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.
The Ministry of Innovation and Technology, MINT, is the main policy making body of government established in through proclamation /. 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 . The move is part of the wider liberalization of the economy under reforms by Prime Minister Abiy Ahmed Ali.

In June , 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.
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. 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, 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, 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 2019 and accented to by President Sahle-Work Zewde on March 23, 2020, barely a week after Ethiopia recorded its first COVID-19 case. Internet rights group Access Now’s 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 Yayesew 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). In total, three online journalists were arrested, according to a ‘census’ published by privately-owned Addis Standard. The trio were Nathaniel Gech of Wolaita Times, Medhanie Ekubamichael of Addis Standard and Bekalu Almirew of Awlo Media.

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


*Ethiopia cabinet approves new law to fight false information, Bloomberg; November 19, 2019: https://bloom.bg/3nyoWqE*


*Ethiopia’s hate speech and disinformation law: the pros, the cons and a mystery, Access Now, May 19, 2020: https://bit.ly/2Lou8Xv*

*CPJ, Record number of journalists jailed worldwide, December 2020: https://bit.ly/2xsh3fZ*

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 29 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. 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 30 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 outage 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. Ethio Telecom confirmed in late November that it had begun restoring service to parts of Tigray, days after Prime Minister Abiy announced

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

ACCESS TO INFORMATION

The National Cybersecurity Agency (INSA) disclosed in December 2020 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.

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.

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.

19. Ethiopia SoEFactcheck on Twitter @SOEFactCheck, December 2020: https://bit.ly/3yGDoUp
In the midst of such a blackout, the frustration towards the lack of access to information often forced people in Ethiopia and abroad\(^2\) 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.

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 report\(^2\) found that sub-Saharan Africa’s digital gender divide was persistent. The World Wide Web Foundation’s Women’s Rights Online report\(^2\) 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 ranked\(^2\) 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”.

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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.

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