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Rights & Liberties

INTERNET ACCESS
RESTRICTIONS IN YEMEN..
**FROM MONOPOLY TO
CONTROL**

July 2022

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Digital Rights Project

A non-profit human rights window for SAM with the support of Internews, aims to introduce digital rights, and monitor digital violations against users of the digital space, where it works to advocate for the digital rights of Yemenis with the aim of reaching a safe, fair and free digital space. It allows for the submission of reports of digital violations, contributes to the documentation of violations through the window, and the formation of a database on digital violations. The window works through the publication of studies and research on digital activism, digital rights and digital security, and the planning and management of local and international advocacy campaigns.

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Many countries of the world are racing to provide Internet service to their citizens, with superior quality, but the situation in Yemen is completely different from the conditions of all countries, even the worst. While these countries are taking measures to ensure widespread access to the Internet, Yemen imposes unfair restrictions that limit the use of the Internet, from monopolizing the service to controlling its quality, cost, and reach.

It is not so much a luxury to demand access to the Internet, but rather a valid and logical claim, since the enjoyment of an appropriate Internet service is a necessity called for by the facts of reality and necessitated by its circumstances, in such a way that it has made such access as a right linked to freedom of opinion and expression and human rights in general.

In our digital age, «there are many other human rights that can no longer be properly achieved without access to the Internet,» said Merten Reglitz, a lecturer in global ethics at the University of Birmingham.

Regulatory Framework

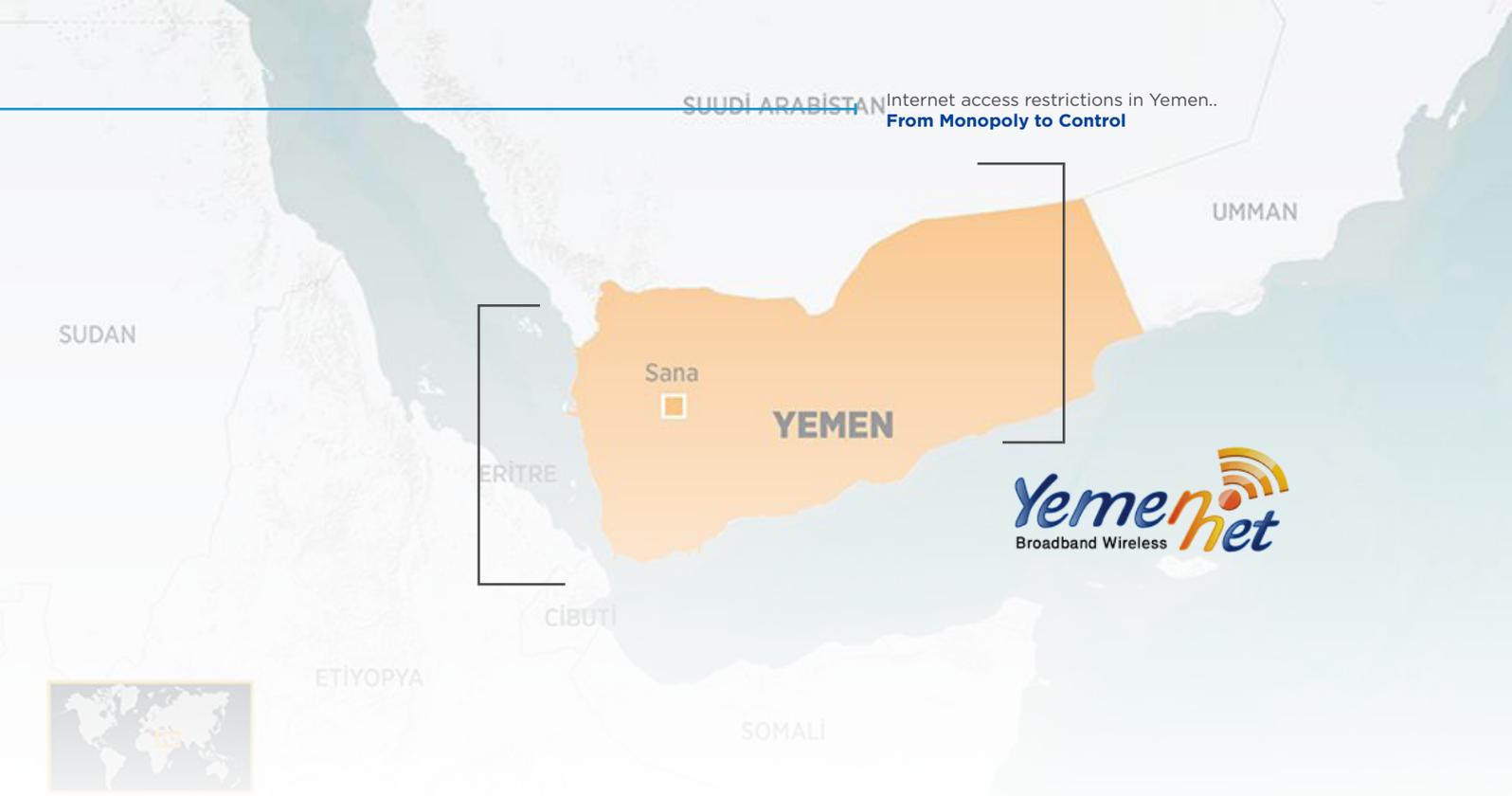
The Ministry of Communications and Information Technology (MCIT) is responsible for preparing strategies, policies and regulations related to the telecommunications sector, regulating the use of allocated frequencies in the field of telecommunications, in addition to granting licenses for the use of radio waves, wireless devices and equipment, establishing and operating private or public networks, maintaining telecommunication networks or allowing the use of telecommunication services within the territory of the Republic. The Ministry also approves policies related to tariffs for telecommunications services, studies and reviews tariffs, fees and wages for telecommunications services with the relevant authorities, and approves technical specifications and standards for connecting and connecting terminal telecommunications equipment to public telecommunications networks.

As for the legal framework, the Telecommunications Law No. 33 of 1996 is the only regulatory framework for this sector, which limited the provision of telecommunications service to the State, where article (2) stipulates that «the State is the only entity represented by the Ministry of Transport that has the right to establish, operate, maintain and use telecommunications facilities in the territory of the Republic and between it and other States and has the authority to delegate this to the institution or any legal person without prejudice to the principle of national sovereignty and taking into account the laws in force. Article (3) adds: The Ministry or its delegate is responsible for providing telecommunication services within or from the territory of the Republic according to the possibilities available to it in this field. In order to achieve this, it shall also have the right to establish, maintain, operate, manage, invest, supervise and control all employees thereof, regulate the import and manufacture of

telecommunication equipment and establish technical specifications, in addition to granting licenses to any natural or legal person to import, sell, manufacture and export telecommunication equipment, materials and tools included in the communication networks, It is also responsible for granting licenses to any person to establish, maintain or use the telecommunication network within the territory of the Republic, the Minister may, in case of a public emergency, suspend, or withhold the work of the licenses granted to natural or legal persons to establish or invest in certain communications.

Therefore, this law «does not represent a comprehensive legal reference for mobile phone companies as well as the Internet and their services in Yemen, as these companies began to operate several years after the issuance of the two laws, where the Internet

service was introduced in 1996 and mobile service was not available until 2001. Thus, these companies operate according to the licensing agreements that the government has concluded with them separately, and here the problem arises, which is not so much about whether these individual license agreements are unified with their content, fees and how to obtain them as much as it is about having an outdated law and resorting to the conclusion of various agreements, which weakens the legal framework that regulates the sector and hinders private investment,» according to a study released by the «Reimagining Yemen's Economy» initiative dated January 2021.



Internet Service Provider in Yemen

The Yemen Internet Portal is a project to provide Internet services and provide facilities to connect all service providers in Yemen to the World Wide Area Network. The Internet service was launched in Yemen in 1996 by the Yemeni Telecom Company «TeleYemen», the only provider of service until 2001, before the launch of «YemenNet» as an Internet service provider and data messaging. According to the National Information Center.

YemenNet was established in 2001 as an Internet and data messaging service provider in the Republic of Yemen, where it began to provide basic services including Dial up Internet service and messaging services via ATM, and then developed to provide all the services provided by Internet service providers in the world, the most important of which are:

ADSL broadband internet access, IP/MPLS data messaging services, Wi Max wireless Internet access, as well as FTTH fiber optic internet access.

In addition to YemenNet, TeleYemen offers YahClick satellite Internet service at an average cost of \$100 per 10 GB and a speed of 5-16 MB/s. The number of subscribers to the service is 877, according to the Ministry of Communications Index for 2021, which is a very small number, compared to the population in Yemen.

Overall, Yemen lacks telecommunications infrastructure, as the Public Telecommunications Corporation (PTC) still uses copper wires via ADSL, which is very old, established for telephony and then ADSL internet service was added in PABX via these wires, while the country needs fiber optic service. Media Staircase - January 2020

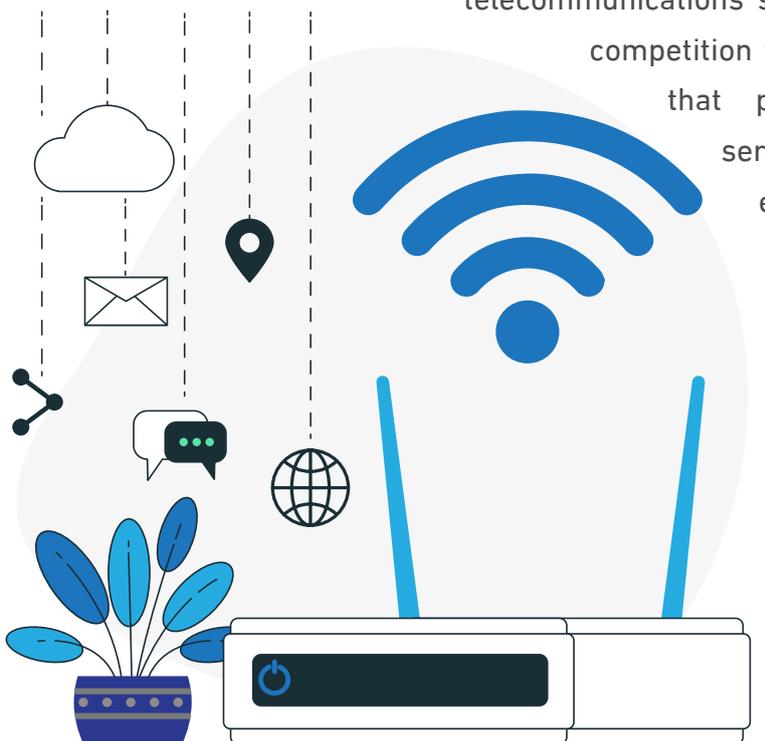
Service monopoly

YemenNet has been acquiring Internet service in the country since the company's launch in 2001 until the present time, in a monopolistic environment and policies that do not allow competition, which has negatively affected the quality of service and its penetration rate in the country.

Internet services in Yemen are poor in quality and offered prices, and a large amount of the Internet services required in the local market have not yet been met, in addition to the fact that the Internet penetration rate in Yemen is the lowest among the countries of the Middle East and North Africa. During the conflict, Internet service delivery relied primarily on a single, expensive source of Internet capacity supply (Falcon Maritime Cable), depriving local Internet operators of competitiveness and weakening their ability to offer affordable prices to the end user. According to the ongoing needs assessment in Yemen released by the World Bank in December 2020.

In response to a question on Yemen's readiness to join the WTO, and the need for membership to liberalize the telecommunications sector and make room for the private sector, Yemen Mobile Board Member Ahmed Al-Awjri considered that the environment is not suitable for joining, especially in the

telecommunications sector, because entering into competition with international companies that provide telecommunications services and have international experience and more experience than local companies requires having the same expertise and the same environment in



competition, and therefore there will be obstacles and difficulties to compete with the local sector as well as the competition of international companies that have experience and capabilities that far exceed Yemen's potential. Al-Thawra Newspaper - 7 March 2014.

During the first conference on communications and information technology in Yemen, organized by the Center for Studies and Economic Media in Sana'a, on January 2, 2013: The Minister of Communications at the time Ahmed Obaid bin Dagher pointed out that «the liberalization of the telecommunications sector depends on the ability of the government to take appropriate action and inject more investments that give a quick return in short periods. He pointed out that the Ministry has set its priorities for the future of the telecommunications sector in Yemen in developing the legislative and legal environment regulating the telecommunications sector and establishing the Telecommunications Regulatory Authority to separate policies on the one hand, and regulation and operation on the other, and upgrading the infrastructure necessary for the development of the ICT sector.

Regarding the Ministry of Communications' justifications for not liberalizing the Internet, Yasser Hassan Thamer, former Director General of Relations and Media at the Ministry, told Al Jazeera (on January 28, 2013) that «the state lost 75% of the revenues in the telecommunications sector after the liberalization of mobile services in 2000 to the private sector. The private sector has also not played its role in serving the economy and contributing to community development compared to the revenues it has earned,” noting that “liberating the rest of the communications services will lead the state treasury to lose hundreds of billions as it represents the second resource after oil, and accelerating such a step in the absence of the rule of law will not achieve the principle of equal opportunities for all.»

In an attempt to break YemenNet's monopoly, «the government of former President Abd Rabbu Mansour Hadi launched the Aden Net network, in 2018, to provide communications and Internet services with 4G and 5G technology in Aden at better speeds and cheaper prices,» as the company previously claimed. The Hadi government wanted to introduce Aden Net as an alternative to YemenNet, which is based in Sana'a and controlled by Ansar Allah (Houthis).

Some had hoped for Aden Net, but its services apparently don't differ much from YemenNet's in terms of poor quality, and most of the time, the internet is worse than that provided by YemenNet. According to a report by SMEX (a Lebanese non-governmental organization concerned with digital rights) dated October 27, 2020.

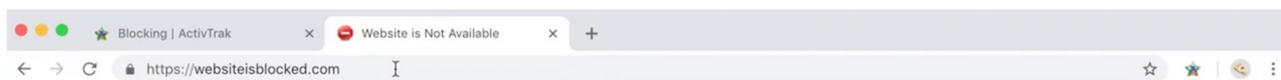
YemenNet's monopoly on Internet services prevents any other party from competing in the market, so MP Ahmed Seif stressed to SMEX the need for parliament to enact a law that guarantees «the rights of competitors to participate while ensuring the protection of their property by the state, to provide appropriate services that keep pace with the current global landscape.» However, these improvements require money, security and the enactment of laws by Parliament. According to a report published by SMEX on October 27, 2020.

Journalist Abdul Hamid Sherwan told Media Staircase: «The monopoly imposed by YemenNet (the sole provider of the service) on the Internet sector and the non-entry of any competing companies in the market, has a major role in the problem of the Internet,» as «the company exploits this matter to impose its conditions, whatever they may be, and the citizen is forced to accept the service with all its mediocrity.» Media Staircase - January 2020.



Professor of Communications and Information Technology Engineering at Sana'a University, Dr. Ibrahim Al-Kabsi, noted in a Facebook post (dated May 19, 2022) that the monopoly of Internet service in favor of certain parties and the lack of availability of a policy of competition between companies to provide the best and least expensive service remains the percentage of Internet users in Yemen the lowest in the Arab world and globally.

The telecommunications and Internet sector is on the verge of fragmentation between the warring parties, there is no longer any commitment to the legal, policy and regulatory framework of the telecommunications sector, and it has become mandatory for private operators of mobile phones to follow the instructions of both the Ministries of Communications and Information Technology in Sana'a and Aden and pay taxes, which may lead to a decline in the scope of coverage nationwide and the level of market competition, and this would severely affect the possibility of communication and facilitate the cost of telecommunications and Internet services for Yemenis. The escalating political divide has led to countermeasures, including attempts to create a second international gateway (referring to Aden Net) that would fragment the connection rather than serve as a backup source of support. According to the assessment issued by the World Bank in December 2020.



Blocking and filtering

As soon as the Houthis took control of communications, they began blocking news sites opposed to them, in a move that revealed innocuous intentions towards the press and the media, and this measure heralded subsequent repressive measures, which cast a dark shadow on the reality of Yemenis and their digital space. «Since the beginning of the war, nearly 80 newspapers, magazines and radio stations have stopped, not to mention the blocking of more than 200 local and foreign news sites from followers in Yemen,» according to a 2021 report by the Yemeni Journalists Syndicate.

Not only did it block news sites, but it went beyond blocking and/or hindering access to social media apps, at certain times, for example, «Internet users were not able to access the social media platforms and communication tools they relied on to access information and communicate with each other after YemenNet blocked Facebook, Twitter, Telegram, and WhatsApp, on December 2, 2017, following violent clashes in Sana'a between the Houthis and pro-Saleh forces. Many Yemenis who spoke to SMEX said they were unable to access social media platforms without a VPN, enabling users to avoid internet filtering and other restrictions on connectivity. According to a report by SMEX dated December 2017. «Many social media platforms were banned throughout the war. Facebook and WhatsApp are the two favorite platforms for Yemenis, with more than 90 percent of internet users subscribed to them,» according to a report released by Kuda Story dated March 2020.

According to an October 2015 report by the Citizen Lab Center (a laboratory at the University of Toronto specializing in ICT research), Netsweber technology was used to filter important political content and independent media sites, marking a significant expansion of Yemen's internet censorship system following the Houthi takeover of the capital Sana'a in September 2014.

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Narrowing the scope of the service

share of the Internet user



30.2 Kb/s

the share of the Internet user is 30.2 Kb/s of the total international capacity (174 GB) according to the Sana'a Ministry of Communications Index for 2021.

mobile Internet



9,970,269 subscribers

the ratio of mobile Internet subscribers to the population reached 30.08% with a total of 9,970,269 subscribers

fixed Internet



402,935 subscribers

The ratio of fixed Internet subscriptions to the population was 1.21%, with a total of 402,935 subscribers,

YemenNet, Yemen's main service provider, has failed to provide internet access to many areas of the country, specifically villages and suburbs, and as a result, in the past few years, many small private endeavors have emerged to provide Internet from YemenNet to different regions. These projects provide the Internet to consumers by subscribing to YemenNet services and then transferring the Internet from cables via wireless transmitters to areas not covered by the network, covering 80% of the areas, the President of the National Syndicate of Networks, Engineer Ahmed Al-Olaimi told SMEX on October 27, 2020.

Commenting on the report of the Communications Committee of the House of Representatives on the responses of the government side to the complaint of the Syndicate of Networks (December 21, 2020), MP Ahmed Saif Hashid pointed out that the achievements of the Public Telecommunications Corporation since its inception until now have not solved the problem of the growing demand for telephone and Internet lines and have not improved their quality, which led to the sale of the remaining unused lines in most of the PABX illegally and at unofficial imaginary prices. He added that the Foundation was not able to deliver the service to all citizens, as the number of Internet points represents 1% of the population, so the emergence and spread of wireless networks in all regions and governorates was the result of the inability of the Foundation to deliver its services to all citizens.

In an article published on Facebook (December 8, 2019), digital rights activist Fahmy al-bahith stated that several cities and regions across the country have not been serviced, including small cities where only voice PABX is available, for no apparent reasons other than the lack of any policies from the Ministry of Communications to provide service to all regions. The reseal-bahith pointed out that the current absence of the service has several forms: either because the service does not exist at all, or the service exists but the capacity of subscribers is very small and does not meet the increasing subscription requests.

Confiscation of “commercial” Internet broadcasting networks

In December 2019, Houthi authorities carried out a campaign to remove and confiscate a number of Internet transmitters belonging to commercial Wi-Fi networks, in a number of regions of the country, in a measure that violates and restricts the «right to access the Internet.»

For example, the Houthi group confiscated local Internet network broadcasting devices in the streets of the center of Ibb governorate and the district of Jabla, without making a proceeding for those devices, in an operation that was carried out randomly and without any controls to inventory the property of citizens, according to Yemen Shabab Net, December 25, 2019. On January 16, 2019, the group shut down public Wi-Fi networks in Abs and Aslam districts in Hajjah governorate, and confiscated network transmitters and receivers, under the pretext of fighting corruption. The move was preceded by similar steps by the Houthis in the districts of Qafl Shammar and Ka'idna in the north of the province, local residents told Al-Mushahid.

In addition, Houthi-affiliated elements (on October 19, 2020) confiscated Wi-Fi devices in villages southwest of Mikhlaf al-Oud, in the Qaatba district of al-Dhalea governorate. According to Aden Al-Ghad newspaper. Prior to that, in February 2020, WiFi networks and devices used to rebroadcast the Internet were confiscated in areas of Yemen's Aflah district in Hajjah governorate, and all network owners in most areas were told to turn off their networks or else they would be confiscated, according to the Networks Syndicate.

This restriction has prompted many internet cafes and private networks to close stores due to the high cost and low consumer demand. As a result, many have lost access to subscribe to the network, especially in remote areas that are not covered by YemenNet's services. «SMEX» - October 2022.

The National Syndicate of Networks considered in a statement (published on December 14, 2019) that the confiscation of the property and equipment of a number of owners of wireless networks in different regions was carried out in violation of the laws in force and away from the concerned state agencies and without any judicial orders or rulings.

Public Telecommunications Corporation PTC considered that the resale of the service by wireless networks is illegal, outside the framework of service policies and contrary to them, adding that the packages are used illegally by network owners, although they are mainly directed to the business sector and commercial companies and for their own purposes.

For its part, the Sana'a Ministry of Communications stressed that it is continuing to eliminate what it called the manifestations of imbalances witnessed by the telecommunications and Internet services sector in recent years, which have caused the weakening and distortion of services and harm to the interests of users and exploit them in an extortionate manner, as a result of the resale of some of the services of the Public Telecommunications Corporation in violation of the provisions of the law, and the expansion of the circle of random spread of jamming devices, messaging equipment and microwave connections in violation of the laws of communications in force, as well as not subject to the approved technical standards, according to a statement issued About the Ministry on December 12, 2019.

The Secretary General of the National Syndicate of Networks, Engineer Ali Al-Badawi, said in an interview with « Al-Araby Al-Jadeed « that the provision of a national Internet network, will limit the use of these devices by network owners, and wireless network services will disappear automatically, indicating that the existence of wireless networks was due to the failure of the Public Telecommunications Corporation to provide service to citizens as a whole. Mohamed Salah Abu Naif, Director of Information at the Ministry of Communications and Information Technology, explained that «the Telecommunications Corporation has developed many options to meet the growing demand for the service, to provide it and make it available to its applicants and deliver it to users with appropriate quality and time, including rural areas.»

Raising prices

In December 2019, YemenNet imposed a new price policy, for Internet packages, and the prices of subscription to the service were raised by 130% compared to what was previously the case, and in protest against this decision, activists and journalists launched a campaign on Twitter, under the hashtag #يمن_نت_ضد_المواطن, #YemenNet_Against_Citizen, during which they criticized the Internet provider, against the background of its new policies.

In addition to the high fixed price of the Internet, «Subscribing to mobile Internet services in Yemen provided by telecommunications companies is very expensive, the prices of these packages are 400% higher than those offered by YemenNet, without any difference in the quality of the Internet. SMEX - October 27, 2020.

Professor of Communications and Information Technology Engineering at Sana'a University, Dr. Ibrahim Al-Kabsi criticized in a Facebook post, (dated May 19, 2022), the high cost of Internet service and the control of the monopoly mentality over the offers offered, in light of the difficult economic conditions experienced by the Yemeni citizen, and considered that it is not permissible to compare the gigabyte prices in Yemen with other countries of the world, because the income level of the Yemeni citizen is the lowest in the world, while the price of the riyal is very weak compared to the dollar.

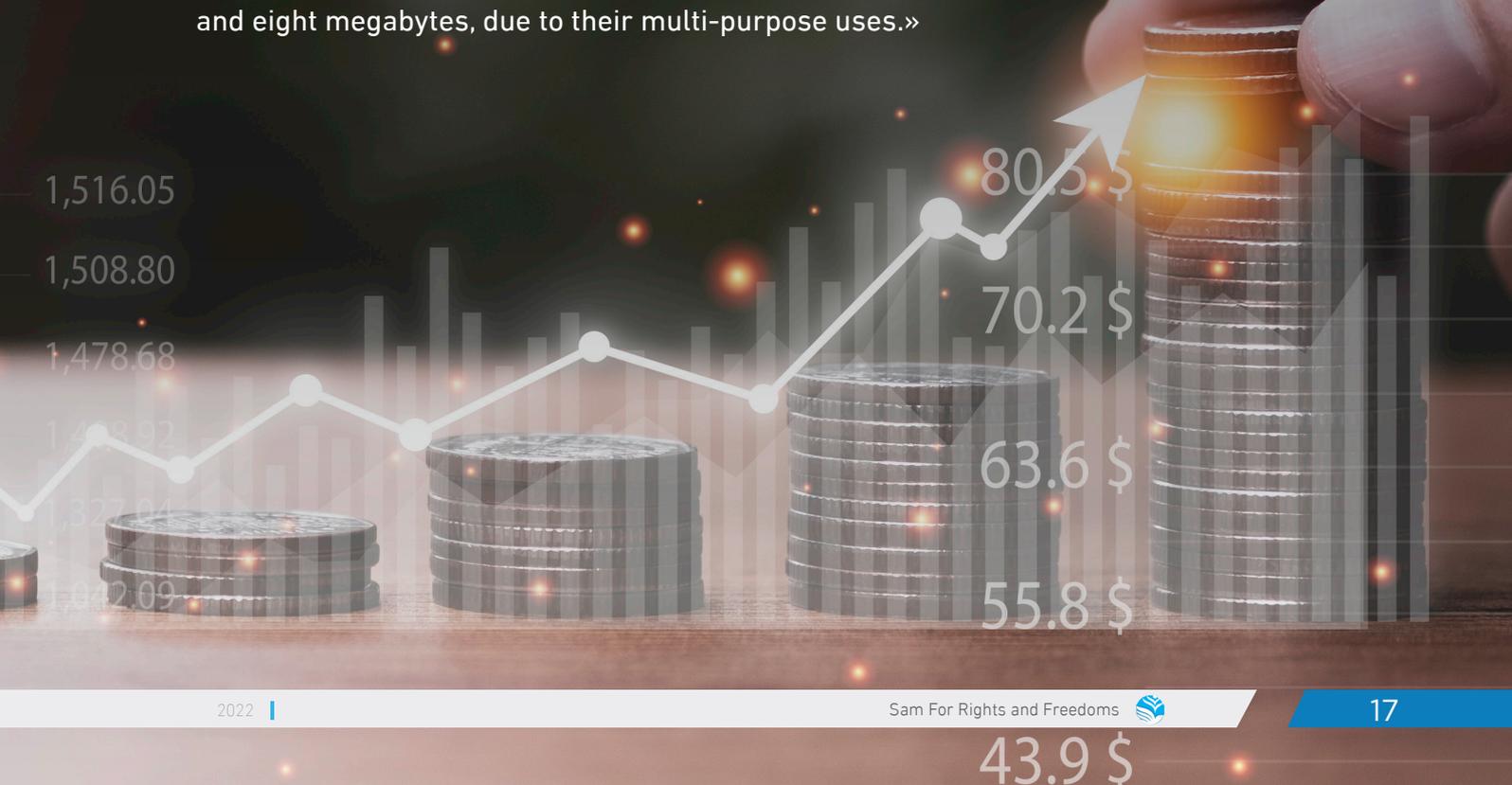
Speaking to Al-Araby Al-Jadeed on December 2019, YouTuber Munir al-Omari said: «The majority of his followers are Yemenis, but the surveys provided by YouTube indicate that the highest percentage of views from other countries, while the least of them is from Yemen, where Yemenis are content to click on the video and do not continue to watch it because the weakness of the Internet and its increase in cost do not allow them to watch,» according to his words.

The de facto decisions in Sana'a to limit bandwidth capacity and raise tariffs have caused protest within civil society and small businesses, and Internet café owners and

activists have argued that such unilateral decisions may generate more revenue for the government but will hurt in the long run, as they hinder innovation, entrepreneurship, economic development and limit freedom of expression. According to a 2017 report issued by GIS WAtch, an organization specialized in monitoring the global information society.

In response to the inquiries of the Communications Committee of the Parliament, the Public Telecommunications Corporation pointed out that the restructuring of the prices of Internet packages comes within the framework of the replanning and organization of packages to suit the end user, in addition to achieving a balance between the consumption movement of the category and its revenues, and the institution stated that 75% of subscribers were not affected by the new pricing, while 5% of subscribers had a decrease in prices, and that 12% did not exceed the percentage of increase ten riyals per gigabyte, and 9% of subscribers had a rise in prices at the rate of 32 riyals per gigabyte. Report of the House Communications Committee - December 21, 2020.

The director of media at the Ministry of Communications, Mohammed Abu Naif, pointed out in an interview with « Al-Araby Al-Jadeed » that «what happened in the restructuring and distribution of the new supernet packages included a reduction for users of services directly, while the slight percentage of the lift was limited to the categories four and eight megabytes, due to their multi-purpose uses.»



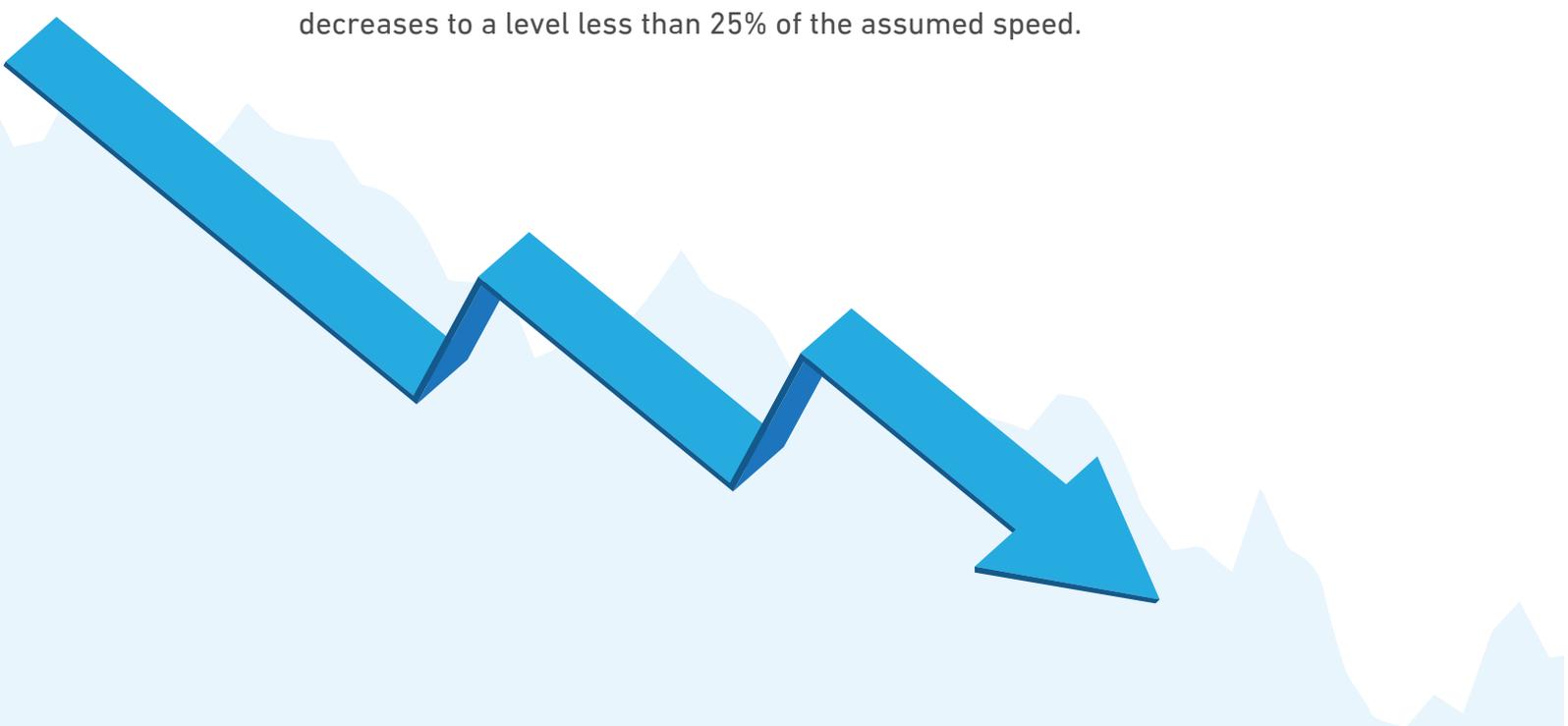
Deliberately reduce speed

Yemen has an international capacity of 174 GB, which is a very small percentage, compared to other countries, which exacerbates the suffering of Internet users in the country, and makes their access to the network fraught with problems, and according to cable (specialized in comparing the speed of the Internet band) Yemen ranked 223rd out of 224 in the quality of the Internet and with an average speed of 0.68 MB.

In a March 2022 report by The Washington Institute, researcher Justin Alexander noted that telecommunications in Yemen rank lowest in global rankings, meaning low bandwidth and high latency, as well as the cost of a network connection being one of the highest in the world.

Yemen's poor telecommunications service is largely due to the failures of successive governments, and the war has worsened the situation since 2015. In addition to direct damage to infrastructure, it has hampered private investment in the sector, according to the previous report.

By measuring the speed of the Internet via Speed Test, it is clear that there is a significant difference between the line speed specified by YemenNet and the actual speed shown by the test indicator, and at peak times the speed decreases to a level less than 25% of the assumed speed.



In an article published on Facebook (dated July 26, 2021), Dr. Ibrahim Al-Kabsi pointed out that the Internet speeds via the ADSL service are much lower than the speeds mentioned, explained and recognized in the global engineering standards, due to the wear and tear of the terrestrial network, the high values of jamming in it, the poor specifications of the terrestrial supply, in addition to the distance between the subscriber and the PABX, and the use of old cables limited bandwidth, no longer used by most international telecommunications companies.

Despite the low quality of the Internet in Yemen to this extent, the Houthis «deliberately reduced the Internet speed in Yemen, which was confirmed by Walid Al-Saqqaf, one of the founders of the Yemeni Internet Society, by saying that YemenNet does this frequently and that this practice continued during the period of Internet shutdown, in December 2017, but of course, the deliberate reduction of Internet speed prevents users from downloading VPNs from applications such as Google Play, which is critical. Especially since YemenNet has also blocked a lot of VPN software download pages. Report by SMEX dated December 2017

Confiscation of Subscriber Points and Balances

SAM received complaints from some fixed Internet users (who preferred not to be named) about the service outage and the sudden breakdown of their points, subscribers indicated that they received promises to fix the bug after following up with the concerned authorities, but nothing happened, pointing out that PABX officials invoke either the lack of engineers or that the problem lies in the wires and «modems» of subscribers, and therefore the validity period of their points expires, and they are resold on the black market, to another subscriber.

YemenNet had announced in March 2021 the amendment of the validity period for the ADSL supernet service to 60 days, from 90 days, and the company noted that in the event of non-payment of subscription fees during the validity period, the point will be forfeited and the subscriber is not entitled to claim the return of the point after the expiry of the validity period and will be made available for sale to another subscriber.

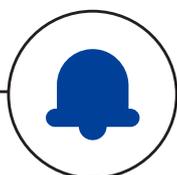
Fixed Internet subscribers accused «YemenNet» (via social media platforms) of practicing fraud, by reducing the capacity of packages by almost 20%, compared to the size of the supposed packages, despite paying the value of the package with tax, as specified by the company, for example: a subscriber in the 100 GB package, obtained 76 GB, another received 107 GB out of 150 GB, another subscriber received 148 GB out of 200 GB, and another 117 out of 150 GB. However, activists explained that reducing the size of the packages in this way, comes due to the

failure to pay the value of the package in full, pointing out that the «non-payment» of a small part (even 20 riyals) of the value of the package, causes the reduction of the size of the package to about 80% of its original size.

In a survey conducted by the National Syndicate of Networks, via its Facebook page, in April 2020, (in which 512 people participated), 93% of voters reported a significant difference in the payment of Internet bills compared to previous months, in addition to paying Internet bills more than once per month, and losing balance significantly.

For its part, YemenNet attributes the problem of running out of balance to automatic hardware updates to systems and programs, watching and downloading video continuously, in addition to downloading files of large size, and the presence of a large number of users on the same line.

Bashir al-Dhari, a researcher in communication and media sciences, called for activating popular control over the Internet provider in Yemen, and the need for everyone to unite to make a change in the service, because the Internet is not entertainment as some officials see it, but it is the most important element of education today, which is the window of opportunity, and it is not an exaggeration to say that the future of the people of Yemen is linked to the Internet service, and the way they employ this service to access the world,» according to a statement he made to Al-Mushahid on December 10, 2019.



Disclaimer:

We, the Digital Rights Team at SAM, wrote to the Ministry of Communications, the Telecommunications Public Corporation, and YemenNet for comment, but we had not received any response, as of the time the report was issued.



Recommendations:

1. The need to enact new laws and regulations that will regulate the telecommunications sector and work to address the regulatory and operational imbalances suffered by the sector.
2. Liberalization of telecommunications, and making room for the private sector to provide Internet service, with competitive quality and prices.
3. Expanding the scope of Internet service and working to develop the infrastructure of the telecommunications sector in general, in line with the growing demand for the service.
4. The Internet service provider in Yemen should review the prices of the service and approve a new price commensurate with the capabilities of citizens.
5. Take measures and actions that take into account the interest of Internet users and enable them to access the service smoothly.
6. We renew our call on the concerned authorities to immediately unblock news websites and stop practices that affect media freedoms in the country.
7. Parties to the conflict in Yemen should neutralize the telecommunications sector from military and political conflicts, and avoid using it as a pressure and bargaining chip.



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