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GLOBAL INFORMATION SOCIETY WATCH

*National and Regional Internet
Governance Forum Initiatives (NRIs)*



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)

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A special edition of GISWatch, "Internet governance from the edges: NRIs in their own words", is being published as a companion edition to the 2017 GISWatch annual report. It looks at the history, challenges and achievements of NRIs, as recounted by their organisers. It is available at <https://www.giswatch.org>



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Introduction

Recent events in the Arab region have foregrounded the internet as an alternate space for political opposition and, as a result, have led Arab governments and civil society to realise the significance of progressive internet policies in sustaining an open internet and securing digital rights. This need, however, is challenged in Egypt by the country's controversial internet governance system, which is built upon arbitrary policies, overlapping jurisdictions and contradictory laws. The major challenge in Egypt is the absence of an open, inclusive policy dialogue, which could have been partially achieved through the Arab Internet Governance Forum (Arab IGF). However, the ecosystem of the Arab IGF and the challenges of the regional process did not allow this to happen.

This report analyses the national internet policy-making process in Egypt, with a special focus on the ecosystem of internet governance and the legal landscape that regulates the digital space. The report looks at the local internet governance arrangements, including the main actors and issues that influence the national policy-making process. It further touches upon how these stakeholders and issues interact at the Arab IGF.

Economic and political background

The Egyptian government was formed in May 2014 following a popularly backed coup, and a parliament was elected in December 2015 with a pro-government majority. Corruption, terrorism, sectarian attacks and political unrest are features of the political landscape. The situation has been further aggravated by the declaration of a state of emergency for three months in April 2017, extended in June 2017 for another three months. This has adversely impacted on the space for political opposition, and the digital space is no different. The government clamps down on dissenting voices, creating a deeply polarised society. The emergency law curtails fundamental freedoms enshrined in the constitution, since it permits communications

surveillance without a judicial warrant, bristles media freedom, and curbs demonstrations.¹

The government espouses economic reform hinging upon a USD 12-billion loan from the International Monetary Fund that imposes austerity measures, including raising taxes, lifting subsidies and devaluing the Egyptian pound, which pushed the inflation rate to peak at its highest in three decades.²

Nevertheless, the information and communications technology (ICT) industry proved to be the most resilient sector during the political uncertainty and economic distress. In 2014/2015, the sector contributed 4.1% to the gross domestic product (GDP), showing 13% growth.³ However, during the first quarter of the fiscal year 2016/2017, the sector contribution to the GDP declined to 3%.⁴

The internet governance ecosystem in Egypt

The legal landscape

The 2014 Egyptian Constitution acknowledges fundamental rights such as freedom of expression, freedom of assembly and privacy. Egypt has also ratified international human rights treaties. The legal system nevertheless does not provide adequate safeguards for fundamental rights and imposes restrictions that are neither necessary nor proportionate, and hence is at loggerheads with international human rights standards.

Egypt has an array of legislation that regulates the digital space. The telecommunication law⁵ is the main legal instrument governing the internet. Some

- 1 Mourad, M. (2017, 11 April). Egypt's parliament approves three-month state of emergency. *Reuters*. www.reuters.com/article/us-egypt-violence-emergency-law-idUSKBN17D1SI
- 2 Mada Masr. (2016, 28 October). IMF welcomes Egypt's austerity measures, advises against lifting food subsidies. *Mada Masr*. <https://www.madamasr.com/en/2016/10/28/news/economy/imf-welcomes-egypts-austerity-measures-advises-against-lifting-food-subsidies> and Gamal El-Din, Y., & Feteiha, A. (2017, 12 February). Surging Egypt Inflation May Soon Peak, Finance Minister Says. *Bloomberg*. www.bloomberg.com/news/articles/2017-02-12/surging-egypt-inflation-may-soon-peak-finance-minister-says
- 3 Oxford Business Group. (n.d.). Egyptian telecoms sector moves towards 4G. www.oxfordbusinessgroup.com/overview/counting-down-government-rapidly-pushing-sector-towards-4g
- 4 Ministry of Communications and Information Technology. (2017). ICT Sector Contribution to GDP in FY 2016/2017 Q1 Rises. www.mcit.gov.eg/Media_Center/Latest_News/News/4399
- 5 www.tra.gov.eg/en/regulation/DocLib/القانون%20للسنة%2015.pdf

legislation is applied equally to traditional and online media, including the penal code, criminal law, publications law, regulation of the press law and intellectual property law. A number of provisions scattered across different legislation tackle privacy, but no overarching legal framework regulates privacy and data protection.

Following the 2011 revolution, new laws were adopted to further throttle political opposition, including an anti-terrorism law,⁶ a protest law,⁷ a media law⁸ and an NGO law.⁹ Laws that govern the digital space specifically have been drafted but have still not been approved, such as freedom of information, e-commerce and cybercrime laws.¹⁰ The new legal additions impose unprecedented restrictions to freedom of expression and freedom of assembly on the basis of national security and terrorism. Restrictions are broadly defined using a fuzzy language of provisions, leaving laws open to abuse.

The involvement of stakeholders in policy-making processes

Government

The Egyptian government has been investing in the ICT sector since 1999 and has established a strong infrastructure. This was seen in the level of internet penetration which grew exponentially from 0.64% in 2000 to 39.21% in 2016.¹¹ The ICT sector further contributed to the national economy through establishing a competitive marketplace that enables business and socioeconomic development. Some challenges nevertheless hinder the continuous growth of the sector; most significant is the downturn in the quality of mobile and internet services, which are still provided at a high cost.

Internet access is a priority for the government amid the development process that the country is undertaking. The telecommunication law has a number of articles that tackle internet access and network neutrality. Although some access-related laws have yet to be brought into effect, the government has promoted access through a myriad of

initiatives and public-private partnerships.¹² After two months of providing Facebook's Free Basics services, the government blocked the zero-rating programme. Due to the absence of any public debate on zero-rating, the reasons behind the government's decision are being contested. While net neutrality is usually the criticism used against zero-rated services, Free Basics was reportedly blocked in Egypt as it harms companies and their competitors. Concerns were also raised that Facebook declined a demand for surveillance by the Egyptian government.¹³

On one hand, cybersecurity is another priority area for the government. The International Telecommunication Union (ITU) Global Cyber Security Index 2017 marked Egypt as a leading country that demonstrates high commitment in all pillars of the index.¹⁴ On the other hand, internet surveillance is an area of concern. The Citizen Lab reported in 2013 that the Egyptian authorities deploy Blue Coat Devices for filtering, censorship and surveillance.¹⁵ In 2014, The Citizen Lab also identified the Egyptian government as among the users of Hacking Team's RCS spyware for interception.¹⁶

The National Telecommunication Regulatory Authority (NTRA)¹⁷ is the main regulatory body of the sector, and it is supposed to be independent. It has the mandate to protect customers' rights, but also national security. This means a strong and close relationship with the government, and the Ministry of Defence and national security entities have representatives on the NTRA's board of directors. In addition, the NTRA has reportedly imposed restraints on connectivity through blocking voice over internet protocol (VoIP) services on mobile phones in October 2015. While the NTRA issued a statement asserting that VoIP services were not banned by the agency but rather by the service providers, the latter

6 www.atlanticcouncil.org/images/EgyptSource/Egypt_Anti-Terror_Law_Translation.pdf

7 www.english.ahram.org.eg/News/87375.aspx

8 www.almasryalyoum.com/news/details/1063125

9 www.youm7.com/story/2016/11/15/

10 www.mcit.gov.eg/Upcont/Documents/ICT%20Strategy%202012-2017.pdf

11 www.itu.int/en/ITU-D/Statistics/Documents/statistics/2017/Individuals_Internet_2000-2016.xls

12 Internet Legislation Atlas. (n.d.). Egypt - Access to the Internet and net neutrality. www.internetlegislationatlas.org/#/countries/Egypt/frameworks/internet-access

13 Abutaleb, Y., & Menn, J. (2016, 1 April). Exclusive: Egypt blocked Facebook Internet service over surveillance - sources. *Reuters*. www.reuters.com/article/us-facebook-egypt-idUSKCN0WY3JZ

14 International Telecommunication Union. (2017). Global Cybersecurity Index 2017. www.itu.int/dms_pub/itu-d/opb/str/D-STR-GCI.01-2017-PDF-E.pdf

15 Marczak, B., Guarnieri, C., Marquis-Boire, M., & Scott-Railton, J. (2014, 17 February) Mapping Hacking Team's "Untraceable" Spyware. *The Citizen Lab*. <https://citizenlab.ca/2014/02/mapping-hacking-teams-untraceable-spyware>

16 Marquis-Boire, M., Dalek, J., McKune, S., Carrieri, M., Crete-Nishihata, M., Deibert, R., Khan, S., Noman, H., Scott-Railton, J., & Wiseman, G. (2013, 15 January). Planet Blue Coat: Mapping Global Censorship and Surveillance Tools. *The Citizen Lab*. <https://citizenlab.ca/2013/01/planet-blue-coat-mapping-global-censorship-and-surveillance-tools>

17 www.tra.gov.eg/en/SitePages/default.aspx

confirmed that Skype calls from 3G networks were disabled after receiving a directive from the NTRA.¹⁸

Business

Egypt has 18 maritime cables crossing 160,000 kilometres.¹⁹ The fixed-line infrastructure and the provision of international connectivity are monopolised by the incumbent operator, Telecom Egypt.²⁰ It leases bandwidth to internet service providers (ISPs) and grants them operating licences to function in accordance with the regulations specified by the NTRA. While the mobile market, with only three companies, is an oligopoly, there are 220 ISPs, with five main players.

The telecommunication law stipulates that telecommunication service operators and providers shall offer all their technical capacity to the competent authorities “in case of natural or environmental disasters or during declared periods of general mobilisation” (Article 67), without a due administrative or judicial order. In accordance with this article, service providers were instructed to shut down the internet during the 2011 revolution, and the blackout had an economic impact of USD 90 million.²¹ Vodafone published a statement and a Mobinil founder spoke out to the media to clarify their compliance with the government’s requirement for a communications blackout.²² The government decision was further challenged in court and the former president, prime minister and interior minister were fined for the economic damages.²³

At one extreme, the telecommunication law also permits service operators and providers to collect

user information (Article 64), which constitutes a risk to personal privacy when using the internet, given that there is no data protection law. At the other extreme, the criminal law proscribes the disclosure of national security-related materials which, in turn, prohibits service providers from publishing transparency reports vis-à-vis their assistance to the law enforcement bodies.²⁴ This means that there is a lack of transparency concerning the volume and nature of requests for users’ data by the Egyptian authorities. Additionally, there is no specific legal framework that regulates intermediary liability, and some laws could hold internet intermediaries liable for third party content.²⁵ In view of the tight grip that the Egyptian government has on the ICT infrastructure and the terms of agreement between the government and the service operators and providers, the private sector can hardly influence any new policy decision-making process and rather has to comply with the government.

Civil society

Egypt has a diverse and vibrant civil society sector, with organisations working mostly on developmental and human rights issues. Specialist topics like universal access, zero-rating and net neutrality receive little attention from civil society and as a result, relevant policies are infrequently proposed or debated. Civil society is nevertheless vigorous in defending fundamental rights including online freedoms. Efforts in this regard include monitoring government performance, producing policy reviews and legal analysis, conducting research and advocating for good legislation. Some organisations provide legal assistance to human rights defenders and journalists who face arbitrary arrest. That said, it is quite challenging for civil society organisations to influence the decision-making process on account of the constrained space for public debate.

Additionally, the pluralism of media is contested in Egypt as most media outlets support the government, and independent media face fierce obstacles. The laws that regulate print media are applied to online media; social media and blogs are no exceptions. News websites are not deemed media outlets unless they are linked to a print newspaper, which hinders the capacity of online journalists to acquire press credentials and gain access to some journalistic sources.²⁶

18 Egyptian Streets. (2015, 7 October). Social Media Users Enraged Over Alleged Skype, Viber, WhatsApp Ban in Egypt. <https://egyptianstreets.com/2015/10/07/social-media-users-enraged-over-alleged-skype-viber-whatsapp-ban-in-egypt> and Essam, S. (2016, 21 April). Update: Lawsuit demanding answers about blocks on internet calls postponed for 2nd time. *Mada Masr*. <https://www.madamasr.com/en/2016/04/21/feature/economy/update-lawsuit-demanding-answers-about-blocks-on-internet-calls-postponed-for-second-time>

19 Ministry of Communications and Information Technology. (2015). Measuring the Digital Society in Egypt: Internet at a Glance - Statistical Profile 2015. www.mcit.gov.eg/Upcont/Documents/Publications_1272015000_Measuring_the_Digital_Society_in_Egypt_12_.pdf

20 <https://www.te.eg>

21 OECD. (2011, 4 February). The economic impact of shutting down Internet and mobile phone services in Egypt. www.oecd.org/countries/egypt/theeconomicimpactofshuttingdowninternetandmobilephoneservicesinegypt.htm

22 Vodafone. (2015). *Law Enforcement Disclosure Report - Updated Legal Annex*. www.vodafone.com/content/dam/sustainability/2014/pdf/operating-responsibly/law_enforcement_disclosure_report_2015_update.pdf and Freedom House. (2012). *Egypt - Freedom on the Net 2012*. <https://freedomhouse.org/report/freedom-net/2012/Egypt>

23 Reuters. (2011, 8 August). Egypt court demands details of web, phone blackout. *Reuters*. www.reuters.com/article/us-egypt-court-mubarak/egypt-court-demands-details-of-web-phone-blackout-idUSTRE773FN20110808

24 Vodafone. (2015). Op. cit.

25 MacKinnon, R., Hickok, E., Bar, A., & Lim, H. (2014). *Fostering freedom online: The role of Internet intermediaries*. UNESCO/Internet Society. www.unesdoc.unesco.org/images/0023/002311/231162e.pdf

26 Freedom House. (2016). *Egypt - Freedom on the Net 2016*. <https://freedomhouse.org/report/freedom-net/2016/egypt>

After the 2011 revolution, the authorities buttressed stark measures to quell legitimate criticism and crack down on opposition. The persecution of activists and journalists included the freezing of assets, travel bans, office raids and the confiscation of equipment. In February 2017, The Citizen Lab reported that a large-scale phishing campaign using a sophisticated social engineering technique targeted Egyptian human rights defenders and journalists.²⁷ In May 2017, 21 websites that are critical of the government were blocked for allegedly spreading lies and supporting terrorism.²⁸ In June 2017, the number increased to 135 websites that had been blocked.²⁹

Such practices are further complemented by legal instruments that overregulate online content and media workers, using a fuzzy language of provisions that provide stark penalties for incitement and defamation. Moreover, the circulation of false news and rumours is outlawed and is widely used by the authorities to condemn journalists. One of the ramifications is that self-censorship is rife.³⁰

Internet users

The number of internet users increased significantly from 12.3 million users in 2009 to 29.84 million in 2015. However, men still use the internet more than women: 63% vs. 54% of the total population.³¹ More internet users are also in urban areas compared to rural areas (39% vs. 22%).³² This demonstrates gender and geographical digital divides. While a lack of interest is the main obstacle that prevents many Egyptians from using the internet, security and privacy barriers are of least concern to them, the Ministry of Communications and Information Technology reported.³³ Illiteracy and poverty are further major impediments that contribute to the digital divide.

27 Scott-Railton, J., Marczak, B., Raouf, R., & Maynier, E. (2017, 2 February). Nile Phish: Large-Scale Phishing Campaign Targeting Egyptian Civil Society. *The Citizen Lab*. <https://citizenlab.ca/2017/02/nilephish-report>

28 El-Taher, M., Al-Azahry, H., & Mohsen, S. (2017, 4 June). Decision from an Unknown Body: On blocking websites in Egypt. *Association for Freedom of Thought and Expression*. https://aftegypt.org/right_to_know-2/publicationsright_to_know-right_to_know-2/2017/06/04/13069-aftegypt.html?lang=en

29 Ibid.

30 El Dahshan, M., & Stamboliyska, R. (2014). *Egypt: News Websites and Alternative Voices*. ARTICLE 19. <https://www.article19.org/data/files/medialibrary/37780/Egypt-Report-for-Web.pdf>

31 Northwestern University in Qatar. (2015). *Media Use in the Middle East, 2015 - A six-nation survey*. www.mideastmedia.org/survey/2015 and Ministry of Communications and Information Technology. (2017). *ICT Indicators in Brief*. www.mcit.gov.eg/Upcont/Documents/Publications_672017000_En_ICT_Indicators_in_Brief_April_2017.pdf

32 Ministry of Communications and Information Technology. (2015). Op. cit.

33 Ibid.

Internet users in Egypt have been subject to various allegations and charges. In May 2016, Street Children, a satire troupe, faced charges of posting a video on YouTube that mocks President Abdel Fattah el-Sisi and promoting terrorist views on the internet.³⁴ In February 2016, four Christian teenagers were sentenced to five years in prison for defaming Islam through posting a video on YouTube mocking the Islamic State.³⁵ Minority groups are also at risk. For example, the authorities have used social media channels to entrap and arrest lesbian, gay, bisexual and transgender (LGBT) individuals.³⁶

Notwithstanding such violations, a survey conducted by Northwestern University in Qatar in 2015 revealed that 49% of those surveyed felt that the internet should be more tightly regulated and 36% are convinced that government oversight helps improve the quality of news reporting. Only a few were worried about their online privacy and surveillance by the government and companies, 26% and 24% respectively.³⁷

Regional reflection

Since the Arab IGF was launched in 2012, the Egyptian NTRA has assumed the duties of the secretariat coordinating the work of the Arab Multistakeholder Advisory Group (AMAG) and the preparations for the annual meetings. Throughout the five MAGs that were formed, Egypt was represented by different local stakeholders. A small delegation also represented the government in most of the Arab IGF annual meetings and organised workshops on online child protection, digital content and social networks. The representation of civil society, which focused mainly on human rights issues, was improved from the first meeting in 2012 to the last one in 2015. For civil society, the forum was an opportunity to voice local concerns, seeing that there is no inclusive policy dialogue at the national level. That said, due to the poor representation of the local stakeholders from most Arab countries and the lack of support from the Arab governments, national policy issues were not translated effectively into regional discourse.

34 The Arabic Network for Human Rights Information. (2016, 24 May). EGYPT: incarceration of "street children" troupe members renewed. www.anhri.net/egypt-incarceration-of-street-children-troupe-members-renewed/?lang=en

35 Mada Masr. (2016, 25 February). 3 Coptic teens handed maximum 5-year prison sentence for insulting Islam. *Mada Masr*. <https://www.madamasr.com/en/2016/02/25/news/u/3-coptic-teens-handed-maximum-5-year-prison-sentence-for-insulting-islam>

36 Human Rights Watch. (2016). *Egypt: Events of 2016*. <https://www.hrw.org/world-report/2017/country-chapters/egypt>

37 Northwestern University in Qatar. (2015). Op. cit.

Conclusions

The ICT sector is crucial to the Egyptian economy, but it encounters regulatory obstacles that should be overcome to ensure its growth and continuous contribution to the national economy. Internet availability and affordability, as well as the quality of services, are some of the issues to be addressed in order to bridge the digital divide.

Internet infrastructure in Egypt is built on censorship and surveillance apparatuses that create a threatening environment. The digital space is tightly regulated through a security-centred approach that hinges upon draconian legal frameworks, policies and regulations. National security, social coherence and state sovereignty are often used as the pretext for many of the egregious regulatory provisions that constitute the weak legal environment that poses grave threats to human rights. This hinders the capacity of citizens to reap the social, economic and political benefits of the internet.

In addition, the national internet policy-making process lacks transparency, juridical oversight and checks and balances. It is rather a top-down decision-making process where laws are drafted and approved in a silo. Internet governance is therefore not inclusive and participation from relevant stakeholders, specifically civil society and media workers, is discouraged by the government.

Egyptian internet users demonstrate a low level of awareness of internet governance issues, including a poor understanding of the government's responsibilities in this regard. That the society is deeply polarised and political opposition stifled has a chilling effect on the digital space

for public debate. Civil society organisations are nonetheless pursuing various approaches to advocate for online freedoms which, in turn, put them at risk.

Action steps

An inclusive public policy debate should be promoted by the Egyptian government to improve the national internet governance process. In line with this, internet legislative reform is essential to establish a robust legal system that provides adequate safeguards for fundamental rights in conformity with international human rights standards. Draft laws should be open for public comment. Internet policies and regulations should also be revisited to promote internet access with better pricing and quality as well as a competitive ICT market.

More effort is still required to bridge the knowledge gap and interpret complex technical and legal issues *vis-à-vis* internet governance. This should contribute to raising the awareness of internet users and help them understand the ramifications of policy decisions. In this regard, launching a national IGF is important to discuss internet-related issues and build the capacity around such issues.

A comprehensive perspective on internet governance that is not limited to human rights should be espoused by civil society. Civil society organisations and individuals should also be more active in regional and global policy forums. They should join transnational movements to have access to diverse resources and advocacy channels, and through this, develop a better understanding of the internet governance process.

National and Regional Internet Governance Forum Initiatives (NRIs)

National and Regional Internet Governance Forum Initiatives (NRIs) are now widely recognised as a vital element of the Internet Governance Forum (IGF) process. In fact, they are seen to be the key to the sustainability and ongoing evolution of collaborative, inclusive and multistakeholder approaches to internet policy development and implementation.

A total of 54 reports on NRIs are gathered in this year's Global Information Society Watch (GISWatch). These include 40 country reports from contexts as diverse as the United States, the Democratic Republic of Congo, Bosnia and Herzegovina, Italy, Pakistan, the Republic of Korea and Colombia.

The country reports are rich in approach and style and highlight several challenges faced by activists organising and participating in national IGFs, including broadening stakeholder participation, capacity building, the unsettled role of governments, and impact.

Seven regional reports analyse the impact of regional IGFs, their evolution and challenges, and the risks they still need to take to shift governance to the next level, while seven thematic reports offer critical perspectives on NRIs as well as mapping initiatives globally.

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