The Internet and the Law in Egypt Series
(First Part: Centralization of Telecommunications)
The Internet and the Law in Egypt Series
(first Part: Centralization of Telecommunications)

Prepared by: The Research Unit of the Association for Freedom of Thought and Expression (AFTE)
Content

Methodology 4

Introduction 4

First: Timeline: The internet in Egypt 6

Second: Centralized administration of telecommunications: Who owns and who manages? 9

Third: The National Telecom Regulatory Authority: New powers and roles 12

Fourth: National security: Another means of control 14

Conclusion 17
Methodology

This paper is based on the legal analysis of the legislative structure of telecommunications in Egypt, namely the Telecommunication Regulation Law No. 10 of 2003, the Law on Combating Information Technology Crimes No. 175 of 2018, and the Personal Data Protection Law No. 151 of 2020. The paper also relies on the analysis of a number of laws that intersect with telecommunications and digital rights, namely the Anti-Terrorism Law No. 94 of 2015, the Land Transport Regulation Law No. 73 of 2019, and the Press and Media Regulation Law No. 180 of 2018.

Introduction

Internet users in Egypt are governed by a number of laws, some of which were issued more than a decade ago, and others were issued in recent years. These laws have quickly become a tool to tighten control over the internet and deprive its users of the right to freedom of expression and privacy. Therefore, AFTE launches “The Internet and the Law in Egypt” series, which consists of three parts, to act as a guide for internet users so they know the laws that govern the use of the internet, who is regulating it, as well as the penalties and risks they might face.

“The security of information space is an integral part of the system of national economy and security. The state commits to taking the necessary measures to preserve it in the manner organized by law.”

Article 31 of the Egyptian constitution

The wording of Article 31 of the Egyptian constitution, which was added as part of the 2014 constitutional amendments, reflected the authorities’ emerging tendency at the time to control the internet. This was followed by the issuance of a number of laws,

some of which affected internet users, including the Anti-Terrorism Law, which was issued in 2015 before the parliament was elected. It should be noted that the Muslim Brotherhood’s government also sought to control the internet, as the group’s Freedom and Justice Party announced in 2012 that it had considered passing a law to combat cybercrime.²

After the House of Representatives (lower house of parliament) was elected in late 2015, the Telecommunications Committee paid great attention to the development of a set of laws primarily targeting internet users. These laws included the Law on Combating Information Technology Crimes, the Personal Data Protection Law, and the Press and Media Regulation Law.

This series of papers tries to provide a reading of the laws governing the telecommunications system. These laws share a number of features, the most important of which is the fact that they were prepared unilaterally by the authorities, without the participation of the concerned parties or the civil society organizations working in the field. These laws, moreover, revolve around national security and the protection of the country’s higher interests, rather than the protection of the rights of users.

These laws also use vague and broad terms, which subsequently expand the discretionary powers of the authorities, hence the abuse of the law. All of this is meant to increase internet surveillance and user monitoring, and imposes more restrictions on digital media. These laws also stipulate the prosecution of internet users for reasons related to freedom of expression.

This legislative structure has contributed to the deterioration of the state of internet freedom in Egypt, as Egypt scored only 26 points out of 100 on the Freedom House Index 2020. The internet freedom index described Egypt as a country that does not have a free internet.³

---

**Formation of Regulatory Bodies**

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>The Internet began to be used in Egypt for the first time, through the network established by the Egyptian Universities Network (EUN) that was connected to the European Academic and Research Network (EARN)</td>
</tr>
<tr>
<td>1982</td>
<td>The National Telecommunication Authority was established under Resolution No. 153 of 1980</td>
</tr>
<tr>
<td>1998</td>
<td>The National Telecom Authority was transformed into an Egyptian joint-stock company under the name &quot;Telecom Egypt&quot; with the issuance of Law No. 19 of 1998</td>
</tr>
<tr>
<td>1998</td>
<td>The National Telecom Regulatory Authority (NTRA) was established, pursuant to Republican Decree No. 101 of 1998</td>
</tr>
<tr>
<td>1999</td>
<td>Regulating the Ministry of Communications and Information Technology, pursuant to Presidential Decree No. 379 of 1999</td>
</tr>
<tr>
<td>2014</td>
<td>The Egyptian Supreme Cybersecurity Council (ESCC) was established, pursuant to Prime Minister's Decree No. 2259 of 2014</td>
</tr>
</tbody>
</table>

“The State competent authorities shall have the power to subject to their administration all telecommunication services and networks of any operator or service provider and call operation and maintenance employees of such services and networks in case of natural or environmental disasters or during declared periods of general mobilization in accordance with the provisions of Law No. 87 of 1960 or any other cases concerning national security.”

Article 67 of the Telecommunication Regulation Law No. 10 of 2003
The fixed-line phone service in Egypt was introduced in the eighties of the 19th century under the umbrella of the “Eastern Telephone Company”. As of 1980, the institutional features of the Egyptian telecommunications system began to become clear, as the National Telecommunication Authority was established under Resolution No. 153 of 1980. About ten years later, the internet began to be used in Egypt for the first time, through the network established by the Egyptian Universities Network (EUN) in October 1992, via an initial link with a rate of 9.6 kbit/s that was connected to the European Academic and Research Network (EARN). 4

The structure of telecommunications in Egypt witnessed a quantum leap in 1998, starting with the issuance of Law No. 19 of 1998, according to which the National Telecom Authority was transformed into an Egyptian joint-stock company under the name “Telecom Egypt” 5. In the same year, the National Telecom Regulatory Authority (NTRA) was established, pursuant to Republican Decree No. 101 of 1998. Also in the same year, the mobile phone service entered the Egyptian market through click GSM (currently Vodafone) and Mobinil (currently Orange) 6. Meanwhile, Telecom Egypt remained the only provider of landlines, and it leases its infrastructure to various telecom companies. 7

In 1999, Presidential Decree No. 379 of 1999 was issued to regulate the Ministry of Communications and Information Technology and its affiliates Telecom Egypt and NTRA, which was considered an economic public agency.

These developments created an urgent need for a more detailed and clear legislative structure for the telecommunications system, which would enable the state, represented by the Ministry of Communications and Information Technology and Telecom Egypt, to organize and coordinate tasks between them and the new mobile phone companies. Then, the Telecommunication Regulation Law No. 10 of 2003 was issued. This law, which is still in force until the present time, defines the roles of the NTRA as a regulator of everything related to telecommunications and the internet, granting permits to telecom companies and monitoring their performance.

---

With the spread of social media and the use of blogs late in Mubarak’s era as a means of expressing political views, bloggers were arrested under the emergency law at the time. Following the outbreak of the 25 January 2011 revolution, digital content, such as photos of protesters, was deleted from the internet during the early days of the revolution. Later, telecommunications and internet services were cut off, which clearly indicated the state’s capabilities to control telecommunications and the internet, under Article 67 of the Telecommunication Regulation Law, which enables national security authorities to subjugate telecom companies.

In December 2014, Prime Minister’s Decree No. 2259 of 2014 was issued to establish the Egyptian Supreme Cybersecurity Council (ESCC). According to Article 2 of the decree, the ESCC aims to develop a national strategy to confront cyber threats and attacks. Several amendments were introduced to the decree, including the inclusion of a representative from the Presidency of the Republic in the ESCC’s membership. A decision was issued to define the ESCC’s roles that revolve around the protection of the critical infrastructure of the government, without clarifying what is meant by that critical infrastructure, or the procedures and mechanisms taken by the ESCC to protect it.

With the internet remaining as the last outlet for expressing opinions and political participation, the Anti-Terrorism Law No. 95 of 2015 included provisions that penalize internet users and allow access to their data. During its sessions from 2015 to 2020, the parliament discussed proposals of laws primarily aimed to regulate the internet and restrict users’ privacy and their freedom to access the internet. These included the Law on Combating Information Technology Crimes No. 175 of 2018, which – according to the parliament’s statements at the time- aimed to achieve balance between the protection of users’ privacy and the confrontation of the illegal use of information networks. The parliament also passed the Press and Media Regulation Law No. 180 of 2018 mainly to regulate the journalistic work, especially digital journalism.

Given this chaos in the use of user data, and the lack of clear and specific restrictions regarding its collection and sharing, the long-awaited Personal Data Protection Law No. 151 of 2020 was issued.
This series reviews the common features or similarities between the laws regulating telecommunications in Egypt. It focuses on the centralization of telecommunications management and ownership, freedom of digital media, and digital privacy of users.

**Second: Centralized administration of telecommunications: Who owns and who manages?**

The infrastructure of the telecommunications system in Egypt is centralized, as Telecom Egypt owns a large share of the telecom market, including a 45% share of Vodafone. Media reports suggest that Vodafone controls 42% of the telecom market in Egypt. On the other hand, the state-owned Post for Investments (PFI) owns 20% of the shares of Etisalat. Moreover, Telecom Egypt directly provides fixed-line, internet and mobile services.⁸

Telecom Egypt also owns 75% of the ADSL market⁹, and leases licenses to internet providers, which means that the internet infrastructure is centralized¹⁰. Despite the issuance of the unified license, which grants telecom companies the authority to work in all sectors, including the ownership of cables, there are no indications that Telecom Egypt’s dominance over cables has ended.

“It is prohibited to establish or operate telecommunication networks, provide telecommunication services, by-pass international telephone calls or announce any of these without obtaining a license from the NTRA in accordance with the provisions of this Law and its executive resolutions.”

Article 21 of the Telecommunication Regulation Law No. 10 of 2003

---

¹⁰. Ibid
Besides the centralization of telecommunication infrastructure, the legislation governing telecommunications places the administration of telecommunications in the hands of national security agencies and the NTRA.

Representatives of the national security agencies and the Ministry of Defence make up more than a quarter of the NTRA board of directors, whose members are all appointed by the executive authority. The Minister of Communications is the NTRA board chairman, and he is appointed by the Prime Minister. This formation reflects the absence of independent and civil society experts. It contributes to the “securitization of the telecommunications management,” according to a digital rights lawyer who spoke to AFTE.

The NTRA shall be managed by a board of directors appointed by a decree from the Prime Minister under the chairmanship of the minister concerned and the membership of each of the following:

1. Executive President of the NTRA
2. A chancellor from the State Council chosen by the Head of the Council
3. A representative of the Ministry of Defence chosen by the Minister of Defence
4. A representative of the Ministry of Finance chosen by the Minister of Finance
5. Four representatives of the national security agencies
6. A representative of the Radio and Television Union chosen by the Minister of Information
7. Six members appointed by a decree from the minister concerned, three of them shall be telecom experts and three shall be public figures representing the users
8. One of NTRA employees to be nominated by the Federation of Egyptian Workers

---

12. The term was mentioned during a telephone conversation which AFTE’s researcher had with a digital rights lawyer, April 2021
Article 12 of the Telecommunication Regulation Law No. 10 of 2003

The importance of the NTRA stems from the fact that it lays the foundation for the work of telecom and internet companies, by granting licenses to them.

The regulation of frequencies, with the exception of radio and television broadcasting frequencies, is mainly undertaken by the NTRA. Article 2\textsuperscript{13} of the Ministerial Decree No. 258 of 2003 links the regulation of frequencies to the development of telecommunications technology industries on the one hand, and the requirements of national security on the other, emphasizing that one of the objectives of the NTRA is to protect the national security interests, according to Article 4 of the Telecommunication Regulation Law No. 10 of 2003.

\textsuperscript{13} Article 2: “The Frequency Regulatory Committee undertakes the regulation of frequencies, and the NTRA, together with the committee, approves the rules related to the regulation by distributing the frequencies to wireless communication services within the Arab Republic of Egypt in line with international regulations and agreements and prevents overlaps between the various stations. The use of frequencies as a natural resource shall be maximized in a manner that meets the needs of the development of services for the telecommunication technology industries and the requirements of national security.”
Third: The National Telecom Regulatory Authority: New powers and roles

The NTRA has a role in approving licenses and regulating the work of websites, as Article 15 of the Website Licensing Regulation No. 26 of 2020 stipulates that the NTRA’s opinion shall be sought when submitting requests for website licensing, in addition to Article 59 of the Press and Media Regulation Law. The NTRA also communicates with telecom companies to ask them to block websites, according to Article 7 of the Law on Combating Information Technology Crimes No. 175 of 2018.

14. “Without prejudice to the NTRA’s power to issue licenses for the establishment or operation of telecommunication networks or the provision of telecommunication services, it is not permissible to establish or operate any media outlet or a website, or to announce that, before obtaining a license from the Supreme Council for Media Regulation (SCMR). The SCMR shall determine the license terms and requirements.”
Article 5 of the Law on Combating Information Technology Crimes No. 175 of 2018 mandates the NTRA staff, or others as determined by the “national security agencies”, to act in the capacity of judicial officers\textsuperscript{15}. Which helps the NTRA to monitor Internet users\textsuperscript{16}.

All the aforementioned NTRA’s roles emphasize the necessity of forming it through a more balanced and expressive representation of society, and the necessity of separating it from any political considerations. Despite the diversity of the NTRA’s components, the executive authority has the upper hand on it. This calls into question the extent of the NTRA’s impartiality when it enforces the law, especially with the expansion in granting the power of law enforcement, blocking websites, and obtaining user data.

\textsuperscript{15} Article 5 of the Law on Combating Information Technology Crimes No. 175 of 2018: “By a resolution of the Minister of Justice in agreement with the competent minister, the power of law enforcement officers may be given to the NTRA staff or others as determined by the national security agencies regarding the offences committed in violation of the provisions of this law that are related to the duties of their jobs.”

\textsuperscript{16} Hassan Mosaad, “Draft Law on Combating Cybercrime in Egypt,” Legal Agenda, May 2018, last visited in May 2021, link: bit.ly/3xJ5gMV
Fourth: National security: Another means of control

**Laws Intertwined with Central Communications**

**Article 19 of the Telecommunication Regulation Law:**
states that all entities and companies working in the telecommunication field shall provide NTRA with whatever requested of reports, statistics or information related to its activities except for matters related to national security.

**Article 64 of the Telecommunication Regulation Law:**
states that telecom companies shall be subject to the control of the national security agencies and the armed forces by providing accurate data about users, as well as the technical potentials and the necessary equipment.

**Article 67 of the Telecommunication Regulation Law:**
places telecom companies under the control of national security agencies.

**Article 81 of the Telecommunication Regulation Law:**
penalizes service providers with a fine ranging from EGP 10,000 to EGP 100,000, in case of non-implementation of Article 64 of the same law.

**Article 82 of the Telecommunication Regulation Law:**
stipulates the imprisonment of telecommunication service providers and the suspension of the company’s license, in case of non-implementation of Article 67 of the same law.

**Article 84 of the Telecommunication Regulation Law:**
stipulates a fine ranging from EGP 10,000 to EGP 50,000 in the event of violating Article 19 of the same law.

**Article 30 of the Law on Combating Information Technology Crimes:**
penalizes companies that refuse to block websites or links that may pose a threat to national security with imprisonment for a minimum of one year and a fine ranging from EGP 5,000 to EGP 1,000,000.
“The State competent authorities shall have the power to subject to their administration all telecommunication services and networks of any operator or service provider and call operation and maintenance employees of such services and networks in case of natural or environmental disasters or during declared periods of general mobilization in accordance with the provisions of Law No. 87 of 1960 or any other cases concerning national security.”

Article 67 of the Telecommunication Regulation Law No. 10 of 2003

In addition to the NTRA’s role in granting licenses to telecom companies, Article 67 of the Telecommunication Regulation Law grants “the State competent authorities” the power to control all telecommunication services and networks in cases of disasters and any cases related to national security.

The law is absent from stipulating specific cases of national security, instead of considering it as everything related to the affairs of the presidency, the armed forces, military production, the Ministry of Interior, the Public Security Department, the National Security Agency, the Administrative Control Authority and the agencies affiliated with these bodies, according to Article 2 of the Telecommunication Regulation Law. This apparently and directly caused the interruption of internet services during the 25 January 2011 revolution. It also strengthens the state’s control over telecom companies and the whole telecommunications system.

This comes in light of the privacy policies of the four telecom companies operating in Egypt that keep user data indefinitely, in addition to the possibility of sharing data with third parties, including national security agencies.

For example, Orange said on its website that it “has the right to disclose all or some of the data and information of its customers if this is in implementation of the law or a decision issued by a competent judicial authority or any of the national security agencies”.

Article 82 of the Telecommunication Regulation Law No. 10 of 2003 stipulates the imprisonment of telecommunication service providers and the suspension of the company’s license in the event of non-implementation of Article 67 of the law, which places telecom companies under the control of national security agencies. Meanwhile, Article 81 of the law penalizes service providers with a fine ranging from 10,000 to 100,000 pounds, in addition to imprisonment and suspension of the company’s work license, in the event of non-implementation of Article 64 of the same law, which states that telecom companies shall be subject to the control of the national security agencies and the armed forces by providing accurate data about users, as well as the technical potentials and equipment necessary for that.

Article 84 of the law stipulates a fine ranging from 10,000 to 50,000 pounds in the event of violating Article 19 of the same law, which states that “all entities and companies working in the telecommunication field shall provide the NTRA with whatever requested of reports, statistics or information related to its activities except for matters related to national security”.

Moreover, Article 30 of the Law on Combating Information Technology Crimes No. 175 of 2018 penalizes the companies that refuse to block websites or links that may pose a threat to national security with imprisonment for a minimum of one year and a fine ranging from 5,000 to 1,000,000 pounds.

---

18. Article 82 of the Telecommunication Regulation Law: “A penalty of confinement to prison shall be inflicted on whoever infringes the summons orders prescribed in Article 67 of this law. The penalty shall be confinement to jail if the crime takes place in time of war or in the cases for which general mobilization is declared according to the provisions of law no. 87 of 1960 on General Mobilization. In all cases, the court shall pass a ruling temporarily suspending the license pending execution, by the violator, of the summons order issued to him.”
Conclusion

The management and ownership of telecommunications infrastructure is extremely centralized. Moreover, laws restrict the work of telecom companies, making them obligated to respond to the requests of national security agencies. This legislative structure enables the Egyptian authorities to censor the internet and monitor online users on a large scale. AFTE will publish two more parts of “The Internet and the Law in Egypt” series over the coming period. These two parts will focus on digital media and digital privacy.