content without questioning the reliability of the content and the author, we need to move the needle to solve or mitigate this misinformation than to tackle the internet.

During the election campaign period, we experienced with the Cambridge Analytica affair the capacity for manipulation offered by social networks which generally leave us in our bubble, offer us only what we want to see. It is very common to find profiles on the platforms that often have the same propaganda approach. In general, these accounts are created at the same time, we also find the same language elements in the content. It is difficult to identify them because the profile and banner images are often those of the candidates they support or the content elements they broadcast.

The 2008 laws in Senegal have taken into account the issue of the dissemination of fake news and the creation of even "deep fack" as already mentioned. The authorities must now make the fight against disinformation a priority and an imperative that goes beyond the framework of an election . To preserve social peace, we must consider the discourse on the internet and disinformation at all times and in all places.

The content of profiles based abroad and those on the national territory must be considered over a long period of time to determine whether there is a correlation with what is happening on the ground. In the case of profiles based abroad, the Senegalese Minister of Communication, Telecommunications and Digital Affairs said that they were the ones who were spreading subversive messages from abroad to call for violence. Senegal is a member of the international community and has the possibility of using the instruments of this community such as Convention 108 or that of Budapest to obtain from those responsible for the platforms, the application of Senegalese laws according to the principle of double incrimination.

Apart from the call for violence, it should be noted that many influencers who are abroad receive information through those who are in Senegal. A good functioning of the press organs and awareness among citizens should help to maintain the full exercise of freedom of expression while preserving the rights of people and property.

²⁸ Data Team, 2017.

The issue of disinformation and hate speech must even lead our States to go beyond one-off events such as elections and analyze speeches over long periods with the objective of preserving social peace in anticipation. To be convinced of this, we must revisit the testimonies concerning the Rwandan genocide. One of the witnesses said he had monitored the speech that was broadcast on Radio Milles Collines since its existence from July 1993 to July 1994 "I observed that this affair did not happen in one day" he said. The witness drew attention to the fact that the broadcast of the incendiary speech over a long period of time gave the result of the genocide, so an early warning is necessary.

Outside of election campaign periods, disinformation must also attract the attention of the State to anticipate sensitive periods. The fact of being concerned about it only during election periods to the point of making it a reason to cut off the internet, shows the instrumentalization of this phenomenon which must be taken into account permanently.

In Senegal TIKTOK has around 4 to 5 million connected users ²⁹per month, according to a Semrush analysis, according to a recent Kantar study in April 2024 it is the second platform in Senegal in terms of consumption with 63% of Internet users using it. WhatsApp comes first with 91% of Internet users, YouTube 59% occupies third position.

By monitoring dangerous discourse through the most significant public communication networks, we can find those who are the vehicles of false information. The principle is simple, those who seek views or more subscribers do not hide, so their identification will not be impossible. This is how actions can be taken to make them face their responsibility and apply to their behavior the texts framing digital and electronic communications.

IV: Economic and social impact of internet shutdowns

Reducing distances and eliminating borders is now possible thanks to the Internet. The remote provision of products and services is now done using this tool. It is also the Internet that allows you to get paid with payment aggregators and other online payment services whose API integration ³⁰facilitates payments.

Still in this dynamic of accessing the product ordered on the internet, we have seen many delivery service initiatives that are based on the internet and that allow entrepreneurs to use GPS location services to deliver a product from the place where the order is made. These delivery services fail to

²⁹ <https://www.socialnetlink.org/2024/08/26/laffaires-aziz-dabala-comment-tiktok-alimente-la-desinformation/> .

³⁰ Application program interface communication interface with other digital tools.

function well because they often use mobile applications to connect couriers (Jakarta drivers) and customers.

When it comes to financial services like mobile money, according to a McKinsey analysis,³¹ “ *More than 60% of Africans could be banked by 2025, and more than 90% of them will use mobile wallets for their daily transactions and payments .*” These transactions are mostly done online, and users connect with mobile internet. According to this analysis, “ *if the conditions are right, Africa’s GDP should at least reach that of leading economies such as Taiwan, the United Kingdom, India and China .*” And all this, it must be said, thanks to the internet’s ability to accelerate growth.

The Internet is an accelerator of financial inclusion and the enthusiasm that its potential arouses is no longer in doubt. As proof, we even have a law whose objective is to promote startups with³²advantages to boost innovation. We should not then think that the Internet is only used by political actors or only for freedom of expression and information. Economic and social development actors find in this resource an indispensable support to achieve their objectives. Depriving users of the Internet amounts to sending a large number of entrepreneurs to technical unemployment and increasing the stress of this person who was waiting for a transfer to pay hospital bills or to pay for medication.

Universities were closed for a long time in the context of internet outages, Cheikh Amidou Kane University ex UVS with its motto "fo nek fofu la" (It happens where you are) experienced a disruption in learning because students use the internet to follow courses. And certainly the assessments scheduled during this period could not take place due to internet outages.

Sellers have a new sales system using TIKTOK as a store. All you need is a good internet connection, lamps to illuminate the products on sale. Customers follow the presentation of the items online and react as soon as they find what they are looking for by calling the seller's number and then validate by making a transfer to materialize the purchase.

According to Basile Niane, founder of SOCIALNETLINK , “*the recent internet outages have seriously affected their business, leading to a series of major problems.*”

³¹https://www.mckinsey.com/~/_media/McKinsey/Business%20Functions/Marketing%20and%20Sales/Our%20Insights/Digital%20Divide%20The%20impact%20of%20closing%20Africas%20Internet%20gap/06_Digital%20divide.pdf .

³² Law 2020-01 relating to the creation and promotion of startups.

As a fully online platform, we have suffered significant revenue losses, particularly on YouTube and Google Ads. Before these disruptions, our revenue was around €500 per day, but with the outages, it has dropped to less than €200. This represents a loss of almost half of our revenue.

These interruptions made our platform inaccessible, preventing our users from enjoying our services and thus impacting our reputation.

The first outage took place from **March 4 to March 5, 2021**, it lasted two days and targeted the communication networks WhatsApp, Facebook Youtube and the Telegram network.

From **June 1 to June 7, 2023**, Senegal experienced a 7-day shutdown following the conviction of Ousmane SONKO, leader of the PASTEF political party. This involves blocking social networks Facebook, Twitter, and YouTube and messaging applications, namely WhatsApp, Telegram, and Facebook Messenger.

From July 31 to August 7, 2023 we had an 8-day nationwide blackout, the Ministry of Communication, Telecommunications and Digital Economy, namely Moussa Bocar THIAM, issued a statement stating that mobile Internet services would be "temporarily suspended" during certain unspecified hours starting July 31. All mobile phone service providers were ordered to comply. This decision followed the arrest over the weekend of PASTEF leader Ousmane Sonko, leader of the opposition, on new charges.

From February 4 to February 7, 2024, Senegal experienced 3 days and two hours of nationwide power outage. President Macky SALL then suddenly postponed the presidential election scheduled for February 25. Faced with the numerous protests that followed this announcement, the Ministry of Communication, Telecommunications and the Digital Economy, Moussa BOCAR THIAM, ordered the shutdown of access to mobile data, citing the dissemination of "hateful and subversive messages."

On Tuesday, February 13, 2024, for a period of 9 hours, the Ministry of Communication, Telecommunications and the Digital Economy once again ordered the suspension of access to mobile data, citing the dissemination of "hateful and subversive messages on social media."

We had 20 days and 11 hours of outages, including three at the national level concerning mobile data and two concerning restrictions on social networks and messaging applications. Based on the exchange rate for March 2023, with the NetBlocks calculation method³³, the loss of earnings at the

³³ <https://netblocks.org/cost/> .

national level is estimated at 24,540,778,989 CFA francs for the 20 days and 11 hours of outage. Three weeks of outage on the scale of a multi-service or a company that offers digital marketing services is a huge loss of earnings that has serious consequences on the payment of salaries.

Even though the wired connection was maintained, users of the WAVE money transfer service were unable to make transactions. Using the application that runs on mobile data was easier than the short code that was made available to customers to bypass the outage.

V Recommendations for ending internet shutdowns

"If we consider that Internet governance is the development and application by governments, the private sector and civil society, each according to its role, of common principles, standards, rules, decision-making procedures and programmes, capable of shaping the evolution and use of the Internet" ; ³⁴it is fundamental for these actors to work together.

Disinformation is another aspect of dangerous discourse on the internet that can have disastrous consequences on life and the stability of social relations. Governments base their action of cutting off the internet on the fact that messages of hate and calls for violence are being spread. They have opted for the simplest solution that requires the least effort on their part, but the most radical with enormous consequences on freedoms.

Media literacy has become a necessity, even an emergency, in order to allow users targeted by disinformation to have the necessary tools to have the right information. It is almost certain that disinformation will not disappear, but to limit its spread, training and awareness programs are needed for populations (schools, parents, educators, social actors) to name a few. A ³⁵2018 study shows that technical skills in the use of digital tools, for example photo editing, understanding and mastering image, photo or text manipulation tools are significant in the fight against disinformation.

The first socialization environment being the family, it is necessary to teach good practices through parents so that they do not become vectors of disinformation. Explaining to children how sites work, the principle of pay per click, the fact that "when it's free, they are the products" allows children to think twice before sharing information. Parents also represent target vectors for those who create and organize disinformation. Fear or fright in front of certain content can encourage clicking on the share or forward button in networks like WhatsApp without any malicious intent to harm. If parents

³⁴[https://search.coe.int/cm/#{%22CoEReference%22:\[%22CM/Rec\(2007\)16%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\],%22CoEIdentifier%22:\[%2209000016805d4a4f%22\]}](https://search.coe.int/cm/#{%22CoEReference%22:[%22CM/Rec(2007)16%22],%22sort%22:[%22CoEValidationDate%20Descending%22],%22CoEIdentifier%22:[%2209000016805d4a4f%22]})

³⁵Shen et al., p. 20

are not well trained, they will not be able to collaborate with children to counter the chain of disinformation.

This education is also aimed at journalists and media actors in order to introduce them to new techniques of fake checking, to the identification of reliable sources to verify and silence the voice of fake news. It must be agreed that to fight against disinformation, we must go where it takes root for the case of institutions or organizations targeted by disinformation it is necessary that they are available to convey information concerning them, nature abhors a vacuum.

Alongside information professionals, we have content creators who need to be made aware and made responsible. These are actors who need to be made aware of the issue of disinformation and equipped to share good practices. They can help their audience understand the seriousness of the phenomenon. The certification of online press sites and all those who have the authority to share information must go through the certification test; in this respect, the Reporters Without Borders model can be taken as an example with the initiative (Journalism Trust Initiative) JTI ³⁶.

During the events in Myanmar, Facebook content moderators failed to detect some dangerous content calling for the genocide of Muslims. Even if Facebook's algorithms or tools allow for sending alerts to moderators, it is important to hire a local team that will understand the context, the languages and dialects spoken, the history of the stakeholders and sometimes the codes used to convey the messages. A decentralized team, disconnected from the realities on the ground, will never be 100% capable of detecting signals.

It should be noted that press actors and civil society organizations formed a network during the presidential election to fight against disinformation. This is the SAYTUSEN2024 campaign in which we had organizations such as the Maison des Reporters, Sénégalvote, Divancitoyen, Ejicom, Ouestaf, the daily newspaper l'Enquête Setanal Média and AfricaCheck ³⁷.

The alliance aimed to stem the spread of disinformation before, during and one month after the 2024 presidential election in Senegal. By examining the activity report, we note that a good portion of the verified information was disseminated on social networks.

These were manipulated videos aimed at discrediting certain candidates, publications of fake polls, creation of fake front pages of newspapers to spread false information. On its account X formerly Twitter, the SAYTU campaign ³⁸published 13 information verifications. Internet users also had the

³⁶ <https://www.jti-app.com/footer/cwa>

³⁷ An organization whose objective is to verify information and in particular public statements

³⁸ Wolof word which means to investigate, to verify.

possibility to request verifications on dubious information. Thus, 10 Internet users made a request for verification.

On WhatsApp, the SAYTU alliance received 6 requests for verification, including 5 concerning facts to be verified and a request for information on the possibility of voting with an identity card.

The limits of these campaigns arise from the fact that it is limited in time, whereas disinformation, even if it is to manipulate elections, can start well before. So these verification campaigns should not be limited in time or to a given event. Another limit is the lack of membership, all the actors of the press and the media should find themselves in such a coalition in order to broaden the scope of the public to whom the verified content must be communicated. The speed of disinformation must require a broad coalition of actors who will take upon themselves the obligation to publish the denials or verification carried out to reach the greatest number of people in order to reestablish the truth.

Thinking about technological sovereignty when the tools on which disinformation is spread do not belong to us is illusory. The explanation given by digital giants is often the impossibility of having general or standard conditions for each region of the world. However, what is possible and has been tested is the provision of moderation or monitoring tools that allow for content moderation based on the realities of each country and should lead to making social media users responsible.

The latest technological solution Crowdtangle that greatly helped civil society in content moderation has been withdrawn by Facebook. Platforms must have a decentralized system like Mastodon³⁹ that allows decentralized management of content respecting freedom of expression but also the limits to this freedom recognized at the international level. Researchers and civil society actors must find tools to anticipate disinformation and hate speech.

These tools will make it possible to index public discourse on profiles and publications in order to analyze public content and flag markers of violence, hatred or dangerous discourse (disinformation).

A framework for reflection and implementation of policies will be of capital importance. Senegal, like other countries in the sub-region, cannot operate in isolation when it comes to the fight against disinformation. States must move forward in a network like the structure of the internet to discuss with private companies that manage almost all the data on the lives of their citizens. Political

³⁹ A decentralized social network made up of independent servers called instances managed by an organization, a community or an individual.

leaders, regulatory authorities and civil society actors must also combine their efforts to achieve a balance of power, as is the case with the European Union in its relations with digital giants.

Managing disinformation requires leaving no actor behind. Everyone has a role to play in limiting disinformation. This is why political actors must demonstrate more transparency during political campaigns. Better regulation of campaign teams and transparency in digital teams to better trace the chain of responsibility of the actors.

It would be interesting to identify these people who speak for their candidate so that they are held responsible for their content. A speech is often important depending on the sender, a party leader who speaks to his young activists who do not question his speech can harm stability. The latter must be made aware of the dangers and their role in the chain of disinformation or the dissemination of hate speech.

Even more rigor is needed for those who are abroad but who are not in a situation of lawlessness. We have seen cases of profiles that are active in disinformation while they are not on site. Justifying an internet shutdown because they are making calls for violence is like closing the highway lanes because there are drivers who break the highway code.

The Internet is not a lawless zone, even for those who are not physically present. The law that governs interactions on the Internet is almost the same everywhere, in its broad outlines. The principle of double criminality makes it possible to take into account certain profiles and for those who escape it, geo-blocking must be implemented as far as possible to limit manifestly illicit content while respecting, above all, freedom of expression.

Another solution lies in taking into account the networks of young people and women who are more active on digital platforms. Women who are often targeted in disinformation must be supported by training and awareness-raising to respond to harassment and respond to disinformation. This is why it is important to strengthen the capacities of women political leaders or opinion leaders for their presence on social networks.

Disinformation or offensive content is also found in the religious field . When a religious leader speaks, even if it is in a personal capacity, his speech risks going beyond his expectations. They can easily engage their disciples. They must be trained to identify dangerous speech on the internet and avoid being a vector of it. In addition, they must play their role as regulators by favoring responsible speech, even in times of crisis. They must also benefit from capacity building to have skills or just an understanding of digital tools.

Fact-checking organizations, heads of organizations, ministries or regulatory institutions must work in synergy to take disinformation into account very quickly. False information that is not verified can change the course of an election or trigger demonstrations. This is why, for better transparency, we need a law on access to information and institutions that speak to citizens to cultivate a relationship of mutual trust. It must be possible and easy for citizens to have access to information because it is made available for consultation on site or online.

According to the Committee of Ministers of the Council of Europe, freedom of information implies the right of access to documents of state bodies, which are now generally provided online. Freedom of information therefore depends on widely available and affordable access to the Internet.

A network of journalists, community radio hosts, regulatory bodies, can help in the work of fact-checking and disseminating verified data and content in the relevant places, that is, the place where the disinformation originated. Grassroots community organizations, sports and cultural associations, neighborhood leaders and all voices must be involved.

With influential accounts on social networks, the latter are often guided by the desire to increase their subscribers to increase their income, which is why they start to do the work of journalists when they do not have the quality. The number of subscribers, interaction with people who follow live broadcasts or share publications is an important element in the spread of disinformation. Disinformation project managers do not hesitate during periods of demonstration or election to recruit influencers to spread false information and sow doubt.

In addition, the GAFAM (Google, Amazon, Facebook, Apple, Microsoft) rely on interactions to place their products (advertisements) and pay influencers who crystallize the attention of Internet users by occupying their available brain time. Responding to a question from a member of the American Congress on Facebook's responsibility for the insurrection at the Capitol, Mark Zuckerberg refuses to accept the responsibility of his platform and points the finger at Donald TRUMP and all the users who relayed messages of hate, calling for violence. The CEO of Google also Sundar Pichai, following the CEO of Facebook denies the responsibility of his platform.

Artificial intelligence and recommendation algorithms do not work without human intervention. If Facebook decides to pay for a video based on a viewing threshold, it is possible to consider their responsibility as well. If hateful content or content that scares people is more viral than other types of content, the human hand also has something to do with it. We must then find, as is the case with political publications, a way to regulate the publications of influencers or profiles with a certain impact.

It would be interesting to implement an advertising law that would take into account social media profiles that broadcast advertisements. In addition, platform managers must make a lot of effort regarding dormant accounts and accounts created on the eve of, or during, elections or popular demonstrations to support disinformation projects. These accounts generally only become active during election periods or social movements. It is good to allow the use of pseudonyms, but taking care to properly identify these people to hold them liable in the event of an infringement.

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- Decree No. 2008-719 of June 30, 2008, relating to electronic communications taken for the application of Law No. 2008-08 of January 25, 2008 on electronic transactions (JORS, No. 64339 of November 22, 2008).
- Decree No. 2008-721 of June 30, 2008, implementing Law 2008-12 of January 25, 2008 on the protection of personal data (JORS, No. 6443 of December 20, 2008).
- Law No. 2018-28 of December 12, 2018 relating to the electronic communications code
- Law No. 2016-29 of November 8, 2016 amending Law No. 65-60 of July 21, 1965 relating to the Penal Code (JORS No. 6975).
- Law No. 2016-30 of November 8, 2016 amending Law No. 65-61 of July 21, 1965 relating to the Code of Criminal Procedure (JORS No. 6976).
- Law No. 2016-33 of December 14, 2016, relating to intelligence services (JORS, No. 6984 of January 7, 2017).
- Law No. 2017-27 of July 13, 2017 relating to the press code