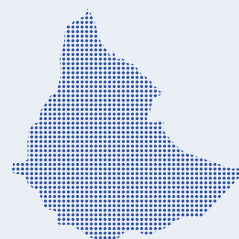
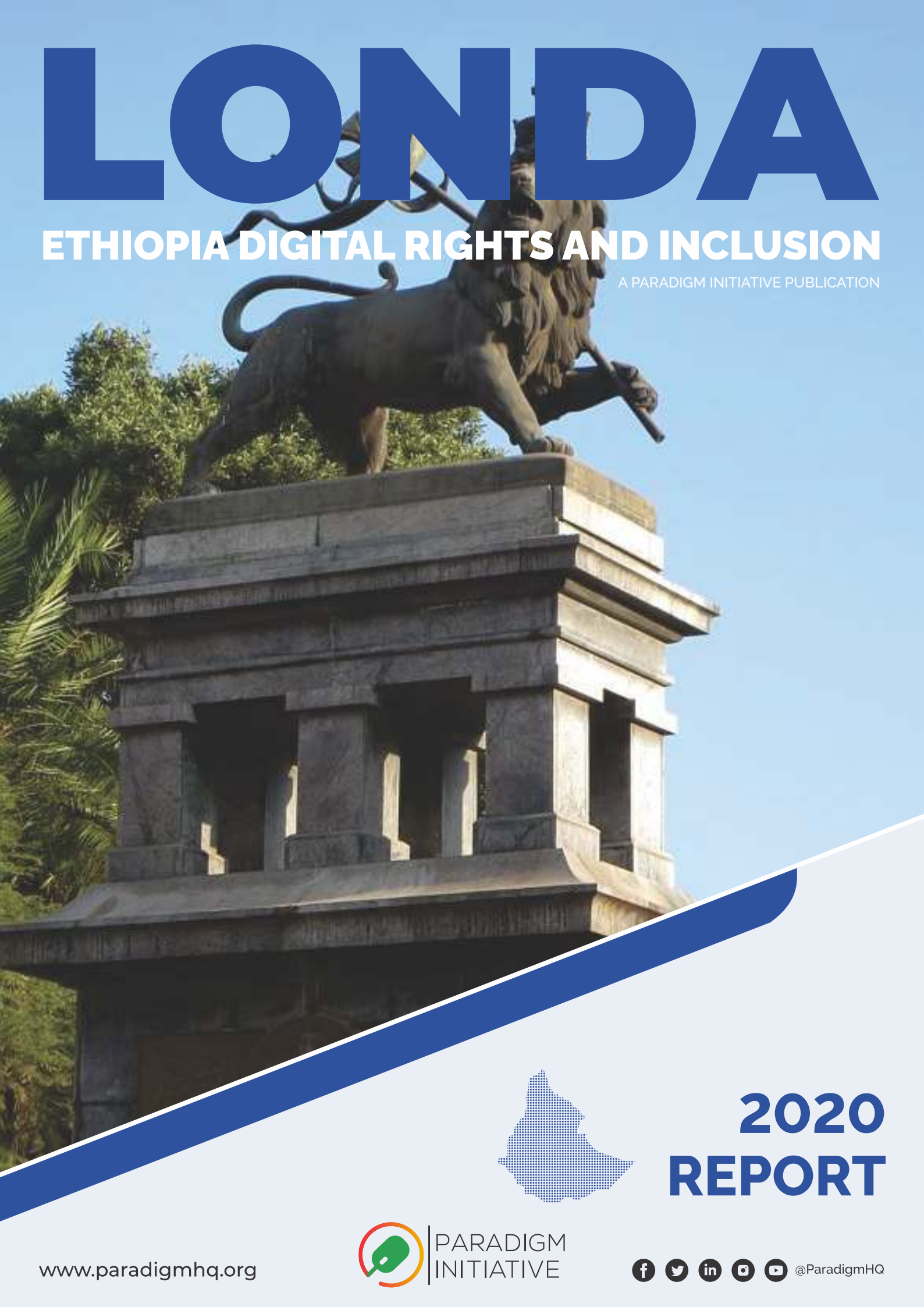


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ETHIOPIA DIGITAL RIGHTS AND INCLUSION

A PARADIGM INITIATIVE PUBLICATION



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Report written by Abdul Rahman Alfa Shaban

Editorial Team: 'Gbenga Sesan, Kathleen Ndongmo, Koliwe Majama, Margaret Nyambura Ndung'u,

Mawaki Chango, Nnenna Paul-Ugochukwu and Thobekile Matimbe.

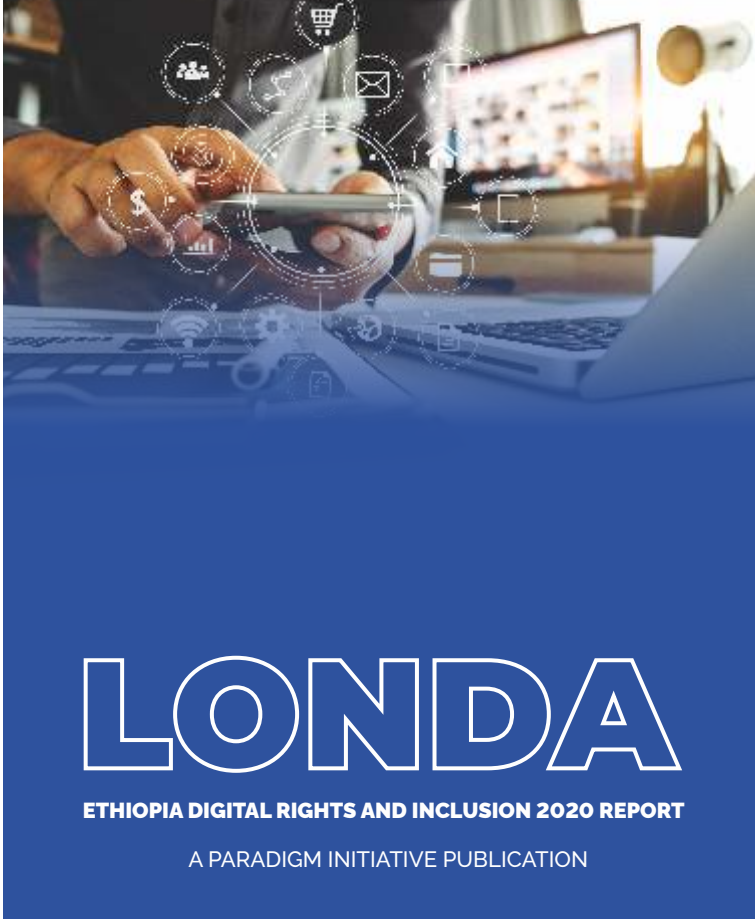
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Civil society organizations continue to work to advance digital rights and inclusion in Africa, ensuring best practices are adopted into policy and legislation. This report analyses the state of digital rights and inclusion in Ethiopia, examining violations and gaps, investigating the use and application of policy and legislation, highlighting milestones and proffering recommendations for the digital landscape in Ethiopia. This edition captures among other issues, the digital divide worsened by the COVID-19 pandemic and unearths infractions on different thematic areas such as privacy, access to information, and freedom of expression with the legislative and policy background well enunciated.

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Ethiopia is the continent's second most populous nation, located in north-eastern Africa, in the Horn of Africa region. With over 112 million citizens,¹ Ethiopia is Africa's diplomatic capital and hosts the African Union's headquarters in its capital city, Addis Ababa.

INTRODUCTION

DIGITAL RIGHTS AND INCLUSION IN ETHIOPIA

Ethiopia's telecommunication infrastructure is largely government-owned through a monopoly called Ethio Telecom.² Ethio Telecom provides almost all telecom services including fixed line and mobile and internet (dial-up, wireless, ADSL services etc.) The company also offers other services including domain registration and management of the country code top-level domain, .et, web hosting and Internet Protocol (IP) address service among others.

The Ministry of Innovation and Technology, MINT, is the main policy making body of government established in 2018 through proclamation 1097/2018. Its work is backed by two regulatory entities, the Ethiopian Telecommunications Agency (ETA) and the Information Network Security Agency (INSA).

Ethiopia took significant steps towards partial liberalization of its telecom market in 2020. The move is part of the wider liberalization of the economy under reforms by Prime Minister Abiy Ahmed Ali.

In June 2020, the government approved legislation to allow two more operators into the sector. The relevant bodies opened bids later in the year with two new operators expected

1. World Bank, population – total, Ethiopia (1960 – 2019): <https://bit.ly/3bqGrxa>
2. Ethio Telecom, About Ethio Telecom: <https://bit.ly/2XtadjX>

to be announced in February 2021. Government will also put up a 45% stake in Ethio Telecom as part of privatization efforts.

IMPACT OF COVID-19 REGULATIONS ON DIGITAL RIGHTS AND INCLUSION

Ethiopia has gained increasing notoriety when it comes to internet outages in recent years.³ The general digital rights landscape is seen as challenging within the context of existing legislation and the manner in which they are generally enforced.

Ethiopia was among a number of African countries that passed State of Emergency (SoE) legislation in the wake of the COVID-19 pandemic.

The law, Proclamation 3/2020 - A State of Emergency Proclamation Enacted to Counter and Control the Spread of COVID-19 and Mitigate Its Impact,⁴ was passed by the House of Peoples Representatives and subsequently assented to by Prime Minister Abiy Ahmed on April 8.

It ordered Cabinet to “stipulate details of the suspension of rights and measures to be adopted to counter and mitigate the humanitarian, social, economic and political damage that could be caused by the pandemic.”

The law triggered arrests, even as analysts criticized parts of the regulations,⁵ especially as applied to sharing of information on the virus situation in the country. Particular clauses were classified overly vague and left to interpretation of officials.

One of Ethiopia’s highly discussed legislations of 2019 was the Hate Speech and Disinformation law. Despite concerns by local and international analysts, it was approved by Cabinet in November 2019⁶ and accented to by President Sahle-Work Zewde on March 23, 2020, barely a week after Ethiopia recorded its first COVID-19 case.⁷ Internet rights group Access Now’s⁸ Berhan Taye, touched on the negative impact of the law amidst the pandemic saying, “Unfortunately, it does not look good so far for this troubling legislation, and that is especially frightening during COVID-19. Unless this legislation is revised, this may only be the beginning of a chilling period for the free press in Ethiopia”.

The first victim of the introduction of this legislation was journalist Yayasew Shimeles, who was charged with spreading false information about the government’s COVID-19 response. In the course of the year, seven journalists were arrested on different charges, according to a report by the Committee for the Protection of Journalists (CPJ).⁹ In total, three online journalists were arrested, according to a ‘census’ published by privately-owned Addis Standard.¹⁰ The trio were Nathaniel Gech of Wolaita Times, Medhanie Ekubamichael of Addis Standard and Bekalu Almirow of Awlo Media.

Ethiopia has gained increasing notoriety when it comes to internet outages in recent years.



3. Quartz Africa, The internet is back on in Ethiopia but there is every chance it will go off again: <https://bit.ly/38xbghZ>

4. House of Representatives passes State of Emergency Law, March 2020: <https://bit.ly/3sdgE1u>

5. HRW, Ethiopia: Free Speech at Risk Amid COVID-19: <https://bit.ly/39jqYfR>

6. Ethiopia cabinet approves new law to fight false information, Bloomberg; November 19, 2019: <https://bloom.bg/3nyoWgE>

7. Ethiopia confirms first case of COVID-19, WHO Afro region, March 15, 2020: <https://bit.ly/39l04nF>

8. Ethiopia's hate speech and disinformation law: the pros, the cons and a mystery, Access Now; May 19, 2020: <https://bit.ly/2Lou8Xv>

9. CPJ, Record number of journalists jailed worldwide, December 2020: <https://bit.ly/2Xv3hf2>

10. Addis Standard, Analysis – Ethiopia back in list of countries jailing journalists: <https://bit.ly/3nBLPQu>

Aside from the SoE regulation and the Hate Speech and Disinformation law, there are other legislations that have over the years been used by the government to stifle voices online. One legislation of significance is the Computer Crime Proclamation of 2016, parts of which contravenes international legislations ratified by Ethiopia – the Universal Declaration of Human Rights (UDHR) and the African Charter on Human and Peoples’ Rights (ACHPR). Others include the 2012 Telecom Fraud Offences Proclamation No. 761; Anti-Terrorism Proclamation No. 652 and Charities and Societies Proclamation No. 621 – both passed in 2009.

INTERNET SHUTDOWNS

The year 2020 was a challenging year in relation to internet access. There were three outages – two restricted and one nationwide. These shutdowns are in contravention of the National Constitution which under article 29¹¹ guarantees right of thought, opinion and expression and media freedom “without any interference.” Shutdowns also breach international human rights laws.

Analysts have stated that having one telecom operator made it easier to switch off the internet without following due process. In 2019, the internet was shut down eight times making the country one of the worst internet shutdown offenders, according to an Access Now report.¹² In 2020, the first outage in western Oromia lasted three months – from January till late March 2020.

The second and most impactful shutdown was nationwide, a measure imposed on June 30¹³ following the killing of a famed Oromo artiste Hachalu Hundessa, in the capital Addis Ababa. That blackout lasted over three weeks. In November, a total internet outage¹⁴ was imposed in the northern Tigray region when the government started the “State of Emergency and Rule of Law Operation” against the then regional government led by the Tigray People’s Liberation Front (TPLF). United Nations (UN) human rights Head, Michelle Bachelet, bemoaned the human rights and humanitarian impact in a statement released November 6.¹⁵ Ethio Telecom confirmed in late November that it had begun restoring service to parts of Tigray, days after Prime Minister Abiy announced



11. Ethiopia’s 1995 constitution: <https://bit.ly/39kWZnx>

12. Article 19, Ethiopia should guarantee internet access and access to information during the pandemic: <https://bit.ly/3bsrdYE>

13. Internet cut in Ethiopia amid unrest following killing of singer, Net Blocks; June 30, 2020: <https://bit.ly/39zU8Yj>

14. Internet disrupted in Ethiopia as conflict breaks out in Tigray region, Net Blocks; November 5, 2020: <https://bit.ly/3oCjQlc>

15. Ethiopia: ‘Halt the violence,’ resolve grievances peacefully, UN rights chief; UN News November 6, 2020: <https://bit.ly/38tjLQ>



In 2019, the internet was shut down eight times making the country one of the worst internet shutdown offenders, according to an Access Now report.

the end of the operation.

Allied to the Tigray operation, government issued arrest warrants for some activists, writers and academics¹⁶ who it averred were using “a variety of media outlets to destroy the country.” Deputy Prime Minister, Demeke Mekonnen, in an opinion piece, highlighted the impact of media reportage and especially social media in swaying international opinion during the Tigray operation.¹⁷

ACCESS TO INFORMATION

The National Cybersecurity Agency (INSA) disclosed in December 2020¹⁸ that the TPLF had employed cyber attacks and the use of a social media misinformation army. The TPLF was said to have also targeted a number of national and private TV networks with the cyber attacks, all of which were thwarted. Tefyalew Tefera, the deputy head of INSA, also accused Oromia Media Network (OMN) and Ethio 360 Media of aiding the TPLF’s propaganda campaign. A month after the TPLF

operation ended officially, government’s special fact-checking outlets reported what it alleged was a TPLF act of sabotage in the Tigray capital Mekelle, which caused the internet outage.¹⁹

As at January 2021, the UN reported that communication services remained inaccessible in parts of the region as fighting continued between the TPLF and federal forces. Previously in July, following the Hachalu Hundessa protests that claimed over 80 lives, the government partly blamed social media for acting as an instigator.²⁰ One of the main arrests from this incident was of Jawar Mohammed, a media mogul turned politician.

He is facing terrorism charges over the death of a policeman during the protests. His Facebook page which had over a million followers was temporarily closed in June. According to his TV network, Oromia Media Network, the move was necessitated due to attempted hacking.²¹

16. The Telegraph: Ethiopia wants to arrest UK academic who nominated country’s PM for Nobel Peace Prize: <https://bit.ly/3oy3dXR>

17. ENA, The law enforcement operation in Tigray, DPM DemekeMekonnen, January 2021: <https://bit.ly/3qfK3GF>

18. FBC, TPLF disseminating fake information via Twitter, December 2020: <https://bit.ly/3q8pLP3>

19. Ethiopia SoEFactcheck on Twitter @SOEFactCheck, December 2020: <https://bit.ly/3sgDuoP>

20. Context and updates on current issues, Ethiopia, Prime Minister’s office, July 2020: <https://bit.ly/3sdTfge>

21. OMN official Facebook page, July 2020: <https://bit.ly/38xu40n>

In the midst of such a blackout, the frustration towards the lack of access to information often forced people in Ethiopia and abroad²² to turn to less trusted outlets especially via social media. Ethiopia still lacks laws that deal with regulation of problematic online content. Subsequently, the government has often arbitrarily blocked, filtered or taken down contents that are critical of its activities and policies.



GENDER AND ACCESS TO THE INTERNET

Internet connectivity in Ethiopia is largely concentrated in the capital and major urban areas. Ethio Telecom continues to incrementally expand coverage to other areas in line with government policy to extend internet nationwide. Electricity penetration / access is at 45%,²³ more than double that of the internet as of 2018, according to the International Energy Agency (IEA). The government has plans to reach universal access by 2030.

Data Reportal statistics indicate that as of January 2020,²⁴ there were over 21 million internet users in Ethiopia, representing an increase of over half a million users within the space of a year. As of 2018, the internet penetration, according to the International Telecommunications Union (ITU) stood at

18.618%,²⁵ an indication that the majority of Ethiopians did not have access to the internet.

With respect to data affordability in Ethiopia, the Alliance for Affordable Internet (A4AI) in its 2020 Affordability Report noted that policies related to internet infrastructure and access played a key role in making broadband more affordable. It made special mention of Ethiopia's strides in the Affordability Drivers Index (ADI). The report notes, "One standout – Ethiopia – has seen its ADI score risen from 2.31% in 2014 to 20.37% in 2020, spurred by the opening up of its telecommunication market over the past two years."

However, a 2019 ITU report²⁶ found that sub-Saharan Africa's digital gender divide was persistent. The World Wide Web Foundation's Women's Rights Online report²⁷ noted, "Women are less likely than men to have access to and use the internet in developing and least-developed countries." Despite the great strides made to the affordability of the internet, Ethiopian women continue to face the same challenges that women across the continent face.

The Economic Intelligence Unit's Inclusive Internet index placed Ethiopia 93rd overall and 19th out of 26 African countries ranked²⁸ noting, "Some progress is evident in readiness, thanks to attention to broadband and e-inclusion strategies. But efforts to widen internet inclusion are severely constrained by low literacy levels, a weak competition environment and high cost (relative to income) of data".

22. VOA News: Ethiopia's diaspora seeking news amid communication blackout challenge, December 2020: <https://bit.ly/3brq03D>

23. IEA, Ethiopia Energy Outlook – Analysis: <https://bit.ly/3i2SemG>

24. Data Reportal, Digital 2020: Ethiopia: <https://bit.ly/3bqGUzq>

25. World Bank, Individuals using internet (% population) Ethiopia: <https://bit.ly/3i3p6vm>

26. ITU report, Measuring Digital Development – Facts and Figures, 2019: <https://bit.ly/2Lk0oet>

27. Web Foundation report, Women Rights Online, October 2020: <https://bit.ly/3br2bcg>

28. EIU, Inclusive Internet Index 2020: <https://bit.ly/2MTClDF>

PRIVACY, DIGITAL IDS AND SURVEILLANCE

After the Economic Intelligence Unit's Inclusive Internet index rating was recorded, authorities unveiled a COVID-19 monitoring platform in response. The multipurpose platform was to serve as a medium of information and to enable people who might have come into contact with infected persons to self-report. However, given the fact that Ethiopia does not have a comprehensive data protection plan, analysts expressed concerns over the potential misuse and or abuse of personal data due to weak regulatory framework.²⁹

According to Alt Advisory's Data Protection Africa Fact Sheet on Ethiopia,³⁰ the country had yet to enact a data protection law. It has been over a decade since a draft comprehensive data protection law was circulated in 2009. Two current

laws, the Freedom of Information and Access to Information as well as the Computer Crime Proclamations of 2008 and 2016 respectively, have sections that touch on the area of data protection. At the continental level, Ethiopia has yet to sign the African Union Convention on Cyber Security and Personal Data Protection as of May 2020 despite the convention having been adopted in 2014.

Another area that came up prominently was the SIM card registration draft law).³¹ In August 2020, the Ethiopia Communications Authority (ECA) released a draft directive in relation to this. ECA stated that the purpose was to facilitate stakeholder consultations, an encouraging signal of government's involvement of civil society in policy making processes.

CONCLUSION AND RECOMMENDATIONS

Government must work towards a data protection policy and while doing so, work with relevant civil society players at home and across the region. Government must ratify the African Union's Convention on Cyber Security and Personal Data Protection (Malabo Convention) and incorporate its provisions on data protection in local legislation.

Bridging the digital gender divide must also be prioritized along with rapid expansion of telecom infrastructure especially in the hinterlands and other under served areas across the country. Government must also respect international legislation that it is party to especially with respect to internet shutdowns and the targeting through social media of activists and journalists deemed to be critical of the government.

The establishment of an ICT "enabling legal and regulatory environment" is one of the main pillars of the 2019 Digital Transformation Strategy. Yet there are challenges which need a concerted effort by the government and all stakeholders to guarantee full enjoyment of rights online. From legislation to infrastructure, policy roll out to human rights, there is equally a lot of potential in strengthening digital rights in Ethiopia.



29. State of Internet Freedom in Africa 2020, Resetting Digital Rights Amidst the COVID-19 fallout, CIPESA; September 2020: <https://bit.ly/3nC5Gz0>

30. Alt Advisory – Ethiopia, Data Protection Africa, March 2020: <https://bit.ly/35q0pnW>

31. ECA, Final Draft, SIM Card registration drive, 2020: <https://bit.ly/3q61Yzm>

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