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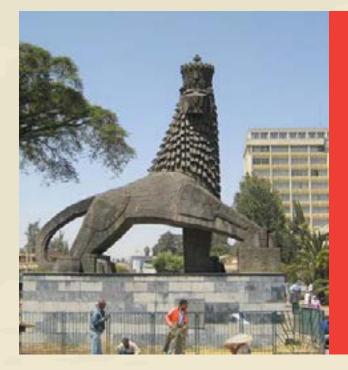**Country Report:**
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Ethiopia

EXECUTIVE SUMMARY

This report examines the digital rights landscape in Ethiopia, focusing on the developments in 2023, including challenges and milestones. The thematic areas covered include internet access and disruptions, freedom of expression, and the state of telecommunication services. There was a continuation of internet shutdowns and restrictions on online freedom, notably in the Amhara region and a five-month nationwide social media blackout. Despite a low internet penetration rate of 16.7%, there were positive developments, such as the launch of a 5G network in Addis Ababa by Ethiotelecom. The report recommends, among others, a commitment to digital rights, freedom of expression, and the cessation of internet shutdowns and online restrictions.

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Introduction

The Ethiopian digital rights landscape has experienced successes and challenges over the past few years. Amidst conflicts and crackdowns on journalists and online platforms, 2023 has been particularly challenging for digital rights. Internet shutdowns and restrictions on online freedom have become familiar practices by the authorities. Prime Minister Abiy, once hailed as a champion of peace and reform, remarked that the 'Internet is neither water nor air' following a weeks-long complete nationwide internet shutdown in 2019. The internet shutdown in the Amhara region and the five-month social media restriction highlight a lack of government commitment to respecting internet freedoms.[203]

Freedom of expression has been restricted following the state of emergency that was imposed in Amhara Regions on August 4, 2023, by the Minister of the Council.[204] Online journalists who were reporting on the conflict in the Amhara regions have been subjected to arbitrary arrests and pre-trial detentions.[205] In accordance with principle 20 of the Declaration of Principles on Freedom of Expression and Access to Information in Africa, states are obligated to ensure the safety of journalists and media professionals.[206] However, the current situation presents a clear violation of this principle. The arrest of journalists, particularly those reporting on sensitive issues, has led to a climate of fear resulting in self-censorship, thereby impacting the freedom of expression. This restriction has further intensified online polarisation and the spread of disinformation. While it curtails the expression of domestic opinions, it paradoxically enables the proliferation of hate speech and polarized views from the diaspora.[207] Consequently, the quality of online discourse has been severely compromised, rendering it unhealthy.

The internet penetration in Ethiopia stands at 16.7%. Lower than compared to neighbouring countries. As of February 2023, the number of internet users in Ethiopia was 20.86 million.[208] Ethiopia has set a goal to make 70% of its citizens digitally literate by the end of 2025.[209] As an encouraging step to advance quality telecom service, state-owned telecommunications provider Ethiotelecom has launched a 5g network in 145 sites in the capital Addis Ababa.[210]

203   Ethiopia will cut internet as and when, 'it's neither water nor air' – PM Abiy (Africa News, June 12, 2029) https://www.africanews.com/2019/08/02/ethiopia-will-cut-internet-as-and-when-it-s-neither-water-nor-air-pm-abiy//
204   Ethiopia Declares a state of emergency in Amhara Region amid increasing violence (The Guardian, August 04, 2023) <https://www.theguardian.com/global-development/2023/aug/04/ethiopia-declares-a-state-of-emergency-in-amhara-amid-increasing-violence#:~:text=Ethiopia%20declares%20a%20state%20of%20emergency%20in%20Amhara%20amid%20increasing%20violence,-This%20article%20is&text=Ethiopia's%20council%20of%20ministers%20has,ethnic%20militia%20and%20the%20army.>
205   Three more journalists arrested under Ethiopia's state of emergency (CPJ, September 06, 2023) https://cpj.org/2023/09/three-more-journalists-arrested-under-ethiopias-state-of-emergency/
206   ACHPR - Declaration of Principles on Freedom of Expression and Access to Information - Principle 20
207   Elias Meseret "Diaspora Dilemma: Shadows of Disinformation Among Ethiopia's Diaspora" (Addis Standard, November 11, 2023) https://addisstandard.com/diaspora-dilemma-shadows-of-disinformation-among-ethiopian-diaspora/
208   Digital 2023: Ethiopia (Data Portal February 13 2023) https://datareportal.com/reports/digital-2023-ethiopia
209   UNCDF and Ministry of Innovation and Technology Convene Key Stakeholders to Deliberate on an Upcoming Nationwide Survey (UNCDF, March 26, 2023) https://www.uncdf.org/article/8195/digital-and-financial-literacy-in-ethiopia-uncdf-and-ministry-of-innovation-and-technology-convene-key-stakeholders-to-deliberate-on-an-upcoming-nationwide-survey
210   Ethio Telecom Officially launches its Commercial 5G Service (Ethio Telecom September 09 2023) https://www.ethiotelecom.et/ethio-telecom-officially-launches-its-commercial-5g-service/

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▶ Country Analysis

Internet access and disruptions

Under Prime Minister Abiy's leadership, Ethiopia has struggled with persistent political instability for years. This volatility has been closely intertwined with restrictions on internet access and online platforms, raising concerns about censorship and the violation of digital rights.[211] The Ethiopian government rarely justifies its network disruptions using legal justifications although these justifications are often vague and seldom invoked. The most common reasons include national security legislation and states of emergency.[212] However, the government often fails to justify their actions in a particular case, and the legal basis for these disruptions is often contested as there is no specific law to restrict communication outlets in the country.[213]

Despite criticism from human rights groups and the international community, including the former United Nations Special Rapporteur on Freedom of Opinion and Expression in 2020, Ethiopian officials believe that internet shutdowns can curb violence and maintain national security.[214] This rationale was prominently used to justify nationwide blackouts, such as the one following the high-profile assassinations of government officials in June 2019.[215] Prime Minister Abiy Ahmed defended these measures, saying the 'internet is neither water nor air' and that they would shut down the internet if necessary.[216] Although the Internet is not a physical necessity like water or air, it has become a vital platform for exercising the rights to freedom of expression, access to information and other human rights. Prime Minister Abiy's assertion that the 'Internet is neither water nor air' and that they would shut it down if necessary seems to downplay the significance of internet access as a fundamental human right, as emphasised in the 2019 ACHPR[217] Declaration and the UN 2016 Resolution on the promotion, protection and enjoyment of human rights on the Internet.[218]

Throughout 2023, Ethiopia experienced renewed political violence. Despite the November 2022 Pretoria Peace Agreement ostensibly ending the Tigray War, a fresh conflict ignited in the Amhara region, prompting a state of emergency.[219] In response, authorities imposed a complete internet shutdown on August 3, 2023. Over 22 million people in the Amhara region were disconnected from

211   #KeeoItOn in Conflict: the human impact of internet shutdown in Amhara Region, Ethiopia (AccessNow, 22 November 2023) https://www.accessnow.org/keepiton-in-conflict-the-human-impact-of-internet-shutdowns-in-am-hara-region-ethiopia/#:~:text=The%20same%20report%20also%20highlights,abuses%20to%20be%20covered%20up.
212   Ethiopia: Authorities must grant independent investigators, media unfettered access to the Amhara region to probe violations under state of emergency. (Amnesty International, August 18, 2023) https://www.amnesty.org/en/latest/news/2023/08/ethiopia-authorities-must-grant-independent-investigators-media-unfettered-access-to-amhara-region-to-probe-violations-un-der-state-of-emergency/
213   Kinfe Micheal Yilma, PhD "Network Disruptions and the Law in Ethiopia: A Legal Guide" (Internews, August/September 2021) https://internews.org/wp-content/uploads/2022/08/Network-Disruptions-and-the-Law-in-Ethiopia.pdf
214   Ethiopia enters 3rd week of internet shutdown after deadly unrest (CBC, July 15, 2020) https://www.cbc.ca/news/world/ethiopia-internet-shutdown-unrest-1.5649893
215   In June 2019, three Amhara regional leaders in Bahir Dar City, the capital of the Amhara Region, and the Ethiopian Army Chief in Addis Ababa were assassinated. Following the assassinations, all internet communication was restricted for two weeks.
216   Kinfe Yilma 'The Legal Justification of Sorts for Ethiopia's Internet Shutdown' (Addis Fortune, July 18, 2020) https://addisfor-tune.news/the-legal-justification-of-sorts-for-ethiopias-internet-shutdowns/
217   Declaration of Principles on Freedom of Expression 2019 (April 17, 2020) https://achpr.au.int/en/special-mechanisms-reports/declaration-principles-freedom-expression-2019
218   The promotion, protection and enjoyment of human rights on the Internet (July 2016) https://www.right-docs.org/doc/a-hrc-res-32-13/
219   Dawit Endeshaw 'Ethiopia declares six month state of emergency in Amhara after clashes' (Reuters, August 4, 2023) https://www.reuters.com/world/africa/ethiopia-declares-state-emergency-following-militia-clashes-2023-08-04/

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communication and vital information.[220] This ongoing blackout has hindered information flow, right to communication, freedom of expression and other rights that are dependent on access to the internet. The blackout also fueled worries about human rights abuses in the region, as most human rights violations during conflict times go unreported and block access to life saving information from the rest of the world.

Beyond conflict-related shutdowns, social media restrictions have become increasingly common. These restrictions are notably implemented to prevent the leakage of exam papers and to control public demonstrations. For instance, in June 2023, authorities blocked messaging applications to prevent exam leakage.[221] Furthermore, a significant five-month blockade was imposed on major social media outlets, including Facebook, YouTube, Instagram, and Telegram, in early 2023. This blockade was reportedly in response to the Ethiopian Orthodox Tewahedo Church using these platforms to organise protests against the government.[222] An open letter by a network of global human rights organisations condemned these actions as blatant censorship and a violation of citizens' rights.[223] The censorship prevented online users from accessing media outlets and limited their information access to a single narrative churned by state-owned media outlets. Ethiopia's online users with knowledge of censorship resorted to alternative methods to bypass the blockade using a Virtual Private Network (VPN). The surge in VPN usage reached 3,651% following the social media outlets' blockade in 2023.[224]

The compromised digital rights landscape, as a result of internet shutdowns, has a significant impact on the functioning of the economy. Internet shutdowns can block foreign direct investment, hinder the operation of digital businesses, remittance transfers, and the smooth functioning of tech startups and small businesses that are reliant on online platforms.[225] An estimate by Internet Society's NetLoss calculator indicates that Ethiopia lost roughly US$144 million for blocking social media outlets between February and June 2023.[226]

Online Freedom of Expression

The Constitution of the Federal Democratic Republic of Ethiopia guarantees free speech and media freedom, similar to article 9 of the African Charter on Human and Peoples' Rights (African Charter)[227] and article 19 of the International Covenant on Civil and Political Rights (ICCPR).[228] This includes the freedom to seek, receive, and share information through any medium, including

220   Authorities in Ethiopia must restore internet access in Amhara (AccesNow September 12, 2023) https://www.accessnow.org/press-release/amhara-internet-shutdown/#:~:text=This%20is%20the%20second%20time,to%20disband%20regional%20security%20forces.
221   Social media shutdown in Ethiopia for exams (CGTN Africa, June 15, 2023) https://africa.cgtn.com/social-media-shut-down-in-ethiopia-for-exams/
222   Ethiopia: Social Media accessible again after 5 months of blockage (Africanews July 19, 2023) https://www.africanews.com/2023/07/19/ethiopiasocial-media-accessible-again-after-5-months-of-blockage/
223   Open letter to the Ethiopian Government: urgently end ongoing internet shutdown in all regions across the country (Accessnow, April 26, 2023) https://www.accessnow.org/press-release/open-letter-to-the-ethiopian-government/
224   Rob Binns"VPN Global Demand: Why these countries searched for VPNs most in 2023" (January 19, 2024) https://www.techopedia.com/vpn/countries-most-searched-vpns-in-2023
225   Yohannes Eneyew Ayalew "BUSINESS TRAMPLED Demystifying the Impact of Internet Shutdown on Start-up Businesses in Ethiopia" (CARD August 2022) https://www.cardeth.org/wp-content/uploads/2022/10/Business-Trampled-Demystifying-the-Impact-of-Internet-Shutdown-on-Start-up-Businesses-in-Ethiopia.pdf
226   Metasebia Teshome 'Ethiopia's internet shutdown proves to be detrimental' (Capital Ethiopia, July 03, 2023) https://www.capitalethiopia.com/2023/07/03/ethiopias-internet-shutdown-proves-to-be-detrimental/#:~:text=Ethiopia%20loses%20144.8%20million%20dollars,internet%20shutdowns%20around%20the%20world.
227   African Charter On Human And Peoples' Rights: Article 9
https://www.african-court.org/wpafc/wp-content/uploads/2020/04/AFRICAN-BANJUL-CHARTER-ON-HUMAN-AND-PEOPLES-RIGHTS.pdf
228   UN General Assembly, International Covenant on Civil and Political Rights, December 16, 1966, United Nations Treaty Series (UNTS), vol. 999, p. 171, article 19.

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the Internet. There are specific laws that govern mass media, broadcasting services, hate speech, disinformation, and social media regulation. Previously, media outlets in Ethiopia were regulated by the Freedom of the Mass Media and Access to Information Proclamation. This law was updated in 2021 with the introduction of the Media Proclamation.[229]

The new media law in Ethiopia, while aiming to regulate the evolving media landscape, faces several critical challenges. The main challenge is the government's own breaches of the law, particularly regarding pre-trial detention.[230] This lack of adherence to its own legal framework undermines the law's effectiveness and raises questions about its commitment to media freedom.[231] Online media registration in Ethiopia is regulated by a directive from the Ethiopian Media Authority, requiring individuals or businesses disseminating information online to register with the Authority. This includes those using online platforms for commercial purposes. The directive grants legal status to outlets that fulfil the Authority's requirements, such as adhering to laws against hate speech, curating content, and protecting user data.[232]

The civil war that erupted in November 2020 continues to have a chilling effect on freedom of expression. Nine journalists covering the war were forcefully abducted or detained.[233][234] A foreign correspondent's license was revoked for covering the Civil War.[235] In 2022, a press conference planned by a group of civil society organisations to call for peace was banned by the authorities.[236] In December 2023, an opposition group called for a demonstration to demand peace and oppose the ongoing conflict in the Amhara region. This demonstration was banned by the police, resulting in the arrest of the organisers.[237] The situation reflects the broader context of restricted civic space in Ethiopia.

The ongoing conflict in the Amhara region and the tension between the government and the Ethiopian Tewahido Orthodox Church has enabled the government to target journalists and activists.[238] The State of Emergency that was declared in the Amhara region in August has been used to stifle the right to free expression. The Committee to Protect Journalists (CPJ) records show that three journalists were detained under a state of emergency law in August 2023 and later released.[239] In October 2023, three journalists were detained and sent to a military camp without any trial.[240] These arrests and detentions are an indication that Ethiopian authorities are not committed to protecting the media space in line with international human rights law and standards. Despite the media legislation

229   Media Proclamation No.1238/2021, 27th Year No.22, Federal Negarit Gazette, April 5, 2021 Addis Ababa.
230   Zelalam Shiferaw Woldemichael "Unlawful detention of journalists in Ethiopia continues despite amended laws" (Ethiopia Insight December 11, 2022) https://www.ethiopia-insight.com/2022/12/11/restrictions-on-journalists-in-ethiopia-continue-despite-amended-laws/
231   Misganaw Mulugeta Assefa "NEW MEDIA LEGISLATIONS AND THEIR IMPLEMENTATIONS IN ETHIOPIA: A REVIEW" (CARD, April 2023) https://www.cardeth.org/sites/default/files/New%20Media%20Legislations%20and%20their%20Implementations%20in%20Ethiopia.pdf
232   (Addis Fortune May 29, 2021) https://addisfortune.news/new-directive-to-govern-online-media-outlets/
233   Tigray war places Ethiopia among top jailers of journalists (Nation, December 09, 2021) https://nation.africa/kenya/news/africa/ethiopia-now-among-africa-top-jailers-of-journalists-3647366
234   Fred Harter 'Ethiopia Gets tough on journalists since Tigray conflict' (VOA, August 02, 2022) https://www.voanews.com/a/ethiopia-gets-tough-on-journalists-since-tigray-conflict-/6683980.html
235   Ethiopia Expeles NewYork Tines Reporter Who Covered Tigray War (VOA, May 22, 2021) https://www.voanews.com/a/ethiopia-tigray_ethiopia-expels-new-york-times-reporter-who-covered-tigray-war/6206113.html
236   Biruk Alemu "News: Despite ban on meeting press, local CSOs call for immediate peace in Ethiopia, basic services provision in Tigray, other conflict hit areas" (Addis Standard, September 7, 2022) https://addisstandard.com/news-despite-ban-on-meeting-press-local-csos-call-for-immediate-peace-in-ethiopia-basic-services-provision-in-tigray-other-conflict-hit-areas/
237   Ethiopia: Political group plan to protest in Addis Ababa (Crisis24, December 08, 2023) https://crisis24.garda.com/alerts/2023/12/ethiopia-political-group-plan-to-protest-in-addis-ababa-dec-10
238   Security forces detain two journalists amidst crackdown following ongoing orthodox church schism, ensuing unrest (Addis Standard, February 15, 2023) https://addisstandard.com/news-security-forces-detain-two-journalists-amidst-crackdown-following-ongoing-orthodox-church-schism-ensuing-unrest/
239   Three more journalists arrested under Ethiopia's state of emergency (CPJ, September 06, 2023) https://cpj.org/2023/09/three-more-journalists-arrested-under-ethiopias-state-of-emergency/
240   Three journalist detained in Ethiopia, transferred to military camp (CPJ, October 05, 2023) https://cpj.org/2023/10/three-journalists-detained-in-ethiopia-transferred-to-military-camp/

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prohibiting pre-trial detention, media houses and journalists are constantly attacked, face arbitrary arrests and harassed.[241] This harsh treatment contributes to shrinking the very space that the Mass Media Proclamation is supposed to expand and creates a climate of fear and repression.

In March 2020, Ethiopia enacted the Hate Speech and Disinformation Prevention and Suppression Proclamation, sparking both hopes for a safer online space and concerns about its potential to stifle free expression.[242] While the government claims the law is essential to combat harmful content that could destabilise the country, critics point to its vague definitions and broad reach as threats to fundamental rights. The law prohibits the dissemination of hate speech and disinformation across various media, including social media, print, and broadcasting.[243] Concerns about the law's potential for misuse are amplified by the government's history of restricting press freedom and human rights. The law's stringent penalties, including imprisonment and fines:

a. Any person who commits acts proscribed under Article 4 shall be punished with simple imprisonment not exceeding two years or a fine not exceeding 100,000 birr.

b. If an attack against a person or a group has been committed as a result of a hate speech, the punishment shall be simple imprisonment not exceeding from one year up to five years.

c. Any person who commits acts proscribed under Article 5 shall be punished with simple imprisonment not exceeding one year or a fine not exceeding 50,000 birr.

d. If the offense of hate speech or disinformation offense has been committed through a social media account having more than 5,000 followers or through a broadcast service or print media, the person responsible for the act shall be punished with simple imprisonment not exceeding three years or a fine not exceeding 100,000 birr.

e. If violence or public disturbance occurs due to the dissemination of disinformation, the punishment shall be rigorous imprisonment from two years up to five years. g) If no violence or public disturbance has resulted due to the commission of the offense of hate speech or disinformation and if a court of law is convinced that the correction of the convict will be better served through alternatives othe\r than fine or imprisonment, the court could sentence the convict to render mandatory community service.[244]

In March 2021, Journalist Yayisew Shimelis is believed to be the first person to be targeted by this law. Yayisew was arrested based on the story that he covered. In the report, Yayisew claimed that the government allegedly expected a high number of fatalities from the virus and had prepared burial plots for up to 200,000 potential victims.[245] In April 2020 Yayisew was released on bail[246] Later, in May 2022, he was sentenced to three months of mandatory community work.[247]

Vague definitions of "hate speech" and "disinformation" create a chilling effect on free expression, hindering open dialogue and investigative journalism. The lack of clarity forces citizens and journalists to self-censor for fear of prosecution, potentially silencing crucial dissent and critical

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241   Ethiopia among the worst jailer of journalists – Rights group (Africa News, August 02, 2022)https://www.africanews.com/2022/08/02/ethiopia-among-worst-jailers-of-journalists-rights-group/
242   Berhan Taye "Ethiopia's hate speech and disinformation law: the pros, the cons, and a mystery" (Accessnow May 19, 2020) https://www.accessnow.org/ethiopias-hate-speech-and-disinformation-law-the-pros-the-cons-and-a-mystery/
243   Hate Speech and Disinformation Prevention and Suppression Proclamation No. 1185 /2020,
244   Hate Speech and Disinformation Prevention and Suppression Proclamation No. 1185 /2020, Article 7
245   Journalist Yayisew Shimelis was detained and charged under the Anti-Hate Speech and Disinformation Proclamation after making a report during the COVID-19 pandemic. In the report, Yayisew claimed that the government allegedly expected a high number of fatalities from the virus and had prepared burial plots for up to 200,000 potential victims.
246   Mahlet Fasil "News update: Prosecutors charge journalist Yayesew with newly enacted hate speech law" (Addis Standard, April 21, 2020) https://addisstandard.com/news-update-prosecutors-charge-journalist-yayesew-with-newly-enacted-hate-speech-law/
247   Journalists Yayesew Shimelis and Temesgen Desalegn detained in Ethiopia (CPJ, May 27, 2022) https://cpj.org/2022/05/journalists-yayesew-shimelis-and-temesgen-desalegn-detained-in-ethiopia/

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voices.[248] Additionally, the government's record on press freedom and human rights fuels anxieties about the potential misuse of the law as a tool for suppression, with its broad powers and harsh penalties for online speech.[249]

In the past few years, there has been a significant increase in hate speech and incitement to violence on social media platforms. This surge was particularly noticeable during the Tigray conflict, where misinformation and hate speech were rampant.[250] Consequently, the unrestricted flow of information began to infringe on the realm of free speech. While social media has provided a space for individuals to obtain information and voice their opinions, it has simultaneously evolved into a hotbed for user-instigated violence.

In December 2022, Meta was sued by a group of lawyers in Kenya's High Court. The lawsuit alleged that Meta's algorithm promoted speech that incited ethnic violence in Ethiopia. The case is being brought by individuals who have been directly affected by the hate speech and violence incited on Facebook, including Fisseha Tekle, a legal adviser at Amnesty International, and Abrham Meareg, the son of a university professor who was killed following hateful posts on Facebook.[251] The protection of minority groups on social media platforms has been a subject of criticism by various rights groups. This criticism has been particularly pronounced in the context of the LGBTI+ community, which has been targeted by online hate campaigns and calls for violence.[252] These cases highlighted the potential misuse of social media platforms and raised questions about the responsibility of tech companies in moderating the content shared on their platforms.

Gendered Disinformation

Ethiopia's digital landscape is no stranger to chaos. Gendered disinformation is a way of using false narratives about gender and sex, and aims to silence women from public discourse. This silencing often involves harmful stereotypes, hyper-sexualisation, and political targeting. While data on this is limited in Ethiopia, the increasing internet usage exposes women to such campaigns, deterring their online participation and access to information, even causing real world harm.[253] Ethiopia's social media, despite potential for connection and information sharing, fosters a toxic public discourse through hate speech, disinformation, and online gender based violence. This fuels societal divisions and unrest, while platforms like Facebook face criticism for slow content moderation.[254]

Specifically, Ethiopian women suffer online harassment and non consensual sharing of intimate images as silencing tactics. While the 2020 Anti-Hate Speech and Disinformation Law includes gender, along with ethnicity, race, religion, and disability as protected characteristics, it lacks

248   Analysis of Ethiopia's Hate Speech and Disinformation Prevention and Suppression Proclamation No.11 85 /2020 (CIPESA, July, 2020) https://cipesa.org/wp-content/files/briefs/Analysis-of-Ethiopias-Hate-Speech-Proclamation_July-2020.pdf
249   Ethiopia: Hate speech and disinformation law must not be used to suppress the criticism of the Government (Article 19, January 19, 2021) https://www.article19.org/resources/ethiopia-hate-speech-and-disinformation-law-must-not-be-used-to-supress-the-criticism-of-the-government/
250   Peter Mwai "Ethiopia's Tigray Conflict: What are Facebook and Twitter doing about hate speech?" (BBC, November 23, 2021) https://www.bbc.com/news/59251942
251   Kenya: Meta sued for 1.6 billion USD for fueling Ethiopia ethnic violence (Amnesty, December 14, 2022) https://www.amnesty.org/en/latest/news/2022/12/kenya-meta-sued-for-1-6-billion-usd-for-fueling-ethiopia-ethnic-violence/?__cf_chl_tk=dVV8BylQH-VMgumAUX9NL9PoRb3fAAgC7J5Zno5oyQYE-1703772237-0-gaNycGzNEDs
252   TikTok videos responsible for online harassment and physical attacks, claim Ethiopia's LGBTQ+ community (The Economic times, August 11,, 2022 https://economictimes.indiatimes.com/tech/technology/tiktok-videos-responsible-for-online-harassment-and-physical-attacks-claim-ethiopias-lgbtq-community/articleshow/102636602.cms
253   A/78/288: Gendered disinformation and its implications for the right to freedom of expression – Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression https://www.ohchr.org/en/documents/thematic-reports/a78288-gendered-disinformation-and-its-implications-right-freedom
254   Meta sued for 1.6 billion USD for fueling Ethiopia ethnic violence (Amnesty, December 14, 2022) https://www.amnesty.org/en/latest/news/2022/12/kenya-meta-sued-for-1-6-billion-usd-for-fueling-ethiopia-ethnic-violence/?__cf_chl_tk=dVV8BylQHVMgumAUX9NL9PoRb3fAAgC7J5Zno5oyQYE-1703772237-0-gaNycGzNEDs

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protection against online gender-based violence. Efforts to raise awareness, educate users, and advocate for stronger online protection laws are very limited.[255]

Digital Identity (ID)

The House of Peoples' Representatives approved the Digital Identification Proclamation Bill in May 2023.[256] According to the National ID Program (NIDP) website, by the end of 2023, 3.5 million citizens had registered since the program's inception in 2021.[257] The Bill allows the national program to collect biometric and demographic data of Ethiopians and foreigners living in Ethiopia.[258] Upon registration, a unique number known as Fayda number (Identification Number) is allocated to the registrant and sent to them via an unencrypted text message, which could potentially compromise the person's identity number.

In July 2023, the National Bank of Ethiopia (NBE) and the Ethiopian Digital ID program partnered to announce the use of digital IDs for financial institutions and onboarding customers to the digital ID platform in the 2023/24 Ethiopian fiscal year. This partnership also allows banks to register new customers for digital IDs to scale up the number of digital ID holders.[259] According to the Digital ID Proclamation, it is not mandatory for citizens to register for a digital ID, but the proclamation allows institutions, including banks, to require a digital ID or deny services.[260]

On December 13, 2023, the World Bank approved a US$350 million grant to accelerate the deployment of the biometric Digital ID across Ethiopia. This initiative aims to provide at least 90 million Ethiopians, refugees and migrants living in Ethiopia, with a digital ID.[261] The government is planning to issue digital IDs for 95% of the population by the end of 2025.[262] However, a significant concern that has been raised is the absence of an active law that protects the biometric and demographic data of citizens. Currently, there is no comprehensive legislation that safeguards this critical data. This lack of a legal framework for data protection raises questions about the security and privacy of the citizens' privacy.[263]

Human rights groups and digital rights advocates warn that the rollout of digital IDs in Ethiopia during a period of active conflict raises serious concerns about lack of transparency, potential for ethnic profiling and discrimination, and misuse of the law.[264] This is particularly worrisome in light of recent trends in ethnic profiling and human rights abuses during conflicts like the Tigray War, where the National Bank of Ethiopia suspended bank accounts in the Tigray region for months.[265] If

255   Ermias Mulugeta "Technology's sour blessing: Technology facilitated gen-
der-based violence in Ethiopia" (Gender IT, December 07, 2023) https://genderit.org/feminist-talk/
technologys-sour-blessing-technology-facilitated-gender-based-violence-ethiopia
256   Parliament approved digital Id law (Shega, March 30, 2023) https://shega.co/post/parliament-approves-digital-id-law/
257   'Digital Id' https://id.gov.et/
258   Amanuel Yilkal "Gov't to issue digital IDs for foreigners living in Ethiopia" (The Reporter Ethiopia, May 14, 2022) https://
www.thereporterethiopia.com/23805/
259   NBE, National Id announce new initiative (FBC, July 11, 2023) https://www.fanabc.com/english/
implementation-of-national-id-will-help-build-a-stronger-financial-sector-nbe/
260   Ethiopia to require digital ID for accessing government services (Dig Watch, January 14, 2024) https://dig.watch/updates/
ethiopia-to-require-digital-id-for-accessing-government-services
261   World Bank supports Ethiopia's Digital Id projects to increase access to services and economic opportunities (World
Bank, December 13, 2023) https://www.worldbank.org/en/news/press-release/2023/12/13/world-bank-supports-afe-ethio-
pias-digital-id-project-to-increase-access-to-services-and-economic-opportunities#:~:text=The%20project%20will%20also%20
invest,for%20Host%20Community%20and%20Refugees.
262   Ethiopia preparing to issue national id to citizens until 2025 (ENA, December 16, 2021) https://www.ena.et/web/eng/w/
en_31670
263   Dadimos Haile "Ethiopia Data protection overview" (Data Guidance, October, 2023) (https://www.dataguidance.com/
notes/ethiopia-data-protection-overview
264   Zecharias Zelalem "Ethiopia digital ID prompts fears of ethnic profiling" (Context, February 01, 2023) https://www.context.
news/surveillance/ethiopia-digital-id-prompts-fears-of-ethnic-profiling
265   Central bank suspends accounts opened in Tigray state (Addis Fortune, September 1, 2021) https://addisfortune.news/

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access to essential services like food aid, healthcare, and banking becomes tied to digital IDs in such a volatile context, it risks creating a system where basic necessities are withheld based on ethnicity rather than need, deepening existing inequalities and potentially further fueling discrimination.

Developments in ICT and Emerging Technologies

In 2020, Ethiopia adopted a digital plan titled "Digital Ethiopia 2025: A Digital Strategy for Ethiopia Inclusive Prosperity".[266] The plan is designed towards achieving a digital technology based economy and to accelerate digitisation. The strategy focuses on four key areas: developing a reliable, inclusive, and interoperable infrastructure; promoting the adoption of inclusive digital payments; building a strong and consistent regulatory and oversight framework; and creating an enabling environment for innovation.[267] Although the strategy is designed to realise the country's digital potential and leverage technology to build digital economic development, the security situation in the country has created a less enabling environment for new technology companies. Telecommunication companies that are joining the Ethiopian telecommunication industry following the telecommunication liberalisation process have been struggling with sustainability issues because of the deteriorating security situation and lack of commitment to opening up the country's economy.[268] This could affect service quality and consistency, which are crucial for ensuring digital rights. Inadequate service and frequent interruptions can hinder the growth of the country's ICT sector, widening the digital divide and impacting digital rights like the right to access information and freedom of expression.

In a significant move towards liberalising the financial market, the National Bank of Ethiopia granted licenses to Safaricom's Mpesa.[269] Mpesa is a service that operates on digital technology to facilitate payment transactions. This decision marks a pivotal moment in the financial landscape of Ethiopia, opening up new avenues for foreign financial institutions to join the Ethiopian market.

This development comes on the heels of the launch of Ethiotelcom's own digital payment platform, Telebirr, in 2021.[270] While Mpesa is a newcomer in the Ethiopian market, Telebirr has made aggressive strides in establishing its dominance. One of the key strategies employed by Telebirr is the mandatory use of its platform for certain transactions. A prime example is the requirement to use Telebirr to refuel at gas stations.[271] Even though this move has no legal background, it ensures that Telebirr becomes an integral part of everyday transactions. In its annual report, Telebirr announced that it had reached a significant milestone with a user base of 30 million.[272]

On June 30, 2023, the Ministry of Innovation and Technology revealed that a draft national AI policy is in its final stages. While the draft policy is not available to the public, state media reports claim that the policy aims to tap into the potential of AI technology and ensure its responsible and sustainable use across the country.[273]

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central-bank-suspends-accounts-opened-in-tigray-state/

266   Digital Ethiopia 2025, a digital strategy for Ethiopia inclusive prosperity: http://unidoseoul.org/en/files/2023/11/Ethiopias-Digital-Strategy_Digital-Ethiopia-2025_The-office-of-the-Prime-Minister.pdf

267   Digital Ethiopia 2025 https://www.lawethiopia.com/images/Policy_documents/Digital-Ethiopia-2025-Strategy-english.pdf

268   Aaron Ross and Dawit Endeshaw 'Safaricom's Ethiopia struggles deters potential tele-coms investors. (Reuters, December 21, 2023) https://www.reuters.com/business/media-telecom/safaricoms-ethiopia-struggle-deters-potential-telecoms-investors-2023-12-19/

269   Ethiopia grants Safaricom Mpesa license (Business Daily, May 11, 2023) https://www.businessdailyafrica.com/bd/corporate/companies/ethiopia-grants-safaricom-m-pesa-licence-4230692

270   Ethiotelecom launches telebirr (Capital Ethiopia, May 17, 2021) https://www.capitalethiopia.com/2021/05/17/ethio-telecom-launches-telebirr/

271   Ibrahim Mamma, Endashaw Tesfaye 'Road to digitalization – lesson from fuel station' (Kflip, May 09, 2023) https://kflip.info/2023/05/09/the-road-to-digitalization-lessons-from-fuel-stations/

272   Ethiotelecom's mobile money reached 34.3mil subscribers with transactions 679.2 billion (FBC, July 18, 2023) https://www.fanabc.com/english/ethio-telecoms-mobile-money-business-reaches-34-3mil-subscribers-with-transaction-of-etb-679-2-billion/

273   Ethiopia Finalising National Policy on AI (ENA, June 30, 2023) https://www.ena.et/web/eng/w/eng_2993624

In 2022, Ethiopia opened a Science Museum dedicated to showcasing the country's technological advancements. The museum exhibits local solutions in various sectors including healthcare, finance, cybersecurity, Geographic Information Systems (GIS), service industries, data analytics, manufacturing, and robotics.[274]

Universal Service Fund

In 2019, the Communications Service Proclamation initiated the creation of the Universal Service Fund (USF). The USF in Ethiopia is a significant part of the country's efforts to improve access to essential services. The primary objective of the USF is to narrow the digital divide by facilitating widespread access to the internet and telecommunication services. It particularly focuses on providing these services to communities in rural, remote, underserved, and low income areas.[275] The exact amount allocated to the USF is not specified in the available resources.

As a telecom and communications regulatory body, the Ethiopian Communications Authority (ECA) is responsible for implementing the objectives and targets for Universal Access, with a specific focus on ensuring that the service reaches users in Ethiopia's rural and remote regions. The ECA is also tasked with oversight and management of the Universal Service Fund. While the fund is collected from telecom companies in the country, the CEO of Ethio Telecom stressed that it is ECA's responsibility to fund the expansion of services.[276]

As part of opening up the telecom market, ECA's new attempt to give the third telecom license failed to attract investors.[277] The Fund will primarily be financed through mandatory yearly contributions from all licensed providers operating in different segments of the Communications sector. However, the government's specific statements regarding the USF are not readily available in the current resources to adequately assess its successes and challenges during the period under consideration.

Data Protection and Cyber Security

Ethiopia is envisaged to enact a personal data protection law in 2024. This is a significant legislative milestone which is aimed at regulating the protection of personal information. The Council of Ministers has given its approval to the draft Personal Data Protection Bill, marking a crucial step in the legislative process.[278] Following this, the parliament is anticipated to ratify the Bill, thereby transforming it into law.

The initial version of Ethiopia's personal data protection law was met with optimism by digital rights groups, as it proposed the establishment of an independent Data Protection Commission. While there is a concern regarding the independence of the Commission, it was seen as a potential safeguard against intrusions. Experts suggested the Commission to be independent from private entities, the government, and international actors.[279]

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274   Ethiopia inaugurates state-of-the-art Science Museum (ECA, 4 October, 2022) https://www.uneca.org/stories/ethiopia-inaugurates-state-of-the-art-science-museum
275   Ethiopia Series (Pygma Consulting, March 2020) https://pygmaconsulting.com/wp-content/uploads/2020/05/Ethiopia-II-Regulating-the-Telecoms-sector.pdf
276   Elias Tegegn "Ethiotelecom CEO's comment on rural access spark feud with regulator" (July 22, 2023) https://www.there-porterethiopia.com/35631/
277   Lori Prinsloo, Fasika Tadesse "Ethiopia fails to attract any bids for the third telecom license" (Bloomberg, November 14, 2023) https://www.bloomberg.com/news/articles/2023-11-14/ethiopia-fails-to-attract-any-bids-for-third-telecom-license
278   Ethiopia prepares first personal data protection law (October 27, 2023) https://ethiopianmonitor.com/2023/10/27/ethiopia-prepares-first-personal-data-protection-law/
279   Position Ppaper on the draft personal data protection of Ethiopia (CARD, August 2022) https://www.cardeth.org/

However, the final version of the law deviated from the initial proposal. It positioned the data protection office under the Ethiopian Telecommunication Authority (ECA), which is responsible for regulating telecom providers in the country. This change has raised concerns about the office's independence and its ability to effectively protect individual privacy.[280] This shift from the draft to the final version has cast doubt on the law's original intent to serve as an independent guardian of citizens' data. This significant law, which will have far-reaching implications on personal data protection in Ethiopia, is thus being ratified under a cloud of non-transparency.

Ethiopia has taken a strict approach to cybersecurity compared to the broader framework outlined by the United Nations. While the UN Cybersecurity Norms, endorsed by UN member states in 2015, provide a non binding set of principles for responsible state behaviour online, emphasizing the importance of international cooperation, respect for existing international law, and responsible conduct in cyberspace.[281] Ethiopia's 2016 Computer Crime Proclamation establishes a more restrictive legal framework focusing on monitoring national information infrastructure and cyber space and grants significant surveillance powers to the Information Network Security Administrator (INSA), a government agency with a history of extensive monitoring activities.[282]

Rights groups argue that the Computer Crime Proclamation's definitions of certain offences, such as "inciting violence" and "disseminating false information," are overly vague and open to subjective interpretation. Furthermore, the law grants INSA broad leeway to target dissent or control online discourse, raising concerns about potential misuse for political purposes.[283] There is no public record where authorities use this law to target politicians and human rights defenders. However, the law's expansion of INSA's authority further amplifies these concerns, given the INSA's past record of large scale surveillance.[284]

INSA, the institution that has a mandate to monitor and respond to incidents related to cyber security in Ethiopia has reported that over 6,700 cyber attack attempts in 2023. The types of attacks included targeting websites, malware, infrastructure scans, DDOS, and hacking into networks. The majority of these attacks were thwarted, with only 191 causing threats.[285]

Surveillance

Ethiopia's commitment to privacy seems to be contradictory. Article 26 of the Constitution explicitly guarantees this fundamental right, protecting individuals from unwarranted searches and ensuring the inviolability of correspondence. However, a comprehensive data protection law is still awaiting ratification by the parliament. The draft Data Proclamation, approved by the Council of Ministers in 2023.[286]

wp-content/uploads/2022/08/CARDs-Position-Paper-on-the-Draft-Personal-Data-Protection-of-Ethiopia.pdf
280   Draft Personal Data Protection Proclamation (HoPR) https://www.hopr.gov.et/documents/portlet_file_entry/20181/%E1%8 B%A8%E1%8C%8D%E1%88%8D+%E1%8B%B3%E1%89%B3+%E1%8C%A5%E1%89%A0%E1%89%83+%E1%88%A8%E1%89%82 %E1%89%85+%E1%8A%A0%E1%8B%8B%E1%8C%85.pdf/7b1f56b2-ec08-e593-3884-afd597691dc1
281   Bart Hogeveen "The UN Cyber Norms: How Do They Guide the Responsible Development and Use of Offensive Cyber Capabilities?" 2022 https://cyberdefensereview.army.mil/Portals/6/Documents/2022_fall/08_Hogeveen. pdf?ver=BYnHYWAYLrW_PpP4lljm5A%3D%3D
282   Ethiopia: Computer Crime Proclamation (Article 19, July 2016) https://www.article19.org/data/files/medialibrary/38450/ Ethiopia-Computer-Crime-Proclamation-Legal-Analysis-July-(1).pdf
283   FREEDOM ON THE NET 2016 (Freedom House, 2016) https://freedomhouse.org/country/ethiopia/freedom-net/2016
284   "They Know Everything We Do" News Release Ethiopia: Telecom Surveillance Chills Rights Telecom and Internet Surveillance in Ethiopia (HRW, March 25, 2014) https://www.hrw.org/report/2014/03/25/they-know-everything-we-do/ telecom-and-internet-surveillance-ethiopia
285   Ethiopia reports over 6,000 cyber attack attempts in 12 months (APA News July 25, 2023) https://apanews.net/ ethiopia-reports-over-6000-cyber-attack-attempts-in-12-months/
286   Ethiopia readys personal data protection law (Further Africa, October 30, 2023)https://furtherafrica.com/2023/10/30/ ethiopia-readys-personal-data-protection-law/

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Ethiopia's history of pervasive surveillance casts a long shadow over this fragile promise. Reports from Human Rights Watch and Citizen Lab detail the infamous INSA's aggressive tracking of human rights defenders and journalists abroad using commercial spyware.[287] INSA is responsible for protecting Ethiopia's national interests in the sphere of information and information infrastructures. While legal reforms have revised some warrantless surveillance practices under the revised anti-terrorism law,[288] practices under the state of emergency grant unlimited power to authorities to continue infringing upon citizens' rights.[289] Problematic laws and practices often circumvent human rights protections, enabling authorities to monitor and intrude upon the online activities of opposition leaders and influential social media users.

The Ethiopian government leverages its control over the state owned Ethio Telecom to conduct pervasive surveillance, exploiting call records, internet traffic, and SMS messages. A research by Human Rights Watch in 2014 shows that through the use of Chinese-made technology, authorities can intercept communications, track locations, and build detailed profiles of citizens deemed threats.[290]

The state of emergency, imposed in August 2023 following the conflict in the Amhara regions, has been used by authorities to target journalists and opposition political members. Under the directive of the state of emergency, authorities have the power to arrest suspects who attempt or prepare to commit crimes against the constitutional order, violate the emergency decree, or obstruct its implementation, all without a court order.[291] This directive grants authorities unlimited power to surveil citizens and fosters a climate of fear and self censorship, further entrenching the government's control over its citizens.

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287   Bill Marczak, Geoffrey Alexander, Sarah McKune, John Scott-Railton, Ron Deibert "Ethiopian Dissidents Targeted with New Commercial Spyware" (Citizenlab, December 6, 2017) https://citizenlab.ca/2017/12/champing-cyberbit-ethiopian-dissidents-targeted-commercial-spyware/
288   Ethiopia Adopts New Version of Much-Criticized Terrorism Law J(VoA, January 03, 2020) https://voanews.com/a/africa_ethiopia-adopts-new-version-much-criticized-terrorism-law/6182042.html
289   Ethiopia uses emergency law to ramp up arrests of journalists (CPJ, December 15, 2021) https://cpj.org/2021/12/ethiopia-uses-emergency-law-to-ramp-up-arrests-of-journalists/
290   "They Know Everything We Do" Telecom and Internet Surveillance in Ethiopia (HRW, March 25, 2014) https://www.hrw.org/report/2014/03/25/they-know-everything-we-do/telecom-and-internet-surveillance-ethiopia
291   Ethiopia: Authorities must grant independent investigators, media unfettered access to Amhara region to probe violations under state of emergency. (Amnesty International, August 18, 2023) https://www.amnesty.org/en/latest/news/2023/08/ethiopia-authorities-must-grant-independent-investigators-media-unfettered-access-to-amhara-region-to-probe-violations-under-state-of-emergency/

▶ Conclusion & Recommendations

Conclusion

Ethiopia's internet landscape is a complex mix of challenges and opportunities. Internet shutdowns, often justified by national security concerns, have become a regular occurrence, stifling dissent and disrupting communication. Social media platforms, which are crucial for information dissemination and connectivity, are frequently blocked. The Hate Speech and Disinformation Proclamation and the state of emergency laws restrict freedom of expression and grant extensive surveillance powers. The introduction of digital IDs without strong data protection measures poses significant privacy and discrimination risks. In light of the tenuous state of digital rights in Ethiopia, stakeholders are encouraged to consider recommendations that have been proposed in this report. These recommendations provide a framework for addressing challenges and vulnerabilities surrounding digital rights within the country.

Recommendations

Government:

» It is imperative for the government to unequivocally prioritise and safeguard digital rights in order to secure the country's digital future. This involves refraining from resorting to internet shutdowns and censorship, abolishing restrictive laws like the state of emergency, and placing a paramount emphasis on transparency and accountability. Implementing these measures not only cultivates a flourishing digital ecosystem but also plays a pivotal role in fostering a more inclusive and democratic society.

» Authorities should actively collaborate with diverse stakeholders including civil society to cultivate a robust and inclusive digital ecosystem, leveraging technology as a facilitator rather than a barrier. This approach promotes a shared responsibility in shaping policies and frameworks that address the needs and concerns of all members of society. Engaging with a wide range of perspectives ensures that technological advancements are harnessed to enhance inclusivity, promote privacy, and enhance information security.

» Authorities should prioritise upholding freedom of expression and guaranteeing the safety of journalists by ending arbitrary arrests. Safeguarding online freedom of expression is crucial in fostering a democratic society where diverse voices can be heard without fear of reprisal. Ensuring the safety of journalists is paramount in maintaining a free and informed public discourse. Authorities should actively work towards creating an environment where journalists can carry out their work without the threat of persecution, thereby strengthening the foundation of democracy, promoting transparency and accountability in society.

» The data protection framework should be amended to include provisions for the establishment of an independent commission with a mandate to oversee compliance with data protection regulations, investigate potential breaches, and enforce appropriate measures against entities that fail to adhere to the prescribed standards. Entrusting such responsibility to an impartial and autonomous commission, creates a robust system that prioritises and reinforces the commitment to maintaining the highest standards of data security and privacy.

» The government should prioritise a peaceful resolution of conflicts in the Amhara and Oromia regions, as it holds the key to unlocking significant socio-economic benefits. The establishment of peace in these regions has the potential to create a conducive environment for telecom providers to extend their coverage to currently underserved areas. This extension of connectivity is crucial in bridging the digital divide and fostering socioeconomic development.

» The Ministry of Justice and the Parliament should adopt a comprehensive approach to lawmaking by actively incorporating contributions from various stakeholders, including public, private, and civil society entities. In order to ensure a more inclusive and well-informed legislative process, it is crucial to conduct extensive multi stakeholder consultations during the drafting stages of legislation.

» The government should promptly enact a comprehensive regulation clearly delineating the specific obligations for both telecom companies and the Ethiopian Communication Authority (ECA). The proposed regulation should provide a transparent framework outlining the roles, responsibilities, and performance standards for telecom companies, guaranteeing fair competition, consumer protection, and the overall development of the telecommunications sector. By establishing a well-defined regulatory framework, the government can contribute to the sustainable growth of the telecommunications industry, promoting economic development and improved connectivity for the citizens of Ethiopia.

Civil Society:

» To ensure the respect of digital rights in the country, civil society organizations should focus on advocacy and litigation work. They should produce extensive research on the impact of digital rights violations on citizens. Additionally, they should launch targeted campaigns to raise awareness and challenge these violations.

» To strengthen their influence on digital rights, local civil society organisations should form a coalition. This provides a unified platform to voice concerns about digital rights violations. They should also collaborate with regional and international organisations to bolster the cause of digital rights, thereby gaining additional resources, expertise, and credibility.

» Civil Society Organizations should advocate for the reasons and areas where they can influence legislators. They should also campaign for the establishment of an independent Personal Data Protection Commission that oversees the enforcement of personal data protection laws.

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» Civil society organisations should unite to combat the issue of repeated internet shutdowns. By focusing on strategic litigation, they can challenge the legality of these shutdowns in court and set legal precedents that uphold the right to internet access, providing a long-term solution.

Private Sector:

» Social media companies need to work to bridge the digital divide and help the efforts to increase the digital literacy rate in the country. In order to mitigate disinformation and hate speech, they need to scale up their content moderation work in the local language and make the platform safe for everyone. To ensure freedom of expression is ensured, social media companies need to collaborate with local actors to make sure users' rights are respected.

» Telecom companies should commit to their contribution to the Universal Service Fund and work on addressing the digital divide in the country.

» Local tech startups and businesses should support the advocacy work of civil society organisations for the respect of digital rights and prevent internet shutdown that is affecting their business.

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