Social media in Africa

The majority of African constitutions provide legal protection for freedom of speech. However, these rights are exercised inconsistently in practice.” – Wikipedia

When considering social media use throughout Africa, it is clear that there is a need for stricter laws to be put in place and that more needs to be done to educate users of these powerful communication tools. This applies particularly to traditional media as there is often a disconnect between how social media is perceived by journalists in comparison to print media. Considering countries such as Nigeria, Malawi, Ghana, Kenya, and Botswana, the similarities are clear and it will be interesting to see developments in the future from a regulatory point of view when it comes to enforced restrictions. Tragedies such as the recent Kenyan Mall attack highlight the power of social media and it is no doubt only going to become more difficult to control as more and more users throughout Africa have increased access.

It is clear that laws relating to social media use on the African continent, including South Africa, are under-developed. However, the risks identified apply globally and legislation needs to be implemented to avoid the potential damage that can be done with reckless or defamatory remarks on social media platforms.

Nigeria

The use and abuse of social media is not a foreign topic in Nigeria and last year the Bureau of Public Enterprises announced that it is preparing to roll out a lawful framework for the regulation of social media.

Director General of the privatization agency, Mr. Benjamin Dikki frowned at the unregulated publishing of what he called “offending materials on the numerous social networking sites”. According to Dikki, this rolling out is in line with BPE’s reform mandate to start essential policies and the legal framework for the regulation of social networks in the country.

However, in January last year it was reported that Nigeria had no plans to restrict the use of social media networks and that it was taking its online communications policy in a different direction to several other African countries such
as Zambia and Malawi who were pursuing legislation to restrict it. It was felt that social media in Nigeria had become an important part of people’s lives and it would be wrong to suppress it. Now it seems that with social media’s ability to defame and slander, the country will, in fact, be regulated in the future, which means it will be interesting to see which laws will be enforced and whether offenders will be treated as strictly as those in developed countries.

**Malawi**

In August last year, Malawi government authorities warned people they felt were taking advantage of the country’s absence of social media legislation to defame others and said that there are laws in place that can catch up with them. They condemn the use of social media to defame others and state that the right to privacy should be respected at all times.

In Malawi defamation can be reported to government offices and legal steps would then be taken to help the alleged victim. However, it is often problematic in that social media users frequently remain anonymous and it is therefore often costly and time-consuming finding the correct source to take action against.

Another challenge when it comes to taking legal action in a defamation matter is that the victim has to establish that the statement(s) have caused real injury to them or their business. It is often unreasonable too for those in the public eye to never expect to be defamed in any way as they are, of course, open to public scrutiny.

**Ghana**

As in so many African countries, the use of social media in Ghana is growing and there is a call for regulations to be put in place to control this. An example of the popularity of social media is when Ghanaians across the country took to various social media channels to monitor the final verdict of the Supreme Court in their 2012 elections. It was also an example of the public’s ability to voice their sometimes unpopular opinions and, in the case of the elections, proceedings on the various social media platforms at times elicited severe condemnation from the nine justices of the Supreme Court, who cited “contemptuous utterances posted or twittered by the public”.

As a sign of the increasing importance of social media to its people, Ghana hosted its first ever Social Media Awards in March this year where Gene Cretz, United States Ambassador to Ghana, said that “social media has evolved into the most powerful, galvanizing catalyst of our time – for better and for worse. It is arguably as significant an event in our shared human history as the industrial revolution. In Ghana we see social media as a catalyst for large scale positive change and a leveraging force. But, let’s be clear: social media is a neutral entity. It is the human use of it that matters”.

And that human use means legislation is needed to ensure it is always used appropriately.
Kenya

Kenya is yet another country lacking guidance around social media and its uses, particularly when considering journalists and media houses.

Hate speech in the Kenyan media was blamed for contributing to the widespread violence that followed the presidential election of December 2007 where more than 1,100 people were killed and 650,000 others displaced after the disputed results triggered violence. The post-election violence highlighted the role that media can play in inciting conflict and, with journalists favouring social media, subsequent legislation has attempted to prevent a repeat of it. However, this legislation has not been effective around social media as Kenya again saw some users engaging in online warfare around the March 2013 elections.

These laws, which govern the use of hate speech as well as libel and defamation, apply equally to traditional media and online publications, blogs or posts on social media. However, too much focus has been put on traditional media and the perceived anonymity of social media creates a feeling that rules that regulate traditional media do not apply online. There are also no clear policies to guide individuals, including journalists, with experts saying that unlike print and broadcast media, online media has remained largely unregulated.

Some media bodies have instituted company policies and guidelines to regulate how staff use social media but often journalists feel that they are communicating in their personal capacity when not using the traditional journalists tools and do not appreciate that they are, in fact, always representative of the media.

Botswana

It was reported in January 2012 that Botswana’s army has banned soldiers from using Facebook, Twitter and other social media sites for security reasons with soldiers complaining that this interfered with their freedom of speech. Many soldiers, for example, used Facebook as a way to communicate with friends and family back home and without it they were very isolated. However, the director of the army’s Directorate of Protocol and Public Affairs, Mr Tebo Dikole, stressed that the move was purely a safety measure and that it was a way to guard against soldiers revealing classified information. Given that the ban also included soldiers not being able to remark on any political issues raised by their friends on social networks, many felt that it is extremely restrictive.

In August 2012, IT Web Africa reported that Judge Justice Key Dingake, who was speaking at the official launch of the Botswana Press Council (BPC) website, said those in media need to apply ethical standards as far as social media is concerned.

"The growth of social media poses many ethical dilemmas, which the media must address," he explained. Botswana’s government has been debating the importance of state regulation when it comes to social media and, in 2012, the
Communications Regulatory Authority Act was passed merging regulation and licensing under the Botswana Communications Regulatory Authority (BOCRA) but it was not well received by many who felt that it favours state-owned media and could also be used to monitor social media networks thereby limiting freedom of speech.

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