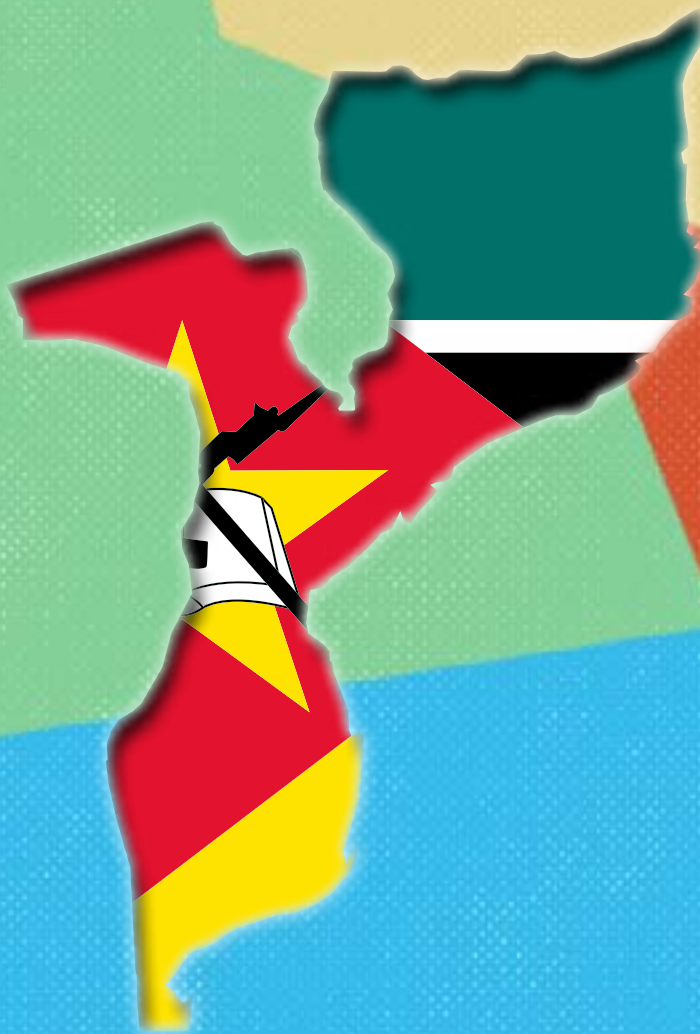


# LONDA 2023

DIGITAL RIGHTS AND INCLUSION IN AFRICA REPORT



## MOZAMBIQUE

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# Mozambique

## EXECUTIVE SUMMARY

This report looks at the digital space, its evolution, and its challenges in Mozambique. In particular, the report analysed topics related to freedom of expression, cyber security, and surveillance, as well as data protection, given that Mozambique does not have specific legislation protecting users on the Internet. Using desk research and a qualitative approach, it considered evidence from reports and news published throughout 2023 on different issues of relevance to the use of technology in Mozambique. In addition to that, some interviews were also carried out in December 2023 with users from different projects implemented by the Universal Service Fund (USF/FSAU) in Mozambique, although there are limitations given interview restrictions. Considering USF as the main topic of this report, as part of its recommendations this report states that the government should equip the relevant Ministry in the area of technology to be rigorous in monitoring and supervising the use of the Fund through the National Communications Institute of Mozambique (INCM). Likewise, the Regulatory Authority should promote transparency in the use of the Fund by regularly publishing reports on funds and activities carried out, in accordance with the law. It also recommends promoting more connectivity by expanding the network and improving quality service in Mozambique. There is

also a need to guarantee the exercise of fundamental freedoms - freedom of expression and assembly - via the Internet.

# Introduction

Mozambique, a Portuguese-speaking country, is located in Southern Africa and has more than 30 million inhabitants.<sup>573</sup> In general, the country faces challenges on access to information and human rights, both offline and online. The public discourse is shaped by traditional media outlets, which include a wide range of newspapers, radio stations, and television channels,<sup>574</sup> but worries about political power and media independence continue. Around the world, social media platforms have developed into effective means of expression, but they also bring up concerns about hate speech, fake information, and online censorship.

In Mozambique, the telecommunications market is organised around three vertically integrated operators: TMcel, a merger between Mozambique's former telecommunication state-owned enterprise (TDM) and cellular network provider (Mcel); Vodacom, a private company primarily owned by South Africa's Vodacom Group; and Movitel, a joint venture between the Viettel Group of Vietnam and the country's ruling party, Frelimo. With a nearly 50% market share, Vodacom is the leading mobile phone provider in Mozambique; nevertheless, TMcel is the only company that still provides integrated fixed line service.<sup>575</sup>

Governments worldwide are looking for strategies to promote connectivity by expanding the internet network through local projects. For example, through the Universal Service Fund (USF), Mozambique has been carrying out some projects to expand connectivity.<sup>576</sup> However, as this report shows, the lack of information and specific data on the use of this Fund is a challenge. In addition, privacy is becoming a major concern as Mozambique incorporates digital technologies into many facets of communication, trade, and governance. Significant issues concerning the protection of people's right to privacy are brought up by the gathering and use of personal data by media organisations.<sup>577</sup>

573 Britannica "Mozambique" <https://www.britannica.com/place/Mozambique>, accessed on 28 December 2023.

574 Freedom House "Freedom in Mozambique 2022" <https://freedomhouse.org/country/mozambique/freedom-world/2022>, accessed on 28 December 2023.

575 Logistics Cluses "Telecommunications Overview" <https://dlca.logcluster.org/35-mozambique-telecommunications>, accessed on 28 December 2023.

576 Universal Service Fund (FSAU Mozambique) "Instalar uma praça digital em cada município e sede distrital" [Install a digital square in each municipality and district headquarters] <http://www.fsau.gov.mz/index.php/imprensa/noticias>, accessed on 28 December 2023.

577 MISA Mozambique "MISA Moçambique e Assembleia da República comprometem-se em promover a cibersegurança e os direitos digitais" [MISA Mozambique and the Assembly of the Republic commit to promoting cybersecurity and digital rights], accessed on 28 December 2023.

## ► Country Analysis

### Internet access and disruptions

Sources<sup>578</sup> indicated that in January 2023, there were 6.92 million internet users in Mozambique. At the beginning of 2023, 21% of Mozambique’s population was online. According to Keipos,<sup>579</sup> Mozambique’s internet user base grew by 848,000 (or 14%) between 2022 and 2023. According to Ookla’s data, Mozambique’s median mobile internet connection speed climbed by 5.01 Mbps (+35.5%) in the 12 months leading up to the beginning of 2023. In the meantime, Mozambique’s fixed internet connection speeds rose by 0.03 Mbps (+0.5%) over the same period.

The degree of connectedness in urban and rural areas differs significantly. Although Maputo is the largest and most well-connected city in Mozambique, the country’s connectivity is severely limited by issues with pricing, market maturity, and infrastructure. Furthermore, it is costly to send data out of Maputo. As a result, data prices in the north of the country have increased relative to those in the south.

Two underwater cables presently link Mozambique namely Meta-led and 2Africa. Facebook has stated that it intends to install the 2Africa cable system in the country’s north sometime in 2023 or early 2024.<sup>580</sup> Similarly, in early 2022, Mozambique granted Starlink,<sup>581</sup> the satellite internet service provider owned by SpaceX, its first licence to operate in Africa. In June 2023 the “Internet in Schools” initiative was initiated by the National Institute of Communications of Mozambique (Instituto Nacional de Comunicações de Moçambique, INCM) as part of a public-private cooperation with the SpaceX satellite broadband service Starlink.<sup>582</sup> The project seeks to link around 300 educational institutions nationwide.

Some sources<sup>583</sup> indicate that major obstacles to internet connectivity include the expensive cost of equipment, particularly smartphones, a low literacy rate of 48%, and lack of acquaintance with the Internet. Moreover, rural households are still plagued by the huge connectivity gap that exists between rural and urban areas, which is fueled by limited access to financial services and energy. On the other hand, new energy and mining initiatives continue to propel investments in ICT infrastructure in rural areas.

There are no regular cases of internet disruptions in Mozambique. However, the primary internet providers in the country, most notably Movitel, which is the provider most

578 Keipos – DataReportal “2023 Mozambique Digital” <https://datareportal.com/reports/digital-2023-mozambique>, accessed on 28 December 2023.

579 Op Cit., Keipos.

580 International Trade Administration “Information and Communications Technology (ICT)” <https://www.trade.gov/country-commercial-guides/mozambique-information-and-communications-technology-ict>, accessed on 28 December 2023.

581 Comms Update “Starlink arrives in Mozambique” <https://www.commsupdate.com/articles/2023/06/07/starlink-arrives-in-mozambique/>, accessed on 28 December 2023.

582 Comms Update “Mozambique kicks off schools project in cooperation with Starlink” <https://www.commsupdate.com/articles/2023/10/31/mozambique-kicks-off-schools-project-in-cooperation-with-starlink/>, accessed on 29 December 2023.

583 Op Cit., International Trade Administration.

frequently utilised in rural and northern areas, went off<sup>584</sup> on October 11, 2023, right before the country's municipal elections were about to end.<sup>585</sup> Accessing social media and disseminating information regarding the polls closing and the vote total was rendered difficult by the internet disruption. Incidentally, at exactly 9 pm that same evening, Movitel resumed the service.<sup>586</sup>

## Online Freedom of Expression

Article 48 of the Constitution states that “All citizens have the right to freedom of expression, freedom of the press, as well as the right to information. In 2014, the Assembly enacted a law on access to information. In the digital arena, there are no specific laws guaranteeing the exercise of this right, but in 2023, several cases were reported of attempted persecution of citizens who used digital tools as a means of communication.

For example, in September 2023, the Judicial Court of Inhambane Province sentenced<sup>587</sup> an agent of the Rapid Intervention Unit (UIR) to 13 years in prison for inciting a coup d'état and disobedience via WhatsApp groups, even though this was not proven given the clear absence of a cybersecurity law regulating this matter in Mozambique. Also, in 2023, the Mozambican police command issued a note banning its members from using social media.<sup>588</sup>

## Privacy and Surveillance

Mozambique has a vague framework for privacy and monitoring citizens in the digital space, even if on November 22, 2022, the National Institute of Information and Communication Technologies (INTIC) released a draft Cybersecurity Bill. The bill intends to secure the security of persons and institutions and protect digital networks, information systems, and vital infrastructures in cyberspace. Furthermore, if implemented, the law would create the National Cyber Security Council, which would be chaired by the Minister of Information and Communication Technology and would be responsible for ensuring the alignment of cybersecurity policies, strategies, and other guiding documents. The measure is presently up for public comment, but no filing date has been set.

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584 All Africa “Mozambique: Internet Shutdown as Polls Close” <https://allafrica.com/stories/202310120129.html>, accessed on 28 December 2023.

585 Tsandzana, D. Global Voices Advox “Mozambique: Digital landscape and internet disruption in the context of elections” <https://advox.globalvoices.org/2023/12/28/mozambique-digital-landscape-and-internet-disruption-in-the-context-of-elections/>, accessed on 29 December 2023.

586 Council on Foreign Relations “A Foreboding Set of Local Elections in Mozambique” <https://www.cfr.org/blog/foreboding-set-local-elections-mozambique>, accessed on 28 December 2023.

587 Folha de Maputo “Agente da PRM condenado a 13 anos de prisão por incitação a golpe de Estado” [PRM agent sentenced to 13 years in prison for inciting coup d'état] <https://www.folhademaputo.co.mz/pt/noticias/nacional/agente-da-prm-condenado-a-13-anos-de-prisao-por-incitacao-a-golpe-de-estado/>, accessed on 28 December 2023.

588 A Carta “PRM proíbe membros de se expressarem nas redes sociais” [PRM bans members from expressing themselves on social media] <https://www.cartamz.com/index.php/politica/item/14210-prm-proibe-membros-de-se-expressarem-nas-redes-sociais>, accessed on 28 December 2023.

## Gendered Disinformation

Little is known about gendered disinformation in Mozambique, since the country does not have any legislation specifically focused on fake news, even if both the Penal Code and the 1991 Press Law – which may be replaced by the Proposed Social Communication Law – include restrictions on fake news. Recently Mozambique passed a law to counter-terrorism.<sup>589</sup> The law establishes the procedures to designate individuals, groups and entities associated with terrorist crimes and to freeze their funds and assets. It seeks to embargo the movements of individuals associated with terrorism or suspected of financing terrorism.<sup>590</sup>

The Law for Preventing and Combating Terrorism Financing does not focus on activities violating or interfering with content, such as online hate speech, but it focuses on misinformation and disinformation with regard to terrorism. Article 11(d) of that Law defines a terrorist to be anyone who “communicates information of which he has knowledge that is false, thereby endangering the safety of an aircraft in flight or on the ground”. The same article 11(w) also defines an act of terrorism as “disseminating information, which is known to be false, thereby endangering the safe navigation of a ship.”

However, of controversy is article 20, which provides that “a Mozambican, foreigner or stateless person living or being in the Republic of Mozambique makes or reproduces publicly statements relating to terrorist acts which she/he knows to be false or exaggerated, with the intent to create public panic, disturbance, insecurity, and disorder shall be punished with imprisonment for a term of two to eight years”. The Media Institute of Southern Africa (MISA-Mozambique) has criticized this law, arguing that some provisions are not in line with the Constitution of the Republic.<sup>591</sup>

## Data Protection and Cyber Security

There is one data protection law in Mozambique. Although there is no national data protection law, there are several sector-specific laws as well as the Republic of 2018 Mozambique’s Constitution (referred to as “the Constitution”),<sup>592</sup> which contains pertinent sections regarding computerised data and privacy. For example, e-commerce requirements are provided by the Electronic Transactions Law (Law no. 03/2017, of 9 January).<sup>593</sup> Furthermore, regulations pertaining to the banking and telecommunications industries specify responsibilities for issues like data security. Additionally, Mozambique signed the African Union Convention on Cyber Security and Personal Data Protection, popularly known as “the Malabo Convention on June 26, 2018.”

The Mozambican government and the business sector are among the end-users that the country’s

589 Law for Preventing and Combating Terrorism Financing, Law 13/2022 of 8 July 2022.

590 Tsandzana, D., AfricaLaw “Freedom of expression and combating terrorism in Mozambique: the challenge of enacting laws in a context of conflict” <https://africlaw.com/2023/02/06/freedom-of-expression-and-combating-terrorism-in-mozambique-the-challenge-of-enacting-laws-in-a-context-of-conflict/>, accessed on 29 December 2023.

591 MISA Mozambique “Proposta de Lei “Anti-Terrorismo” restringe Liberdades de Expressão e de Imprensa em Moçambique” [Proposed Anti-Terrorism Law Restricts Freedoms of Expression and the Press in Mozambique] <https://www.misa.org.mz/index.php/destaques/noticias/141-proposta-de-lei-anti-terrorismo-restringe-liberdades-de-expressao-e-de-imprensa-em-mocambique>, accessed on 29 December 2023.

592 Constitution of the Republic of Mozambique <https://platform.dataguidance.com/legal-research/constitution-republic-mozambique>, accessed on 28 December 2023.

593 Electronic Transactions Law (Law no. 03/2017, of 9 January) [https://platform.dataguidance.com/sites/default/files/electronic\\_transactions\\_law.pdf](https://platform.dataguidance.com/sites/default/files/electronic_transactions_law.pdf), accessed on 28 December 2023.



digital transformation has exposed to new risks. The online storing of peoples' personal data presents impending threats and concerns for public entities.<sup>594</sup> Because of this, the Mozambican government has decided to make cybersecurity a top priority in the nation's digital transformation process. The National Cybersecurity Strategy created a multi-sectoral council whose mission is to coordinate a governance structure and plans to implement 25 projects by 2025.

## Digital IDs

Prior research has demonstrated that,<sup>595</sup> despite references to a national integrated digital identity system in existing legislation, several sectors have developed separate digital identification systems to address sectoral needs, and there is little to no coordination between them. For instance, different procedures are in place for social security, adult identity card issuance, passport issuance, and birth registration: the Electronic System of Civil Registration and Vital Statistics.

On 21 April 2023, news sources<sup>596</sup> reported that the Regulatory Authority for Communications of Mozambique (INCM) plans to implement new regulations over the following six months pertaining to the registration of SIM cards for all 15 million users of telecommunication services in Mozambique. In order to improve service quality and security in telecommunications networks, the new regulations are designed to encourage the responsible use of related equipment and public telecommunications services.

Decree 13/2023 of April 11, which authorises the Regulation on the Registration of Telecommunications Services, lends support to the regulations. The new Regulation sets forth requirements for telecommunications service operators, their distributing agents, resellers, and other public and private entities, as well as individuals who use and own communication devices, to follow when it comes to subscriber registration.

## Digital Inclusion of Persons with Disabilities

There is no specific development on digital inclusion of persons with disabilities, but the Forum of Mozambican Associations of People with Disabilities (FAMOD)<sup>597</sup> – an umbrella organization for CSOs working to support, coordinate and promote the human rights and well-being of persons with disabilities in Mozambique – is working on a project funded by the Collaboration on International ICT Policy for East and Southern Africa (CIPESA) to reduce digital exclusion of Persons with Disabilities.<sup>598</sup>

## Universal Service Fund

In Mozambique, the Universal Service Fund (USF/FSAU), in accordance with the revised Regulation approved by Decree 62/2017 of 9 November,<sup>599</sup> is an autonomous body under the management of

594 International Trade Administration “Information and Communications Technology (ICT)” <https://www.trade.gov/country-commercial-guides/mozambique-information-and-communications-technology-ict>, accessed on 28 December 2023.

595 Research ICT Africa “Digital Identity in Mozambique” [https://researchictafrica.net/wp/wp-content/uploads/2021/11/Mozambique\\_3.11.21.pdf](https://researchictafrica.net/wp/wp-content/uploads/2021/11/Mozambique_3.11.21.pdf), accessed on 28 December 2023.

596 Club of Mozambique “Biometric registration of SIM cards and other changes on their way” <https://clubofmozambique.com/news/biometric-registration-of-sim-cards-and-other-changes-on-their-way-mozambique-236230/>, accessed on 28 December 2023.

597 FAMOD <https://www.famod.org/>, accessed on 28 December 2023.

598 CIPESA “Boosting Web Accessibility for Persons with Disabilities in Mozambique” <https://cipesa.org/2023/03/boosting-web-accessibility-for-persons-with-disabilities-in-mozambique/>, accessed on 29 December 2023.

599 Universal Service Fund (FSAU) Mozambique, Decree 62/2017 of 9 November, Available on <https://www.incm.gov.mz/index>.

the National Communications Institute of Mozambique (INCM), the Regulatory Authority. It was created by Decree 69/2006 of 26 December. All entities licensed or registered to provide public telecommunications services contribute 1% of their gross revenue from the previous year to the USF/FSAU to implement their projects.

In November 2017, the Minister of Transport and Communications inaugurated a free internet signal in the city of Maputo, installed by the communications regulator, INCM, in collaboration with Maputo City Council, as part of the implementation of the digital squares project. At the time, the Minister said that the operation of the free internet signal was aimed at attracting the public to the Tunduru Garden, especially students, thus promoting digital inclusion.

In addition to the Tunduru Garden, free internet signal was installed in 18 squares across the country: Poets' Park (Matola); Workers' Square (Inhambane), Town Hall Square and 3 February Square (Beira); Valentine's Garden and Municipal Swimming Pool Garden (Quelimane), Gúrué Square (Gúrué); Av. Eduardo Mondlane and Jardim Parque (Nampula City); Jardim Josina Machel, Posto de Turismo, Jardim do Museu, Jardim da Escola Secundária da Ilha de Moçambique and Fortaleza (Ilha de Moçambique); Praia de Wimbe (Pemba); Praça da Paz (Mueda); Praça da Liberdade (Lichinga).

In September 2023, in partnership with the Fund, Vodacom Mozambique launched an internet installation project in schools and public venues.<sup>600</sup> However, throughout the research, we noted the lack of detailed information on the use of the Fund and the evolution of what has been done, but we did note that six years after the installation of the free internet signal in public squares, several users complained of not being able to access it in the Tunduru Garden. We conducted some interviews that proved this:

"I can't access the Internet from this place! Whenever I'm here I use my private internet. That's the only way I can work and do other things..."<sup>601</sup>

User 2<sup>602</sup> said that he has been visiting Jardim Tunduru [Tunduru Garden] regularly for more than five years. At first, he had access to the free internet signal, but he stopped using it when it started to get very slow due to the high number of users, in 2018. And he is not sure when the free internet signal stopped working.

"Lately, I've seen people complaining that they can't access the internet here, but I do not know when it started..."<sup>603</sup>

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According to a Jardim Tunduru [Tunduru Garden] employee, the free internet signal worked properly

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php/mercado/documentos-telecomunicacoes/168-regulamento-do-fundo-do-servico-de-acesso-universal/file, accessed on 29 December 2023.

600 AIM News "Mercados e praças públicas beneficiam de internet gratuita" [Markets and public squares benefit from free internet] <https://aimnews.org/2023/09/15/mercados-e-pracas-publicas-beneficiam-de-internet-gratuita/>, accessed on 29 December 2023.

601 Interview with a user of the "Digital squares project" in Maputo, December 2023.

602 We have codified the real name of the user.

603 Interview with a user of the "Digital squares project" in Maputo, December 2023.

for a year in 2018. And in the subsequent years it worked with difficulties, until it permanently stopped.

“When the internet started fluctuating, we told our management, but we did not get a satisfactory response, so we are still without a free signal...”<sup>604</sup>

The implementation of the digital plazas project had an initial cost of 1,200,000.00 Mozambique meticaís (USD18,000). Of this amount, about half was the cost of purchasing the equipment, and the other half was for installation services. A total of around 665,000.00 meticaís (\$10,300) would be spent annually on internet services, with a monthly cost of 55,401.85 meticaís ( \$844). For one year, the project was to be financed by the government after which the municipal council that benefited from the project would continue financing.

Nothing is publicly known about the use of these funds, since there are no audit or implementation reports. The last time updates of the digital plazas and different projects were published on the Fund’s website was in September 2020.<sup>605</sup> Throughout the research, the Fund’s managers were not open to talking about the activities carried out over the last years, even though the regulator’s latest report published in 2021 dedicated half a page, updating where the digital plazas had been installed.<sup>606</sup>

Article 26, which creates the Fund’s regulations, stipulates that the rules relating to the principles of budgetary and accounting management are the same as the state institutions; it also states that the FSAU’s accounts are subject to an audit, the report of which must form an integral part of the annual report on the FSAU’s activities, to be submitted to the Regulatory Authority’s Board of Directors for approval. However, these reports are not public, and little is known about how the money received is used by the Fund’s managers.

Article 27 stipulates that the Board of Directors of the Regulatory Authority shall submit the annual report on the activities of the FSAU to the Minister who oversees the communications area and shall have it published at the end of each fiscal year. The annual report also includes financial statements, indicators of service availability and quality, inspected by independent auditors. However, none of what the law stipulates could be verified during the research, either through interviews or the public information on the Fund’s website.

Article 28 states that the FSAU’s accounts for each financial year shall be submitted to the Administrative Court for judgement by the Board of Directors of the Regulatory Authority, while article 29 states that the Regulatory Authority shall supervise the deployment of infrastructure and the provision of the universal access service and take the necessary measures for the proper functioning of the service. During our research, all these provisions of the law have not been verified as being duly implemented by the authorities.

## Developments in ICT and Emerging Technologies

Mozambique does not have specific legislation on artificial intelligence (AI). However, the Ministry that will be responsible for AI governance is the Ministry of Science, Technology and Higher Education

604 Interview with the employee, December 2023.

605 Universal Service Fund (Mozambique) <http://www.fsau.gov.mz/index.php/imprensa/noticias>, accessed on 29 December 2023.

606 Regulatory Authority 2021 <https://www.incm.gov.mz/index.php/sala-de-imprensa/postal-2/256-relatorio-de-regulacao-das-comunicacoes-2021-pt/file>, accessed on 29 December 2023.

(Ministério da Ciência, Tecnologia e Ensino Superior). Other Ministries (Education, Culture, Health) may also be involved. Mozambique is among the nine countries selected by UNESCO to carry out a diagnosis on the ethics and use of artificial intelligence in the country.<sup>607</sup>

# ▶ Conclusion & Recommendations

## Conclusion

Governments around the world are looking for strategies to promote connectivity by expanding the internet network through local projects. Such as through the Universal Service Fund (USF), Mozambique has been carrying out some projects to expand connectivity. However, this report shows the lack of information and specific data on the use of this Fund is a challenge.

The report also shows that over the last few years there has been an increase in connectivity in the country, but the digital divide between rural and urban areas persists. The report also noted that the implementation of the Fund was an opportunity that allowed for the creation of digital plazas, which brought a lot of enthusiasm to Mozambicans. However, the hope of free connection has given way to frustration, as little is known about what has been done with the money provided to the Fund via the mobile phone operators.

## Recommendations

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### Government:

- » Provide capacity and independence/autonomy to the relevant Ministry in the area of technology to be rigorous in monitoring and supervising the use of the Universal Access Fund through the National Communications Institute of Mozambique (INCM).
  - » Promote digital rights, expanding Internet access through quality connectivity and projects that reach less accessible areas in Mozambique.
- 

### Regulatory Authority:

- » Promote transparency in the use of the Universal Access Fund through the regular publication of reports on expenditure made and activities carried out, in accordance with the law establishing the Fund itself.
  - » Supervising violations of digital rights and personal/user data, given that Mozambique does not yet have a specific data protection law.
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### Civil Society:

- » Monitor the use of the Universal Access Fund through advocacy actions and demand transparency on the use of the money that is allocated annually by mobile phone operators.
  - » Promoting the use of the Internet as a tool for expanding users' digital rights, not only through civic movements, but also through political pressure.
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**Academia:**

- » To document through research the activities carried out by the Universal Access Fund, putting forward some recommendations for good international practice in line with the regulations established by the competent authorities.
  - » To document all digital rights abuses that are committed, as well as to propose scientific solutions to guarantee an inclusive information society in Mozambique.
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