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Ethiopia Digital Rights and Inclusion Report

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ETHIOPIA DIGITAL RIGHTS AND INCLUSION 2021 REPORT

A PARADIGM INITIATIVE PUBLICATION

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ETHIOPIA DIGITAL RIGHTS AND INCLUSION 2021 REPORT

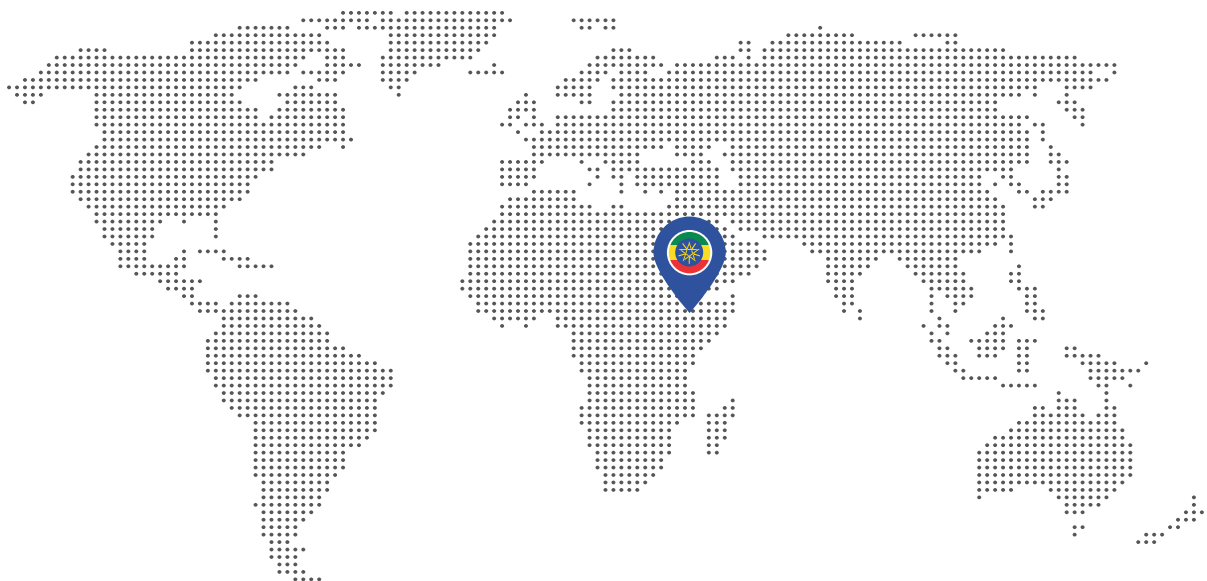
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EXECUTIVE SUMMARY

Digital rights, mainly the right to free speech and the right to privacy as well as other human rights on the Internet have been recognised in Ethiopia under the 1995 Federal Democratic Republic of Ethiopia (FDRE) Constitution, and international and subsidiary laws Ethiopia accepted. Ethiopia is currently amongst countries with the lowest level of internet penetration and use. Although there is a repeated pushback from Civil Society organizations, and litanies from digital rights activists and academia, the issue of internet shutdowns has not got the attention it deserves in Ethiopia.

This report found that while the legal reform project in Ethiopia has brought a normative dawn for human rights in the digital ecosystem, digital rights continue to be restricted by the government through various techniques including internet shutdowns, the hate speech regulation, digital exclusion and intrusion of privacy.

This report showcases Ethiopia's commitment to regional and international human rights instruments pertaining to digital rights. Thematic assessments including the impact of Covid-19 regulation on digital rights inclusion, freedom of expression online, privacy, digital ID and surveillance, access to information, internet disruptions, hate speech, disinformation and criminal defamation, digital exclusion, digital infrastructure and ICT, artificial intelligence national strategy, gender and ICT are presented at length. It ends by analysing the country's performance in relation to digital rights in 2021 with the previous year and making a few concrete recommendations.





INTERNATIONAL HUMAN RIGHTS TREATIES RATIFIED

INTRODUCTION

DIGITAL RIGHTS AND INCLUSION IN ETHIOPIA

Ethiopia is a sovereign state found in East Africa. Ethiopia is the largest and second most populated country - after Nigeria.¹ Ethiopia is historically the oldest polity that preserved its civilisation from foreign domination and successfully defended its sovereignty from colonial rule.² Ethiopia is also dubbed as the '*museum of people*' because of being the home of more than 80 ethnic and tribal groups. Since 1991, the country has been organising the federation on the basis of ethnicity, and is organised into nine regional states.

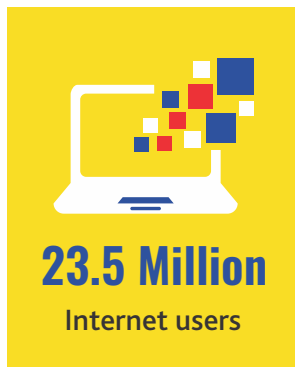
Ethiopia has ratified a number of international human rights treaties. For instance, Ethiopia has ratified the International Covenant on Civil and Political Rights (ICCPR) on 11th June 1993. This means Ethiopia is fully bound by Article 19 of the Covenant on the right to freedom of expression, and Article 17 of the Covenant on the right to privacy. Similarly, Ethiopia has also ratified the African Charter on Human and Peoples' Rights (The Banjul Charter) on 15 June 1998 which in turn, fully accepted a provision on the right to freedom of expression.

Before looking at how digital rights are protected in Ethiopia, it is important to briefly discuss the provenance of internet and internet freedom in Ethiopia. The advent of the Internet in Ethiopia seems a very nascent phenomenon that was introduced two decades ago. Although Ethiopia had telephone services since 1894 - not long after its invention, the history of the Internet in Ethiopia with limited accessibility was introduced only in 1997, and broadband Internet was not widely deployed until recently.³

1. Encyclopedia Britannica, Ethiopia <<https://www.britannica.com/place/Ethiopia>>accessed 11 February 2022.

2. Teshale Tibebu, 'Ethiopia The "Anomaly" and "Paradox" of Africa', (1996) 26: 4 Journal of Black Studies 414.

3. Kinfe M Yilma and Halefom Abraha 'The Internet and Regulatory Responses in Ethiopia: Telecoms, Cybercrimes, Privacy, E-commerce, and the New Media', (2015) 9 Mizan Law Review 109.



Statistical figures have shown that the number of internet users in Ethiopia is still low compared to the total number of its population.⁴ There is disagreement about the exact number of Ethiopians with access to the internet, but estimates typically range between 18 and 23 million. For example, the Internet World Stats, in the year 2021 provides that, out of 117,876,227 people living in Ethiopia; 21.15 million people use the internet which constituted 17.9 % of the total population. (See Table 1).

However, the Ethio-Telecom report, as of 21 January 2021 shows there are 23.5 million internet subscribers in Ethiopia⁵ which constitute 20% of the total population. In the past few years, Ethiopia has experienced steady growth in internet penetration from 0.02% in 2000⁶ to 23.5% in 2021 which is an estimated 23.5 million people using the internet. While Ethiopia still lags behind the rest of Africa and the world in internet penetration, it is striving to bridge the gap steadily.

COMPLIANCE WITH REGIONAL AND INTERNATIONAL FRAMEWORKS

Ethiopia is a party to seven out of nine core international human rights treaties.⁷ These include:

- the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD),
- International Covenant on Civil and Political Rights (ICCPR),
- International Covenant on Economic, Social and Cultural Rights (ICESCR),
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) (CAT),
- Convention on the Rights of the Child (CRC), and
- Convention on the Rights of Persons with Disabilities (CRPD).

However, Ethiopia is yet to ratify two major human rights treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPED). Yet, the plan shortfalls a stipulation on whether Ethiopia will accede to the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). This protocol mandates the UN Human Rights Committee to receive complaints on civil and political rights, including digital rights.

It should be noted article 9(4) of the Ethiopian Constitution requires that international agreements ratified by Ethiopia are an integral part

4. See Halefom Abraha 'Examining approaches to internet regulation in Ethiopia' (2017) 26 Information & Communications Technology Law 293-311.

5. Ethio Telecom 2013 EFY (2020/21) First Half Business Performance Summary Report <<https://www.ethiotelecom.et/ethio-telecom-2013-efy-2020-21-first-half-business-performance-summary-report/>> (accessed on 11 April 2022).

6. The International Telecommunications Union (ITU), Percentage of Individuals Using the Internet, Ethiopia <<https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>> (accessed on 11 April 2022).

7. See generally UN Treaty Body Database, Ratification Status for Ethiopia <https://tbineternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=59&Lang=EN> accessed April 11, 2022.

of the law of the land. This means the Ethiopian legal system is seemingly considered as monist in giving effect to international treaties. Importantly, Ethiopia adopted its third national human rights action plan. The National Human Rights Action Plan (NHRAP) is a five-year roadmap that guides the government toward the realization of human rights. It also acts as a touchstone for assessing the country's performance in the area of human rights, in alignment with international standards. One of the major flaws of the current National Human Rights Action Plan is the absence of detailed guidance on human rights in the digital ecosystem.

With regard to compliance with regional human rights instruments, the Ethiopian government needs to show commitment by ratifying the Protocol that grants jurisdiction to the African Court on Human and Peoples' Rights.⁸ At a sub-regional level, the government should also consider acceding to the Treaty for the Establishment of the East African Community, which enables individuals to file human rights cases before the East African Court of Justice (EACJ).⁹ This would show additional commitment and would mean Ethiopia accepting the *acquis communautaire* (community norms) of the East African Economic Community. The government would be bound by regionally and internationally recognised human rights laws and procedures, and this would further solidify accessions to human rights treaties. The lack of commitment to enforcing civil and political rights on the Internet at the international and regional levels echoes that the incumbent administration - much like its predecessors - fears international scrutiny. Without conceding involvement from the UN and AU treaty bodies or monitoring organs, there are restricted gateways for individuals to challenge certain governmental actions such as harassment of journalists, internet censorship or internet shutdowns.



8. Protocol to the African Charter on Human and People's Rights on the Establishment of an African Court on Human and People's Rights, opened for signature 10 June 1998, (entered into force 25 January 2004).

9. Treaty for the Establishment of the East African Community, adopted 1999 in Arusha, amended 20 August 2007.

THEMATIC ASSESSMENT OF NATIONAL LAWS AND POLICIES

IMPACT OF COVID-19 REGULATIONS ON DIGITAL RIGHTS AND INCLUSION

On April 8, Ethiopia's Cabinet declared a national state of emergency in response to the COVID-19 pandemic.¹⁰ Following the first case of Covid-19 was confirmed, the Council of Ministers banned all public gatherings and sports events and ordered the closure of bars, nightclubs, schools, universities, and colleges, as well as restrictions on religious gatherings.¹¹ To give effect to this Proclamation, the Council of Ministers enacted an enabling regulation, the subsequent Regulation 466/2020 was promulgated.¹² However, civil societies like Freedom House¹³ and Human Rights Watch¹⁴ were concerned about the impact of Covid-19 regulations on human rights both, off and online. Breaking Covid-19 regulations may entail imprisonment of up to three years or a fine of no less than 1000 Birr and not exceeding 200,000 Birr.¹⁵

Yayesew Shimles was the first journalist indicted for misinforming the public after he posted on Facebook, without mentioning a source in anticipation of COVID-19's impact, the government had ordered the preparation of 200,000 burial places.¹⁶ The case is still being adjudicated and pending before court while the accused was released on bail.

FREEDOM OF EXPRESSION ONLINE

The Ethiopian Constitution recognises freedom of expression in similar terms as under the Universal Declaration¹⁷ and the ICCPR.¹⁸ It recognises the freedom to seek, receive and impart information through any medium, including the Internet.¹⁹ Ethiopia has also enacted sector-specific laws governing mass media, broadcasting services, hate speech and disinformation, network disruptions and social media regulation. For example, the Ethiopian Freedom of the Mass Media and Access to Information Proclamation²⁰ stresses the need for upholding freedom of expression for the mass media houses. However, as of 5 April 2021, the 2008 Mass Media and Access to Information Proclamation has been amended with new Media Proclamation No.1238/2021.



The Media Proclamation applies to mainstream media (print and broadcasters) and online media, excluding social media as provided under Article 2(1).

10. State of Emergency Proclamation Enacted to Counter and Control the Spread of Covid-19 and Mitigate Its Impact Proclamation No. 3/2020.

11. See generally Zemlak A Ayele et al, 'Ethiopia: Legal Response to Covid-19', in Jeff King and Octavio LM Ferraz et al (eds), The Oxford Compendium of National Legal Responses to Covid-19 (OUP 2021) para 13.

12. State of Emergency Proclamation No. 3/2020 Implementation Regulation No. 466/2020.

13. Yoseph Badwaza, 'Coronavirus Response Threatens Ethiopia's Fragile Political Transition' (Freedom House, April 13, 2020) < <https://freedomhouse.org/article/coronavirus-response-threatens-ethiopia-fragile-political-transition> > (accessed on 12 April 2022).

14. Human Rights Watch, 'Ethiopia: Free Speech at Risk Amid Covid-19. New Emergency Law Raises Concerns of Further Arrests, Prosecutions' (May 6, 2020) < <https://www.hrw.org/news/2020/05/06/ethiopia-free-speech-risk-amid-covid-19> > (accessed on 12 April 2022).

15. Proclamation No 3/2020, Ibid, Art 6.

16. See Addis Standard, 'Prosecutor's charge journalist Yayesew with newly enacted hate speech law,' 21 April 2020. < <https://addisstandard.com/news-update-prosecutors-charge-journalist-yayesew-with-newly-enacted-hate-speech-law/> > (accessed on 21 April 2021).

17. Universal Declaration of Human Rights (UDHR) adopted 10 December 1948, UNGA Res 217 A(III) Art. 19

18. UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations Treaty Series (UNTS), vol. 999, p. 171, article 19.

19. Ibid. 20. Ethiopia: Proclamation No. 590/2008 of 2008, Freedom of the Mass Media and Access to Information Proclamation, 4 December 2008, Art 4.



Nevertheless, the practical realisation of the right to freedom of expression remains under constant siege and threat from State and non-state actors in Ethiopia. Regarding freedom of expression on the Internet, emerging concerns in Ethiopia include a lack of internet access, hate speech and disinformation regulation, draconian national laws such as the 2016 Computer Crimes Proclamation, and internet censorship.²¹

PRIVACY, DIGITAL IDS AND SURVEILLANCE

The right to privacy is a constitutionally guaranteed right in Ethiopia. However, while Ethiopia has ratified major international and regional human rights documents and has incorporated the right to privacy in its constitution, it has not yet enacted comprehensive data protection law despite the recent reform efforts.

The Ethiopian government has launched a pilot programme on digital ID in 2021. Digital ID is regulated by Registration of Vital and National Identity Card Proclamation No.760/2012. This law is slightly amended by Proclamation No.1049/2017. As laid down under Article 56 (1) of the Proclamation, individuals who have attained majority age shall be obligated to obtain a national identity card. Article 58(2) further provides the particulars of national IDs. Accordingly, a national identity card to be issued shall have the quality of lasting for the period of its validity (ten years) referred to in article 59 of this Proclamation, have security features and contain the following particulars:

- the full name including grandfather, sex, date and place of birth, principal residence, photograph, fingerprint and signature of the holder;
- national identification number and identity card number; and
- issuance and expiry date.

Although the legal reform helped revise warrantless surveillance under the anti-terrorism law, it is undercut by problematic national security laws and practices by the authorities in practice (for example, warrantless interceptions and surveillance to counter-terrorism) that wholly disregard applicable human rights protections.²²

ACCESS TO INFORMATION

Access to information is one of the basic human rights subsumed under the right to freedom of expression in the Constitution of Ethiopia. Ethiopia has drafted a free standing legal framework on access to information so that citizens access and enjoy any publicly held information. However, the Draft Proclamation on Access to Information is yet to be ratified by the Parliament.

One of the persistent problems is the government's unwillingness to inform the public in a timely fashion about what is going on in the country. Part of this problem is the absence of an independent institution to provide timely and up-to-date information to the public. Following widespread criticism, the government set up an institution called '*Government Communication Service*' in October 2021 which is meant to provide and facilitate access to information in the country. It is too early to assess the overall performance of the Government Communication Service, but there are reasonable grounds to believe that this institution is not living up to the public's expectations.

21. See Yohannes Eneyew Ayalew 'Assessing the limitations to freedom of expression on the Internet in Ethiopia against the African Charter on Human and Peoples' Rights' (2020) 20 African Human Rights Law Journal 315, 322.

22. See Human Rights Watch, 'They Know Everything We Do' Telecom and Internet Surveillance in Ethiopia, (2014) <<https://www.hrw.org/node/256532/printable/print>> (accessed on 11 February 2022).

During the height of the armed conflict in Northern Ethiopia, it only gave irregular, intermittent press briefings and statements to journalists and the general public.

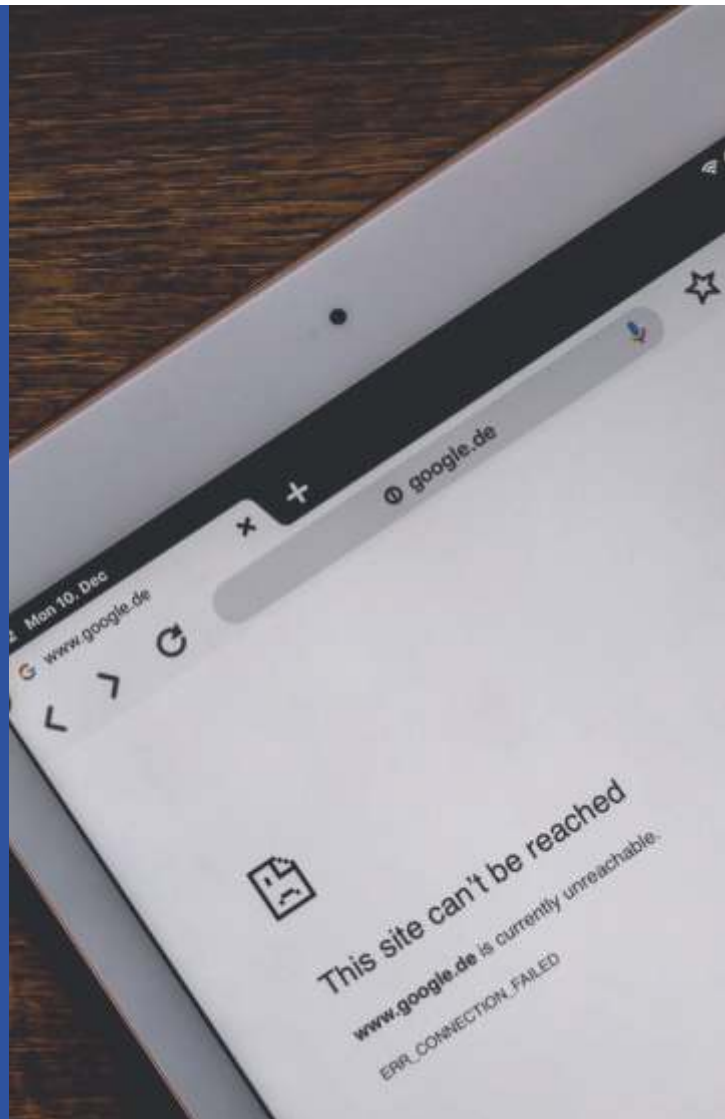
Indeed, the government seems to be reluctant to freely let the information flow. Instead, there is a seeming tendency to control the free flow of information. Yet, ironically, the government often leaks or communicates important information through informal channels such as using paid and pro-government activist(s).

Another problem is the monopoly of fact-checking by the government. When the war started, the government established a body named “*State of Emergency Fact Check*” and later renamed it “*Ethiopia Current Issues Fact Check*”. While the country's sovereignty and territorial integrity by then were at stake, it's also important to note that government-led fact-checking casts doubt on the impartiality and neutrality of the service. In effect, the government was seemingly restricting independent fact-checking and access to verified information.

INTERNET DISRUPTIONS

The 2020 Draft Computer Crimes Proclamation discourages internet shutdown measures as stipulated under Article 24(1). It provides: “*Measures aimed at internet shutdown, blocking, or filtering should only be made when necessary to protect national security, public order, public health and public safety.*” If this law is approved as is, it will legalise the practice of internet shutdowns or censorship in Ethiopia, which already poses huge threats to the protection of human rights both online and offline.

However, internet shutdowns have become the hallmark of the Ethiopian government. The Ethiopian government has been using different narratives, including a proposed law to justify network disruptions, which in turn muzzles the right to freedom of expression.²³ In the year 2021, the Internet was shut down at least four times (and four partial shutdowns) in connection with the insecurity and counter-insurgency movements in the Wollega area and an armed conflict in Northern Ethiopia, mainly Afar, Amhara and Tigray regions.²⁴



23. Yohannes Eneyew Ayalew, 'The Internet shutdown muzzle(s) freedom of expression in Ethiopia: competing narratives,' (2019) 28 Information & Communications Technology Law, 208.

24. AccessNow 'What's happening in Tigray? Internet Shutdown avert accountability' (29 July 2021) <<https://www.accessnow.org/tigray-internet-shutdowns/>> accessed 11 February 2022.

HATE SPEECH, DISINFORMATION AND CRIMINAL DEFAMATION LAWS

In February 2020, the Ethiopian Parliament passed a Proclamation aimed at countering hate speech. Article 2(2) of the Proclamation defines *'hate speech'* as any speech that deliberately promotes hatred, discrimination or attack against a person or group based on protected status.

However, this definition is still vague and susceptible to subjectivity under international human rights law because it fails to define the term *'hatred'*, one of the major ingredients of effectively regulating hate speech.²⁵

Article 2(3) of the Hate Speech and Disinformation Proclamation defines disinformation as *'a speech that is false, is disseminated by a person who knew or should reasonably have known the falsity of the information and is highly likely to cause a public disturbance, riot, violence or conflict.'* However, this definition is sweeping in scope, violating the legality requirement under Article 19(3) of the ICCPR.

Importantly, Ethiopia enacted Media Proclamation No.1238/2021 which scraps criminal defamation.

When defamation (or sedition) is committed; it shall only entail civil liability, not criminal liability.

DIGITAL EXCLUSION IN ETHIOPIA AND ITS IMPACT ON HUMAN RIGHTS

Digital exclusion continues to impede the enjoyment of human rights in Ethiopia. Although there is no universally accepted definition for this concept, digital exclusion could refer to a situation where a section of the population has continuing unequal access and capacity to use Information and Communications Technologies (ICT), including the Internet that are essential to fully participate in society.²⁶ Beyond physical access, digital skills should include a number of things such as the capacity to search for valuable information, manage social contexts online, reporting illegal contents to internet intermediaries and so on.²⁷

The advent of the Internet in Ethiopia seems a very nascent phenomenon as it was introduced some two decades ago. While Ethiopia had a long-standing telephone service in Africa which was operating since 1894, the history of the Internet in Ethiopia with limited accessibility was introduced only in 1997.²⁸

Table 1 | internet usage in Ethiopia and the world in 2021. Source. Internet World Statistics:

Region	Population (est 2021)	Internet Users (as of 31 Dec 2020)	Internet Penetration (% population)	% Users in the world
Ethiopia	117,876,227	21,147,255	17.9%	0.42
Africa	1,373,486,514	590,296,163	43.0%	11.68
Rest of the World	6,502,279,070	4,463,594,959	68.6%	88.31
World Total	7,875,765,584	5,053,891,122	64.2%	100

Source: <http://www.internetworldstats.com/stats1.htm>

25. Yohannes Eneyew Ayalew, 'Defining 'Hate Speech' under the Hate Speech Suppression Proclamation in Ethiopia: A Sisyphean exercise?' 12 Ethiopian Human Rights Law Series (2020), 57-79.

26. Martyn Warren, 'The digital vicious cycle: Links between social disadvantage and digital exclusion in rural areas' (2007) 31 Telecommunications Policy 374-388.

27. Massimo Ragnedda 'Conceptualising the digital divide' in Bruce Mutsaers and Massimo Ragnedda (eds) Mapping Digital Divide in Africa Book Subtitle: A Mediated Analysis (Amsterdam University Press, 2019) 27.

28. Yilma & Abraha (n 3)

It shall be noted that the digital divide is still too high in Ethiopia due to its low level of internet penetration and use. Statistical figures have shown that the number of internet users in Ethiopia is still low compared to the total number of population. In effect, the digital exclusion would affect the enjoyment of a number of human rights on the Internet.

DIGITAL INFRASTRUCTURE AND PRIORITISATION OF ICT

The government of Ethiopia has launched a national '*Digital Strategy*' (2020-2025), which aspires to digital transformation by the year 2025. This is conducted under the supervision of the Ministry of Innovation and Technology (MINT).

One of the reforms introduced during the early reign of Abiy's leadership was amending the laws that were used to narrow the civic space for the last 10 years. The new administration formed a Legal and Justice Affairs Advisory Council (LJAAC) to work on laws to help widen the political space.²⁹ A legal reform working team, a combination of independent experts and lawyers drafted a new anti-terror law, civil society law and media law which was later ratified by the Ethiopian parliament.³⁰ Abiy has been praised for law reforms that aim to widen the political sphere.³¹

As part of the reform undertaken by Prime Minister Abiy, a plan to liberalise the telecom sector was unveiled. In 2019, a regulatory body that oversees the communication sector, Ethiopia Telecommunication Authority (ECA) formed. Based on the Communications Service Proclamation 1148/2019, The Ethiopia Telecommunication Authority has the mandate to issue licenses to new telecom operators, protect consumers' data and regulate communication devices.³²

In May 2021, the Ethiopia Telecommunications Authority awarded the first-ever telecom license to a private company, a consortium led by Safaricom. In June 2021, the government announced a tender process to sell a 40% stake in the sole telecom operator in the country, Ethio telecom.³³



The new administration formed a Legal and Justice Affairs Advisory Council (LJAAC) to work on laws to help widen the political space.



29. Abadir M. Ibrahim and Abduletif Kedir Idris, 'The Silent Fighters: The Volunteers behind Ethiopia's Democratic Reforms,' Addis Standard (Addis Ababa, 27 February 2020) <<http://addisstandard.com/profile-the-silent-fighters-the-volunteers-behind-ethiopia-democratic-reforms/>> accessed 11 February 2022.

30. AFP, 'Ethiopia Adopts New Version of Much-Criticized Terrorism Law' (03 January 2020) <<https://www.voanews.com/africa/ethiopia-adopts-new-version-much-criticized-terrorism-law>> accessed 11 February 2022.

31. Human Rights Watch, 'Abiy's First Year as Prime Minister, Review of Freedom of Association,' (April 4, 2019) <<https://www.hrw.org/news/2019/04/04/ethiopia-abiy-first-year-prime-minister-review-freedom-association>>, accessed 11 February 2022.

32. Communication Service Proclamation 1148/2019, Federal Negarit Gazetta, Addis Ababa, 25th Year No.82, articles 19-20.

33. Reuters, 'Ethiopia launches tender process to sell 40% stake in Ethio Telecom', (June 14, 2021) <<https://www.reuters.com/business/media-telecom/ethiopia-launches-tender-process-sell-40-stake-ethio-telecom-2021-06-14/>> accessed 11 February 2022.

ARTIFICIAL INTELLIGENCE NATIONAL STRATEGY

In the past few years, Artificial Intelligence (AI) is growing in Ethiopia despite the sector not being supported by enabling legal and policy instruments.³⁴ In 2013, a robotics lab iCog was launched with USD 50,000 capital and four programmers. It is reported as the first AI lab that was involved in developing the world-famous, Sophia robot.³⁵ In late 2019, Ethiopia established a center dedicated to Artificial Intelligence development called Ethiopian Artificial Intelligence Center (EAIC) through a regulation.³⁶ The Center has five areas of focus which include:

- AI-robotics,
- Big Data,
- Machine Learning,
- Natural Language Processing (NLP)
- and Computer Vision.

While Ethiopia is yet to enact a comprehensive AI policy and strategy, the regulation is meant to confer the Center some powers and duties to foster research and development in the fields of AI in Ethiopia. The Center is empowered to provide research-based artificial intelligence services and products, setting national infrastructure that enables artificial intelligence research and development programs, formulating national artificial intelligence-related policies, legislation, and regulatory frameworks, ensuring Artificial Intelligence services support the defence and national security-related decision-making process, as well as socio-economic programs such as health, education, agriculture, and utilities.

Recently, it was renamed as Ethiopian Artificial Intelligence Institute on 6 October 2021. The Institute is answerable to the Prime Minister.³⁷ Thus, the Institute continues to undertake the powers and functions of the Center.

34. Abebe Chekol, *The Thriving AI Landscape in Ethiopia: Its Implications for Human Rights, Social Justice and Development* (Global Information Society Watch, 2019) 128.

35. Thomas Lewton, *Futurists in Ethiopia are betting on artificial intelligence to drive development* (Quartz, 2018) <<https://qz.com/africa/1301231/ethiopias-futurists-want-artificial-intelligence-to-drive-the-countrys-development/>> accessed 12 April 2022.

36. Artificial Intelligence Centre Establishment Council of Ministers Regulation No 463/2020.

37. Definition of Powers and Duties of the Executive Organs Proclamation No. 1263/2021, article 79(10).



GENDER AND ICT

There is a clear intent for ICTs to be a core part of many countries' plans to empower women and recover economically from the Covid-19 pandemic. However, in contrast to this, governments are failing to convert words into action by adopting broadband policies and universal access strategies that will build an inclusive foundation for a robust digital economy.

In regard to data affordability in Ethiopia, the Alliance for Affordable Internet (A4AI) in its 2021 Affordability Report noted that policies related to internet infrastructure and access played a key role in making broadband more affordable. The report found Ethiopia – has seen its ADI score rise from 2.31% in 2014 to 24.8% in 2021, stimulated by the opening up of its telecommunication market over the past three years. Although the country has made progress toward the affordability of the Internet, women continue to face uneven access to ICT services in Ethiopia due to socially and culturally constructed barriers that resulted in gendered roles.

AN ANALYSIS OF ETHIOPIA'S PERFORMANCE FROM THE PREVIOUS YEAR.

While the legal reform project is a step in the right direction and has the potential to foster digital rights, State and non-State actors continue to impede the full enjoyment of digital rights in Ethiopia. It recorded four partial shutdowns in Afar, Amhara, Tigray and Oromia regions while in 2020, there was one complete shutdown across the country and two partial shutdowns in Amhara and Tigray regions.

Importantly, it was in 2021 that the Ethiopian government awarded the first-ever telecom license to a private company, a consortium led by Safaricom – which ultimately boost healthy competition and enhance telecommunication and digital services access.

Worryingly, press freedom is regressing in the country. In 2021, nine journalists were arrested and one journalist was killed while in the previous year seven journalists were arrested, per Committee to Protect Journalists (CPJ). Some of these journalists work in digital media and online mediums.



**JOURNALISTS
ARRESTED**

CONCLUSION AND RECOMMENDATIONS

The following recommendations are made:

- The Media Proclamation has a hefty fine for civil defamation and vague terms as under Article 85(1) which could have a chilling effect on freedom of expression, off and online. As such, such problematic provisions need to be reconsidered and redrafted;
- The Hate Speech and Disinformation Proclamation No.1185/2020 should be re-drafted with precision taking the legality requirement under international human rights law into account. These sections include Article 2(2), which has a vague definition of hate speech and Article 2(3) for its sweeping scope which may violate the legality requirement of Article 19(3) of the ICCPR;
- The government should review the national ICT policy periodically so that it addresses new emerging technologies including AI, big data, Internet of Things (IoT) and cloud computing;
- The government must adopt the draft data protection bill and ensure the establishment and operationalisation of a Data Protection Commission or any other independent body;
- To bridge the digital divide steadily, the government must invest reasonable resources for digital and ICTs development so that individuals enjoy their human rights.
- The government must respect the digital rights of human rights defenders and opposition political parties, for example, by refraining from confiscating phones, spying on social media accounts and communication materials, thereby, should show a strong commitment to international standards on digital rights; and
- To enforce digital rights, the laws should grant courts an active role in interpreting digital rights. Also, the government must initiate a constitutional amendment process to expressly reclaim the court's inherent power of judicial review from a non-judicial body, i.e., the House of Federation.

Londa 2021 expands on last year's report with findings from 22 countries, examining themes of privacy, freedom of expression, access to information, segmentation and exclusion, digital transformation, affordability, gender and others within existing legislative frameworks, and against the backdrop of a widening digital divide. This edition captures the gaps and proffers recommendations to achieve a digitally inclusive and rights - respecting Africa.



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