The use of data and technology in political campaigning (Eastern Africa)
...

Sigi Waigumo Mwanzia -
ARTICLE 19 Eastern Africa.
Council of Europe Presentation

Elections and Freedom of Expression
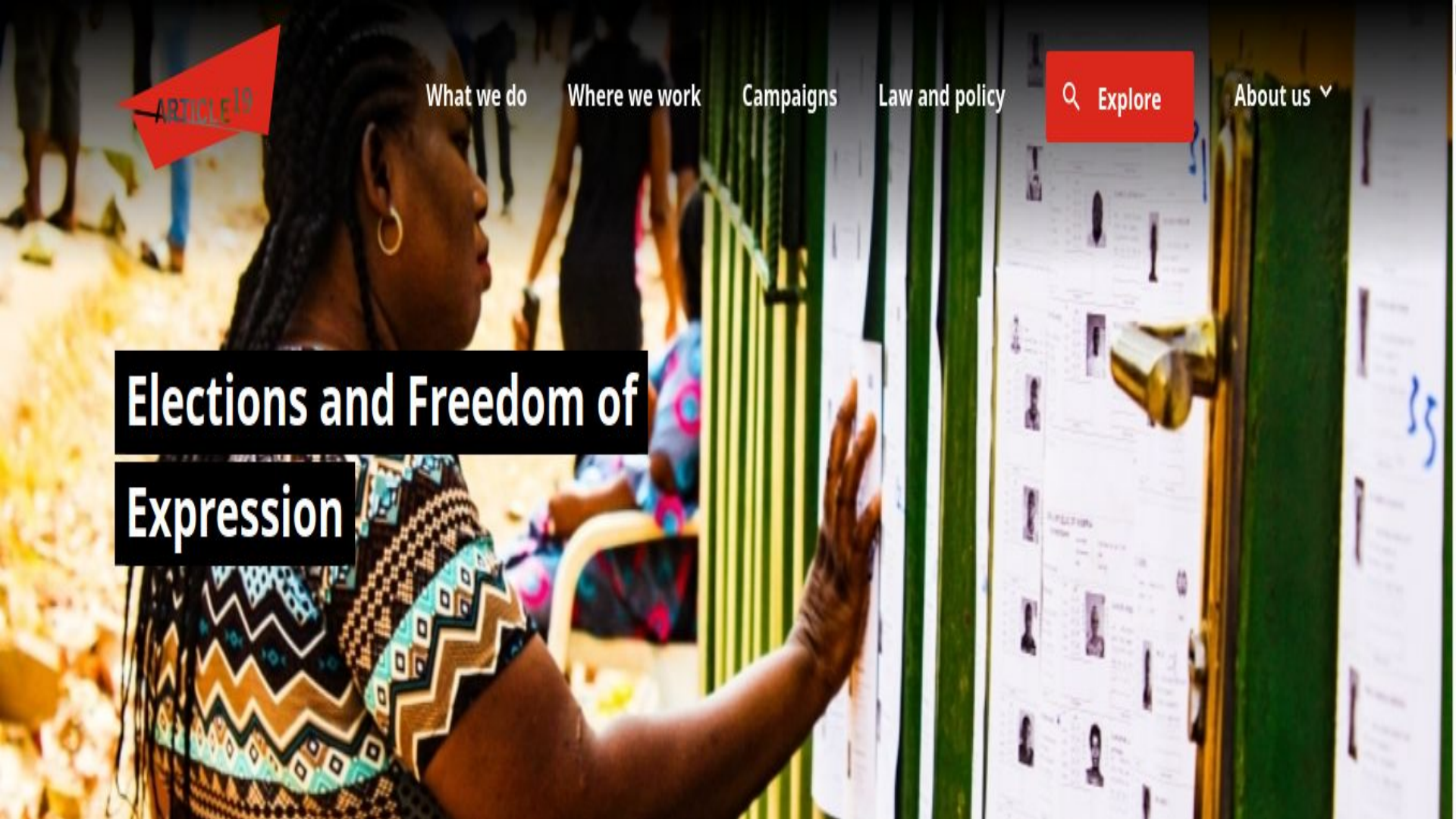
Political Campaigning and Election Landscape in EA

- Data-driven political campaigns, relying on traditional and digital technologies, are not a new phenomenon in Eastern Africa (**EA**).
- The political campaigning ecosystem (actors, technologies, data) is continuously changing following heightened digitisation drives at the state and non-state levels.
- Need to consider how "offline" electoral rules can be adapted to campaigns that are increasingly run online.
    - <u>Challenge</u> - Many traditional safeguards to ensure the fairness of elections are difficult to apply online (e.g., equal treatment of candidates, respect for silence periods etc.,).
    - <u>**Challenge**</u> **-** Restriction on media freedoms and transparency hamper the free flow of information about the data and technologies used for political campaigning.

Political Campaigning and Election Landscape in EA

- Between 2020 - 2024, 7 EA countries have held or will hold elections. These include Tanzania and Seychelles (2020), Uganda, Somalia and Ethiopia (2021), Kenya (2022), and Rwanda (2023 – 2024).
- Only 4 countries (Kenya, Seychelles, Uganda and Rwanda) have taken steps to enact comprehensive, stand-alone data protection legislation.
    - Failure to enact legislative frameworks and poor enforcement indicates that data protection and privacy are still not top-priorities for governments, despite steady transitions into the digital age; and
    - Dilemma of inadequate policy and legislative proposals for new technologies and campaigning techniques - Dependent on political will.

The use of personal data in EA

- Use of personal data during political campaigns in EA.
  - Personal and sensitive personal data collected by political parties and candidates from multiple sources - digitised voter registration records, harmonised and centralised civil registration systems, digital ID systems, census records, telecommunications operator databases (SIM card registration), etc.,
  - Creation of more sophisticated, strategic and effective voter profiles with micro and macro targeting capabilities.
- Challenges:
  - Voter surveillance and weakened digital anonymity protections for individuals;
  - Poor/non-existent data protection safeguards;
    - Data minimisation, storage limitation, consent, purpose.
  - Attitudinal challenges - a core barrier preventing rights-respecting political campaigning;
    - Personal data as 'up for grabs and for sale.'

The use of digital technologies in EA

- Use of digital technologies during political campaigns in EA:
  - Steady 'convergence of legacy and digital' technologies and media (*Joint Declaration, 2020*), and heightened role of social media to disseminate campaign messaging
    - Positive uses but fears of impacted electoral integrity (*ARTICLE 19, Elections and FoE*) and information ecosystem.

- Example:
  - Kenya's 2017 General Election, 'Big Data', and multiple corporate entities, including Cambridge Analytica.
    - Parties spend big money for data analytics - 'In 2017, Privacy International claimed that the ruling Jubilee Party spent $6m to contract Cambridge Analytica, while the opposition retained Aristotle, Inc for its own analytics operation.' (*Nyabola, Politics in the digital age: Cambridge Analytica in Kenya*)
  - Confirmed use of digital technologies, targeted messaging (targeted political advertising) and coordinated efforts to disseminate misinformation and 'fake news' by local and foreign sources.

Facebook: More transparency about political advertising and voter education content needed

POSTED ON JUNE 17, 2020   DIGITAL   🕐 5 MIN READ   SHARE: 𝗳 𝕏 in

Coronavirus pandemic - Impact on political campaigning

- Need for the electoral populace to have access to digital technologies, including the Internet, and smartphone devices.
- Coronavirus impact on political campaigns in EA
  - Lockdowns and restrictions on movement and public gatherings led to heightened online campaigns by political parties and candidates using social media platforms (YouTube, Twitter, Instagram, WhatsApp etc.,).
    - Tanzania - National Electoral Commission (NEC) recognised 'existence of some social media groups championing political party agendas and trying to win public support for manifestos.'
    - Facebook statement - October 2020 (*see below*).

Part of the statement reads: "As part of our efforts to build informed and civically engaged communities, Facebook will launch an Election's Day reminder at the top of their news feed on Facebook and Instagram in the lead up to the elections. The Election's Day reminder will provide Tanzanians with official voting information and allow them to share that they voted through a post or a picture on their profiles."

Coronavirus pandemic - Impact on political campaigning

- Coronavirus impact on political campaigns in EA
  - Deployment of public health/pandemic surveillance technologies by governments - facial recognition technologies (Rwanda), contact tracing applications (Uganda, Kenya), national pandemic surveillance and tracking systems (Ethiopia).
    - **Challenge -** Failure to provide attendant privacy and data protection safeguards (e.g., sunset clauses, prior enactment or operationalisation of data protection legislative frameworks).

Coronavirus: States use of digital surveillance technologies to fight pandemic must respect human rights

State-sanctioned restrictions during the pandemic - Uneven playing field

- Challenges to competitive campaigning and the 'ability of political parties and candidates to communicate with the public, as well as the ability of member of the public to access information' (*Joint Declaration, 2020*).

How should states respond?

First, restrictions on political campaigning should be time-bound and regularly reviewed to ensure that they are still needed, and that no less restrictive measures would achieve the same public health objectives. States also have a broad range of obligations to protect freedom of expression and information of both the public and the candidates.

State-sanctioned restrictions during the pandemic - Uneven playing field

- During the pandemic, Tanzania and Uganda introduced/imposed:
  - Tanzania and Uganda introduced online services licensing and registration requirements which affected/affect political candidates and parties, especially those in the opposition, from campaigning freely and fairly;
    - Powers granted to the regulatory authority under these Online Content legislation/regulatory frameworks.
  - Tanzania imposed Internet and telecommunication service restrictions affecting the dissemination of online information and voters' access to a range of information and ideas to make informed electoral decisions' (*Joint Declaration, 2020*);
    - Blocked/throttled social media platforms.
  - Uganda - government sent request to YouTube (Google/Alphabet Inc.) to block over 14 YouTube channels, mainly targeting opposition political members and citizen journalists, for allegedly mobilizing riots.

Thank you.