



Fighting Internet Shutdowns around the World

December 3, 2020

#KeepItOn: Open letter on keeping the internet open and secure during elections in the Republic of Ghana

Re: Internet access will ensure increased participation and transparency in Ghana's presidential elections

Your Excellency Nana Addo Dankwa Akufo-Addo, President of the Republic of Ghana

CC:

Mrs. Ursula Owusu-Ekuful, Minister of Communications;

Mr. Joseph Ankokye, Director-General, National Communications Authority;

Dr. Albert Antwi-Boasiako, National Cybersecurity Advisor;

Mr. Murphy Chaganti, Chief Executive Officer, AirtelTigo;

Mrs. Patricia Obo-Nai, Chief Executive Officer, Vodafone Ghana;

Mr. Selorm Adadevoh, Chief Executive Officer, MTN Ghana

We, the undersigned organizations and members of the #KeepItOn coalition — a global network that unites over 220 organizations from 99 countries working to end internet shutdowns¹ — **appeal to you, President Nana Addo Dankwa Akufo-Addo, to continue to be an example in Africa by ensuring stable, secure, and open access to the internet and all other digital communication channels before, during, and after the presidential elections in the Republic of Ghana**, scheduled for December 7, 2020.

The internet plays a crucial role in enabling people to access information and remain informed about the election process. Access to the internet and social media platforms provides people in Ghana the potential to actively participate in the voting process, engage in public discourse, and hold their elected leaders accountable, which are all important tenets of every democratic society. Ghana has set a precedent in the region on how to hold fair and peaceful elections with access to an open and free internet. This was underscored during the 2016 presidential elections throughout which stakeholders from the media, the Electoral Commission of Ghana, and civil society [actively used the internet](#) and digital communications platforms such as WhatsApp and Facebook to provide election updates and keep the nation informed.

¹ An internet shutdown is defined as an intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information. See more at: <https://accessnow.org/keepiton>.



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As Ghana continues to be the beacon of democracy in Africa, we appeal to you to maintain these standards, and continue to uphold the fundamental rights of the people of Ghana by ensuring that they are able to cast their vote without any incidents of internet shutdowns. Mr. President, given Ghana's important role as a member of the Freedom Online Coalition — which seeks to promote internet freedom and digital rights globally — ordering an internet shutdown or digital communication blackout during the upcoming election would add Ghana to the infamous list of countries using internet shutdowns to suppress their citizens, and would therefore tarnish its hard-earned reputation.

We acknowledge [Ghana's endorsement](#) of the [Contract for the Web](#) and the [recent](#) commitment by the National Communications Authority (NCA) to keep the internet and digital communications tools accessible and open throughout the election period in Ghana, and we appeal to you to ensure that the necessary measures are put in place for this to be upheld. Citizens' access to the internet and social media platforms has the potential to contribute significantly to ensuring active participation, transparency, and accountability in the electoral processes.

Internet shutdowns violate fundamental human rights such as freedom of expression and opinion, access to information, press freedom, and freedom of assembly. By disrupting the free flow of information, shutdowns exacerbate any existing tensions in the society and increase the likelihood of protests, as well as conceal potential violence and human rights violations perpetrated by both state and non-state actors. Without access to communications tools, [journalists and the media are unable to report](#) on the election process and outcomes.

Although governments attempt to justify network disruptions for various reasons, in reality, internet shutdowns deny people access to vital and life-saving information, and emergency services, plunging whole communities into fear and confusion. Moreover, shutting down the internet during a [deadly pandemic](#) would add fuel to the fire.

Free and open internet has fostered unprecedented creativity and innovation, provided access to information, and other kinds of social, economic, cultural, and political opportunities across the globe. We have only seen this underscored as the world moves evermore online due to the COVID-19 pandemic.

Furthermore, the technical means used to block access to information online often dangerously undermines the stability and resilience of the internet. Network disruptions also destabilize the internet's power to support small business livelihoods and to drive economic development.²

Internet shutdowns contravene national and international laws

Internet shutdowns violate provisions of the national constitution of Ghana as well as regional and international frameworks, such as the Universal Declaration of Human Rights (UDHR), and the African Charter on Human and Peoples' Rights (ACHPR), which Ghana has ratified.

² Darrell West, (Brookings Institution, October 2016) "Internet shutdowns cost countries \$2.4 billion last year" <https://www.brookings.edu/wp-content/uploads/2016/10/intenet-shutdowns-v-3.pdf>



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The *African Commission on Human and Peoples' Rights* Resolution 362 (LIX) 2016, recognizes the “importance of the internet in advancing human and people’s rights in Africa, particularly the right to freedom of information and expression.” It also condemns the “emerging practice of State Parties interrupting or limiting access to telecommunication services such as the internet, social media, and messaging services.”³

The law is also continuing to recognize the significance of internet access, as indicated by the recent [ruling](#) by the Economic Community of West African States (ECOWAS) Community Court of Justice that the September 2017 internet shutdown ordered by the Togolese government during protests was illegal, and an affront to the right to freedom of expression.

Telecom companies must respect human rights

Telecom companies and businesses have a responsibility under the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises* to respect human rights, prevent or mitigate potential harms, and provide remedy for harms they cause or contribute to.⁴

Telecom service providers operating in the country have a responsibility to uphold and respect human rights by ensuring that the people of Ghana have access to quality, open and secure internet and digital communication tools throughout the elections and beyond. Internet shutdowns — whether in Ghana or beyond — must never set a precedent, or be allowed to become the new normal, and we encourage the company leaders addressed in this letter to integrate these practices for responding to censorship and network disruption requests in all markets where you operate.

As a coalition that believes in the internet as an enabler of all other human rights, we call on you, Mr. President, to undertake the necessary measures to ensure that the internet service providers and relevant actors operating in Ghana ensure an open, accessible, and secure internet across the country throughout the elections and beyond. We respectfully request that you use the important positions of your offices to:

- Ensure that the internet, including social media and other digital communication platforms, remains open, accessible, and secure across the Republic of Ghana throughout the elections;
- Order the various internet service providers (ISPs) operating in the country to provide quality, secure, free, inclusive, and open internet throughout the elections, inform internet users of any disruptions, and work around the clock to fix any identified disruptions likely to impact the quality of service they receive; and

³ African Commission on Human and Peoples' Rights, (November 2016) '362: Resolution on the Right to Freedom of Information and Expression on the Internet in Africa – ACHPR/Res. 362(LIX) 2016' <<http://www.achpr.org/sessions/59th/resolutions/362/>>

⁴ See “OECD Guiding Principles on Business and Human Rights”https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf



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- Publicly assure the people of the Republic of Ghana that the internet and all social media platforms will be on throughout the election period.

We are happy to assist you in any of these matters.

Sincerely,

Access Now

Advocacy Initiative for Development (AID)

Africa Cybersecurity and Digital Rights Organisation (ACDRO)

African Declaration on Internet Rights and Freedoms

African Freedom of Expression Exchange (AFEX)

Africa Freedom of Information Centre (AFIC)

AfricTivistes

AfroLeadership

Afrotribune

Alliance for Affordable Internet

Association for Progressive Communications (APC)

Bareedo Platform Somalia

Bloggers of Zambia

Bytes for All

Centre for Media Studies and Peacebuilding (CEMESP)

Collaboration on International ICT Policy for East and Southern Africa (CIPESA)

DefendDefenders

International Press Centre (IPC)

Internet without Borders

KICTANet

Media Foundation for West Africa (MFWA)

Organization of the Justice Campaign

OpenNet Africa

Paradigm Initiative (PIN)

PEN America

SOAP

Southeast Asia Freedom of Expression Network (SAFENet)

UBUNTEAM

Unwanted Witness, Uganda.

World Wide Web Foundation

Women of Uganda Network (WOUGNET)

YODET

Zaina Foundation