

Advancing Internet Rights In Angola



POLICY
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Introduction and Context

Located in Southern Africa, Angola is a Portuguese-speaking country, with an estimated population of around 31 million people, and its capital city is Luanda.¹ Angola is one of the largest producers of oil in Africa, as well as diamonds and other mineral resources. The country gained independence in 1975 and since then has been governed by the Popular Movement for the Liberation of Angola - MPLA party. The current President, João Lourenço, was elected in 2017, after more than 30 years of governance by the previous head of state, José Eduardo dos Santos.

The previous government was marked by acts that can be described as 'closing the political and civic space', which also ended up being reflected in the exercise of Angolans' freedom of expression.² With the coming of the new government, Angola has transformed, although acts of intimidation and impediment to the exercise of fundamental rights persist in the country. For example, in 2020 Afrobarometer³ noted that about half of Angolans do not feel free to express their ideas and opinions.

The Angolan Constitution provides for freedom of expression and the press,⁴ and the Law on Electronic Communications and Information Company Services, adopted in 2011, provides for citizens' rights to privacy and security online, among other provisions that regulate telecommunications in the country⁵. Nevertheless, Angolan laws also include problematic language that may infringe on internet freedom. In January 2017, former President dos Santos enacted a set of new media laws known as the Social Communication Legislative Package⁶, which included a new Press Law, Television Law, Broadcast Law, Journalists' Code of Conduct, and statutes to establish the Angolan Regulatory Body for Social Communication (ERCA)⁷. The statutes within the Legislative Package empower the regulatory body to ban websites, while the Press Law sets limits on freedom of the press both online and offline under Article 7. Article 10 on the other hand states that "all social communication media" have the responsibility to inform citizens "in accordance with the public interest." This law gives powers to State actors to impose content and information controls and removals thereby infringing upon press freedoms and digital rights by limiting freedom of expression. At the time of enactment, Human Rights Watch criticized the law and said it was a threat to freedom of expression in the country.⁸

1 Angola stats, World Bank <https://data.worldbank.org/country/AO>, acessado em 21 de Maio de 2021.

2 Open Democracy: Quão livre é a liberdade em Angola? [How free is freedom in Angola?] <https://www.opendemocracy.net/pt/qu-o-livre-liberdade-em-angola/>, accessed on 21 May 2021.

3 About half of Angolans feel unfree to speak their minds, Afrobarometer survey shows - <https://afrobarometer.org/press/about-half-angolans-feel-unfree-speak-their-minds-afrobarometer-survey-shows>, accessed on 23 May 23, 2021.

4 Article 40 of the Constitution <https://www.wipo.int/edocs/lexdocs/laws/pt/ao/ao001pt.pdf>, accessed on 21 May 2021.

5 See all legislation regulating telecommunications in Angola - <https://erca.co.ao/pacote-legislativo-da-comunicacao-social/O-Dia-da-Morte-da-Comunicacao-Social-em-Angola> [The Day of Death of the Media in Angola] <https://www.makaangola.org/2017/02/o-dia-da-morte-da-comunicacao-social-em-angola/>, accessed on 17 May 2021.

7 Law No. 01/17 of 23 January 2017 - <https://erca.co.ao/wp-content/uploads/2019/09/2017-DR-PACOTE-LEGISLATIVO-DA-CSOCIAL.pdf>, accessed on 2 June 2021

8 Human Rights Watch: Nova Lei da Comunicação Social Ameaça Liberdade de Expressão [New Media Law Threatens Freedom of Expression] <https://www.hrw.org/pt/news/2016/11/30/297051>, accessed on 22 May 2021.

Information and Communication Technologies Landscape in Angola

Angola has three mobile phone companies, Movitel, Unitel and the state-owned company Angola Telecom, which had a monopoly of the telephone service until 2005. It is one of 12 companies included in the West Africa Cable System (WACS) consortium, an undersea communications cable that runs along the west coast of Africa to Portugal and the United Kingdom.

As of 2021, the country is expected to have a new operator called Africell⁹. In 2018 the operator secured a \$100 million loan from the U.S. Development Finance Corporation to fund an expansion strategy that includes growing mobile payments and microfinance offerings, as well as upgrading its 2G, 3G and 4G networks.¹⁰ According to Hootsuite (2021), there are 10 million Internet users in Angola, indicating a 1.5million increase (+16%).^{[B(1) [DT2]} between 2020 and 2021.¹¹ The Internet penetration in Angola represents 31% of the total population. Mobile phone access stands at more than 15 million users, representing 46% of the total population. It is important to note that the regulator INACOM does not provide up-to-date data on the use of information and communication technologies in Angola.^{[B(3) [DT4]}

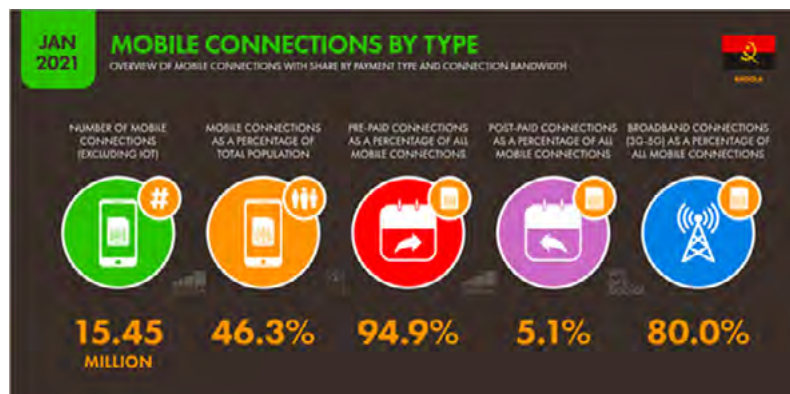
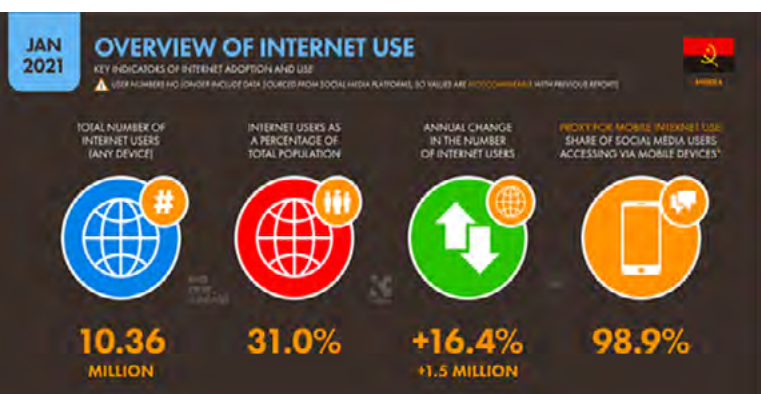


Figure 1: Internet access in Angola (Hootsuite, 2021)

Figure 2: mobile network subscribers (Hootsuite, 2021)

Angola's Communications Regulator (IANCOM)¹² whose mission, among other activities, is to advise and represent the government through regulation, supervision and oversight of the communications sector. However, it is important to note that the ruling MPLA party has almost complete control of the regulatory bodies. For example, the Ministry of Telecommunications, Information Technology and Media (MINTTICS) is responsible for overseeing the technology sector¹³, while INACOM, serves as the sector regulator. INACOM determines sector regulations and policies, sets prices for telecommunications services and issues licenses^{[B(5) [DT6]}

In 2020, the traffic generated by data services (Internet) was high due to the COVID-19 pandemic.¹⁴ In the fulfillment of the objectives and strategies established in the National Development Plan 2018-2022, many actions were implemented for the continuous improvement of public and basic mobile services, Internet access and associated services, with a special focus on quality and response to users' needs. On 17 May 2021, the Minister of Telecommunications, Information Technologies and Media said¹⁵ that Angola has over 15 million mobile phone subscribers, seven million internet users and over two million television subscribers, a number that increased during 2020.^{[B(7) [DT8]}

9 Angola's Africell to Start Operations in 2021 – <https://africanews.space/angolas-africell-to-start-operations-in-2021/>, accessed on 1st June 2021.

10 Mobile operator Africell secures Angolan telco licence <https://www.reuters.com/article/uk-angola-africell-idUSKBN2A30ZF>, accessed on 30 June 2021.

11 Digital 2021 in Angola – Hootsuite <https://datareportal.com/digital-in-angola>, accessed on 20 May 2021.

12 Angolan Communications Regulator (INACOM) <https://inacom.gov.ao/ao/>, accessed on 18 May 2021.

13 It violates principle 17 of the ACHPR's Declaration "Regulatory bodies for broadcast, telecommunications and the internet"

14 Pandemia fez disparar negócios das aplicações na Internet [Pandemic boosts internet app business in Angola] <https://www.novojornal.co.ao//economia/interior/balanco-2020-pandemia-fez-disparar-negocios-das-aplicacoes-na-internet-99194.html>, accessed on 2 June 2021.

15 Jornal de Angola <https://www.jornaldeangola.ao/ao/noticias/telecomunicacoes-em-fase-de-avaliacao/>, accessed on 18 May 2021.

Digital Rights in Angola

Angola is a country that has a relatively fair digital rights record, given that it presents an environment in which Internet and social network users can express themselves with some freedom, despite some situations of obstruction of fundamental rights in the digital space^{[B9] [DT10]}. The Constitution and legislation provide for freedom of speech and the press. However, State dominance of most media outlets and self-censorship by journalists limits these rights in practice.

This reality clearly violates principle 11 of the Declaration on Freedom of Expression and Access to Information (ACHPR Declaration), regarding "Media diversity and pluralism". We must take into account, however, that State or private monopoly over print, broadcast and online media is not compatible with the right to freedom of expression.

In its Freedom on the Net 2020 report, Freedom House rates Angola's "Internet freedom status" as "partly free"¹⁶. There are no government restrictions on access to the Internet. Aside from child pornography and copyrighted material, the government does not block or filter Internet content and there are no restrictions on the type of information that can be exchanged or transmitted.

In addition, with a population of about 30 million, more than half of Angolans do not have Internet access within the country. Only the main urban areas such as Luanda have better Internet coverage rates in the country. In this context, the lack of access to the Internet may constitute a barrier to compliance with Article 40 on freedom of expression and information.

Threats and limitations of Internet use in Angola

Social media and communications apps such as YouTube, Facebook, Twitter, and international blog-hosting services are all freely available. There are no issues of intermediary liability for service or content providers, nor are there known instances of take-down notices issued for the removal of online content.

The Freedom on the Net 2020 report notes that in March 2020,¹⁷ the government issued a decree ordering state-run and private media outlets to collaborate with public agencies as part of Angola's response to the COVID-19 pandemic, raising concerns of media manipulation.¹⁸ In addition, a new surveillance and data integration center opened in the capital city of Luanda in December 2019.¹⁹ The initiative is sponsored by Chinese funding along with technology from Huawei.²⁰ In 2020, in the context of the privatization of the public sector, the Angolan government nationalized several media companies but later transferred them to the private sector.²¹ The Freedom House report on digital rights in Angola makes the following summary:

Freedom on the Internet	Networks Restricted	Social Media Blocked	Websites Blocked	Users Arrested
Score: 62/100	No	No	No	No

Table 1: Freedom on the Internet Angola (Freedom House, 2020)

Internet access remains prohibitively expensive for many people, especially in rural areas. However, the government and some private companies have made efforts to establish free wireless hotspots. Angola Online²², a government-promoted project, has established several hotspots to expand the availability of

16 Angola scored 62/100 points <https://freedomhouse.org/country/angola/freedom-net/2020>, accessed on 18 May 2021.

17 Freedom House Angola <https://freedomhouse.org/country/angola/freedom-net/2020>, accessed on 1st June 2021.

18 Decreto Presidencial n.º 81/20, de 25 de Março, Estado de Emergência em Angola [Presidential Decree no. 81/20, 25th March, State of Emergency] – <https://www2.deloitte.com/content/dam/Deloitte/ao/Documents/tax/Tax%20News%20Flash/2018/Decreto%20Presidencial%20n.%C2%BA%2082-20,%20de%2026%20de%20mar%C3%A7o.pdf>, accessed on 1st June 2021.

19 CISP revoluciona sistema de segurança em Angola [CISP revolutionizes security system in Angola], Agência Angola Press, December 30, 2019, <http://www.angop.ao/angola/pt/pt/noticias/politica/2019/11/1/CISP-revoluciona-sistema-seguranca-Angola,8eee1a6f-a70a-4f13-9e02-91e0030efa35.html>, accessed on 18 May 2021.

20 Huawei entrega meios electrónicos ao MININT [Huawei delivers electronic media to MININT], Jornal de Angola, April 23, 2020, <http://jornaldeangola.sapo.ao/sociedade/huawei-entrega-meios-electronicos-ao-minint>, accessed on 18 May 2021.

21 Privatização dos meios de comunicação levanta dúvidas [Privatisation of the media raises doubts] <https://www.voaportugues.com/a/destino-de-empresas-de-comunicacao-C3%A7C3%A3o-confiscadas-pelo-estado-angolana-levanta-d%C3%BAvidas/5586018.html>, accessed on 21 May 2021.

22 Ministro Manuel Homem defende maior acesso à internet [Minister Manuel Homem defends greater internet access] <http://tpa.live/manuel-homem-defende-maior-acesso-a-internet/>, accessed on 21 May 2021.

free internet access.²³ According to the National Institute for Promotion of the Information Society (INFOSI), 111 free hotspots were established at universities and other locations in 13 of the country's 18 provinces, serving 30,000 people by July 2020.²⁴

Angola's ruling party, MPLA, maintains effective control of regulatory bodies. In fact, the Ministry of Telecommunications and Information Technology is responsible for oversight of the ICT sector, INACOM serves as the policy-making regulator, defining prices for telecommunications services and licenses. In addition, it is important to note the speech made by the MPLA in December 2020, when the ruling party said that there was a need to make "good use" of social media networks in the country.²⁵[B(11) [B(12) [DT13] This could pose a danger as the MPLA party has all the power to pass laws in parliament, given its majority.

The MPLA's speech can be a danger, especially given that the largest media and telecommunication company, UNITEL, is still owned by personalities with links to Angolan politicians from the ruling party. It is important to highlight that according to the principle 38 (Non-interference) of the ACHPR's Declaration, States shall not interfere with the right of individuals to seek, receive and impart information through any means of communication and digital technologies, through measures such as the removal, blocking or filtering of content, unless such interference is justifiable and compatible with international human rights law and standards.

There are no reports of substantial restrictions to encryption. SIM card registration is mandatory and hampers the ability of mobile phone users to communicate anonymously. SIM cards must be registered directly with INACOM, the ICT regulator that operates under government oversight²⁶. The process requires the capturing of one's identity card or driving license and tax card for national citizens or a passport with a valid visa for visitors.^{[B(14) [DT15]} Access to such preconditions may not be easy for those without official documents (migrants), which may mean exclusion from the process.

The Law on Combating Crime in the Field of Information and Communication Technologies and Information Society Services empowers the government to order access to encrypted communications during proceedings under penalty of punishment, without adequate safeguards.²⁷ While there is no explicit right to encryption, Article 15 of Framework Law²⁸ provides that citizens have the right to protection from abuse and violation of their rights through the Internet and other electronic means, including the right to confidentiality of communications.

Online activists and journalists are sporadically targeted with threats, though they face less violence and harassment than journalists who operate mainly in the traditional media sphere. For example, in November 2020, an activist was arrested while live-streaming a demonstration from his Facebook page.²⁹ He was charged with disturbing order and promoting public violence. This happened when two police officers approached the activist Luaty Beirão to inform him that he was under arrest, although it is unclear which legislation was attributed to his arrest.

In 2020, the Vice-President of the Republic of Angola, Bornito de Sousa, said³⁰ that while helping to promote human rights, such as access to information, education, health and social inclusion, the Internet serves as a space for practices that undermine this category of rights, such as attacks against other user's image and reputation, discrimination against women, racism, homophobia, xenophobia, child pornography and financial fraud that occur online. At the time, the Vice-President said that Angola should create conditions to be able to understand and combat cybercrime since many of these practices violate fundamental rights and freedoms.

23 Daniel Geto, "Sistema de Internet grátis chega ao Bengo [Free Internet system arrives in Bengo]," Menos Fios, 3 de Janeiro 3 de 2019 <https://www.menosfios.com/sistema-de-internet-gratis-chega-ao-bengo/>, accessed on 21 May 2021.

24 Guilherme Massala, Projecto Angola Online com 30 mil conexões no país [Angola Online project with 30 thousand connections in the country], Menos Fios, 27 de Julho de 2020, <https://www.menosfios.com/projecto-angola-online-com-30-mil-conexoes-no-pais/>, accessed on 18 May 2021.

25 'MPLA calls for good use of social networks in Angola' <https://www.angop.ao/noticias/politica/mpla-destaca-necessidade-do-uso-correcto-das-redes-sociais/>, accessed on 18 May 2021.

26 Processo de registo e actualização de números telefónicos [Process to register and update telephone numbers], Televisão Pública de Angola <http://tpa.sapo.ao/noticias/sociedade/processo-de-registo-e-actualizacao-de-numeros-telefonicos>, accessed on 18 May 2021.

27 World map of encryption laws and policies / Angola <https://www.gp-digital.org/world-map-of-encryption/>, accessed on 2nd June 2021.

28 Law No. 23/11 (Electronic Communications and Information Society Services Law) of 23 January 2017.

29 Luaty Beirão recebe ordem de detenção em direto no Facebook [Luaty Beirão receives arrest order live on Facebook] <https://sicnoticias.pt/mundo/2020-11-11-Luaty-Beirao-recebe-ordem-de-detencao-em-direto-no-Facebook>, acessado em 19 de Maio de 2021.

30 Discurso do Vice-Presidente [Vice-President's Speech] <https://www.vicepresidente.gov.ao/violacoes-na-internet-devem-colocar-estados-a-altura-no-combate-ao-cybercrime/>, acessado em 21 de Maio de 2021.

Recommendations:

Rights to privacy and access to information:

1. Since the government can order access to encrypted communications during proceedings under penalty of punishment without proper safeguards, it is important that government clearly define in the communications law, the extent to which citizens' right to privacy can be invaded by the national authorities.
2. Since the legal provisions are not very clear about the limits and purposes for which such information can be used, especially after the opening in 2020, in the capital Luanda, of a Public Electronic Security Centre (CESP) to monitor and control people in public spaces, the government should share the information collected when requested by citizens.^{[B(16) [DT17]}

The Government Angola must take effective legal and other measures to investigate, prosecute and punish perpetrators of attacks against journalists:

1. To be in accordance with Principle 20 of the ACHPR's Declaration, the government of Angola must take effective legal and other measures to investigate, prosecute and punish perpetrators of attacks against journalists and other media practitioners, and ensure that victims have access to effective remedies.
2. In addition, the government must implement measures to raise the awareness and build the capacities of journalists and other media practitioners, policy-makers and other stakeholders on laws and standards for ensuring safety in the communication sector.

The appointment process for members of a public regulatory body overseeing broadcast, telecommunications or internet infrastructure should be independent and adequately protected against interference.

1. Principle 17 of the ACHPR's Declaration notes that the public regulatory authority that exercises powers in the areas of broadcast, telecommunications or internet infrastructure shall be independent and adequately protected against interference of a political, commercial or other nature. However, we note the Ministry of Telecommunications, Information Technology and Media (MINTTICS) is responsible for overseeing the technology sector and can control the activities of the Regulatory Authority INACOM, as well as appoint members of the same institution. As a recommendation, it is important that the appointment process for members of a public regulatory body overseeing broadcast, telecommunications or internet infrastructure be independent and adequately protected against interference. We think that the Regulatory Authority must be open, transparent and involve the participation of relevant stakeholders. In addition, INACOM must provide up-to-date data on the use of technologies and communications in Angola.

Expand internet access in Angola:

1. There is an urgent need to promote strategies and initiatives that can expand Internet use in Angola, given that the current rates are still very low in relation to the total population. To implement Principle 37 of the ACHPR's Declaration, the government must improve digital infrastructure to promote Internet access across the country. For this purpose, it can be done by adopting financial budgetary allocations for the ICT sector and expanding the Angola Online project, particularly in rural areas.

Guarantee unrestricted access to the internet:

1. Considering the local elections that will probably be scheduled later this year, the Government must guarantee the unrestricted use of the Internet during that period. There is also a need to clarify the details about the nationalization and privatization of the media companies since it can be a sign of limitation of freedom of expression in Angola. We note that the State is controlling the public media as Televisão Pública de Angola (TPA). We consider that the government of Angola must take positive measures to promote digital and pluralistic media in the country. The nationalization and privatization process should be transparent and open to all stakeholders in the communications market.

Conclusion

There is a great opportunity to promote digital rights in Angola, because, unlike the previous leader, the current president, João Lourenço, has shown signs of wanting to promote freedom of expression. However, the MPLA party has been acting in an attempt to limit how Angolans use social media in the country. In a year when municipal elections may be scheduled, it is important to ensure that more voices can be heard, given that the country's main media outlets are under the domination of the ruling party.



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