



ETHIOPIA: Universal Periodic Review (UPR) Session 33 Digital Rights Advocacy Briefing Document

By Collaboration on International ICT Policy for East and Southern Africa (CIPESA) and Small Media

At a Glance

	Households with a computer %	Households with internet access at home %	Mobile broadband subscription per 100 inhabitants	Mobile phone subscriptions/penetration rate	Individuals using the internet %
At time of 1st cycle review	1.38 % ¹	0.54 % ²		4 million ³	0.54 % ⁴
At time of 2nd cycle review	2 %	7.7 % ⁵	5 / 100 (61,913) ⁶	28.3 million ⁷	7.7% ⁸
Current statistics	5 % ⁹	15.4 % ¹⁰	7.2 / 100 (14.5 million) ¹¹	39.54 million ¹²	19.49 million ¹³

¹ International Telecommunications Union (ITU) Internet users by country, <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

² Ethio telecom, Bulletin Annual Report February 2018, p.15

³ ibid

⁴ ibid

⁵ International Telecommunications Union (ITU) Households with internet access at home, <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

⁶ ibid

⁷ Ethio telecom, Bulletin Annual Report February 2018, p.15

⁸ World Bank Report 2014, Individuals Using the internet, <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=ET>

⁹ International Telecommunications Union (ITU) Households with computer, <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

¹⁰ ibid

¹¹ Ethio telecom, <https://twitter.com/ethiotelecom/status/1092323086962249728>

¹² Ethio telecom, <https://twitter.com/ethiotelecom/status/1093212799298387968>

¹³ Ethio Telecom, <https://twitter.com/ethiotelecom/status/1092320250224361472>

Freedom of Expression

Overview

Freedom of expression is provided for under Article 29 of the Ethiopian [Constitution](#). Article 29 (6), states that “freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed”. Limitations stipulated include “to protect the well-being of youth and the honour and reputation of individuals”. Propaganda for war and “public expression of opinion intended to injure human dignity” are also prohibited.

Besides, the [Freedom of the Mass Media and Access to Information Proclamation](#) No.590/2008 provides for freedom of expression for the mass media. The Proclamation provides for stiff penalties for defamation through mass media. Upon conviction, individuals or media houses face a fine of up to 100,000 birr (around 3,500 USD) (Article 41(2)). Pursuant to Article 7 of the [Broadcasting Proclamation](#) No.533/2007, the Broadcasting Authority is mandate to regulate broadcast and mass media services in the country.

Despite the above constitutional and legal provisions, Ethiopia [continues to restrict critical voices](#), mainly under provisions of the Anti Terrorism Proclamation No. 652/2009, the Computer Crime Proclamation of 2016 and Telecom Fraud Offences Proclamation No. 761/2012. In 2014 alone, several media houses [ceased operations and were journalists convicted](#) on allegations [of encouraging terrorism](#), inciting violence, and undermining public confidence in the government. Online, the Ethiopian government has been accused of pervasive and repeated violations of freedom of expression including through internet shutdowns, content filtering and website blockages.

Nonetheless, since April 2018, the new Ethiopian government has been undertaking unprecedented political and economic reforms under the leadership of a [new prime minister](#), Abiye Ahmed. Reforms have included freeing thousands of prisoners; measures to [liberalise](#) the telecom, aviation, and transportation sectors; dropping of charges against many [opposition leaders, bloggers, and activists](#); [reconnecting](#) mobile and broadband internet services that were cut off since 2016; and [unblocking](#) 246 websites, blogs, and news sites that have been inaccessible for over a decade. See https://cipesa.org/?wpfb_dl=273

Given the above, along with the establishment of the [Advisory Law Reforms Committee](#) and the government’s willingness to [open-up the civic and political spaces](#), the prospects for freedom of expression in Ethiopia are promising. However, ethnic tensions, uncertainty and precarious resentment among political parties could remain a challenge.

Examples

[Internet Shutdowns](#)— Since November 2015, the Ethiopian government has [consistently](#) blocked and initiated national or regional shutdowns during public protest and exams, on grounds of national security. Whereas access to affected regions was restored during reforms in early 2018, there were [reports](#) of a

shutdown in the eastern part of country in August 2018.

The shutdowns have not only had a significant impact on freedom of expression, there has been a significant economic cost too. A September 2017 CIPESA report estimates that Ethiopia lost USD 3,499,741 per day due to internet shutdowns and USD 874,935 per day of social media shutdowns.

In May 2012, nine individuals formed the Zone 9 blogging collective – a loose network of activists regularly blogging and campaigning on human and democratic rights. However, two weeks after the launch of the initiative, the Ethiopian government blocked access to the collective’s online platform. In April 2014, six members of the collective were jailed on allegations of working with foreign organisations and rights activists by “using social media to destabilise the country.” The other three members fled into exile. In February 2018, after six years of facing charges that included terrorism and inciting violence, prosecutors in Ethiopia [dropped all charges](#) against the last members of the collective that still faced prosecution. Many other opposition leaders, bloggers and activists previously detained and prosecuted were [released](#) in the same month.

In June 2018, the Ethiopian Broadcasting Authority [reprimanded the ENN television](#) for not covering a national rally in support of the newly appointed Prime Minister Abiy Ahmed. The television channel later [ceased operations](#) amidst various allegations and challenges.

Recommendations

Session	Recommending State	Recommendation	Response?	Implemented?
1 st cycle	France	Guarantee genuine freedom of expression to all political leaders and the media, in light of the next elections (2012)	Noted	As noted above, these recommendations remained largely unimplemented until reforms beginning April 2018. Specifically on the review of legislation to comply with human rights standards, implementation is ongoing since the establishment of the Advisory Committee on Legal Reforms to review and amend regressive provisions.
2 nd cycle	Ireland	Review its legislation to ensure that any limitations on the right to freedom of expression, both online and off-line, are in full compliance with article 19 of ICCPR, in particular by providing for a defense of truth in all defamation cases.	Noted	
2 nd cycle	Sweden	Remove vague provisions in the Anti-Terrorism Proclamation that can be used to criminalize the exercise of	Noted	

		the right to freedom of expression and ensure that criminal prosecutions do not limit the freedom of expression of civil society, opposition politicians and independent media.		
1 st cycle	Poland	While indicating that human rights defenders remain exposed to repression and persecution and deprived of the right to freedom of expression; it asked about steps in order to release detained human rights defenders and to eradicate harassment of members of political opposition parties, journalists and human rights defenders.	Noted	
1 st cycle	Norway	Promptly respond to complaints of harassment, intimidation or arbitrary arrests of human rights defenders, and take adequate measures for their safety.	Noted	
2 nd cycle	Italy	Carry out actions against terrorism in full respect for human rights law and standards and without undue restrictions on fundamental freedoms, such as freedom of expression and freedom of the press, and on civil society space.	Noted	
2 nd cycle	Canada	Fully protect members of opposition groups, political activists and journalists who are exercising their rights to freedom of expression, association and peaceful assembly from arbitrary detention.	Noted	
2 nd cycle	The Netherlands	Amend and clearly redefine provisions in the Charities and Societies Proclamation and the Anti-Terrorism Proclamation in order to lift restrictions on the rights to freedom of association and freedom of expression	Noted	

Freedom of information and censorship of content

Overview

The right of access to information is provided for under Article 12 of [Freedom of the Mass Media and Access to Information Proclamation](#) (FMMAIP) No.590/2008. With the exception of defense or national security information, cabinet records, personal information, information related to legal proceedings or intellectual property, the article grants citizens the right to be informed whether or not a public body holds a record containing the requested information. Furthermore, to obtain information from any public body by means of; inspection, taking extracts and notes; certified copies of any records of such public authority; and diskettes, floppies or any other electronic mode or through print-outs where such information is stored in a computer or in any other device.

Article 29(3)(a) of the Ethiopian [Constitution](#) explicitly forbids any form of censorship. Likewise, the [FMMAI Proclamation](#) outlaws censorship under article 4(1). Nonetheless, prosecutors are granted broad discretion to censor publishers and impose undue prior restraint using the so called 'impounding order' as provided under article 42 of the FMMAI Proclamation.

Examples

[Until October 2018](#), a regulation approved by the Bureau of Culture and Tourism required prior approval of film and theatre productions before public dissemination. The requirement was lifted in order to promote freedom of expression, and the creative industry.

Over a decade since the enactment of the FMMAI Proclamation, access to public information in Ethiopia remains [a challenge](#) with requests often denied, bureaucratic procedures frustrating citizens and media, and authorities not proactively releasing information.

Over the years, [hundreds of prominent sites that are critical](#) of the Ethiopian government were blocked and remained inaccessible within the country. In June 2018, the government restored [access to 264 websites](#), including the sites of diaspora media outlets the Ethiopian Satellite Television (ESAT) and Oromia Media Network (OMN). The list of sites was not made public but subsequent research by the [Open Observatory on Network Interference](#) found that, with the exception of one site which had yet to be tested as of September 2018, all sites previously found to be blocked had been unblocked.

Recommendations

Session	Recommending State	Recommendation	Response?	Implemented?
1 st cycle	Norway	Fully and effectively implement the Freedom of Mass Media and Access to Information Proclamation	Noted	The Freedom of Mass Media and Access to Information Proclamation was enacted in accordance with relevant constitutional guarantees. A national task force, spearheaded by the institution of the Ombudsman, was established in 2008 to oversee the effective implementation of access to information provisions of the Proclamation. To date, there remain gaps in practical implementation of the Proclamation.
2 nd cycle	Denmark	Remove any structural and institutional impediments that hinder the implementation of the Freedom of the Mass Media and Access to Information Proclamation	Noted	
2 nd cycle	France	Take the necessary measures in order for the law on media and access to information to comply with ICCPR	Noted	

Equality and barriers to access

Overview

[Ethio telecom](#), formerly called Ethiopian Telecommunications Corporation, is the sole telecommunications service provider in Ethiopia. Although the government has vowed to [privatize the telecommunications](#) sector, Ethio telecom operates as a monopoly in the country. Ethiopia is ranked 78th out of 86 countries in [internet affordability](#).

Without a universal service fund, existing barriers to access include, [limited coverage across the country](#), high cost of data, poor telecom services and unskilled manpower. For example, a [monthly bundle](#) of 1 GB costs 100 birr (USD 3.7), which is above the recommended 1GB for 2% average monthly income. The average monthly income of Ethiopians is 1,500 birr (USD 53).

Examples

Ethio telecom is striving to improve affordability of services. In August 2018, the company reduced its tariffs for calls, SMS and internet. Local calls were cut by 40%, SMS and mobile data services were cut by 43%, while residential broadband internet services were slashed by 54%. However the reduced prices have reportedly affected the quality of services. See <https://addisfortune.net/columns/telecom-tariffs-recede-demand-surges-service-plumets/>

Over the years, Ethio monopoly over the telecommunication sector has hindered the sector's development in Ethiopia. However, opportunities for competition are slowly opening up, with some local firms now [allowed](#) to provide internet services.

The Ethiopian Information Technology Professional Association was established with the aim of promoting ICT for development in Ethiopia and facilitating collaboration among practitioners. However, the organisation appears defunct. See <http://www.eitpa.org/>

Right to data protection and privacy on the Internet

Overview

Ethiopia has no data protection and privacy law. However, Article 26 of the Constitution of Ethiopia provides that “Everyone has the right to privacy. This right shall include the right not to be subjected to searches of his home, person or property, or the seizure of any property under his personal possession”. Furthermore, the Article states that “Everyone has the right to the inviolability of his notes and correspondence including postal letters, and communications made by means of telephone, telecommunications and electronic devices.”

The [Computer Crimes Proclamation No.958/2016](#) sets protections for personal data. The rationale for the Proclamation includes, among others, “, unless appropriate protection and security measures are taken, the utilization of information communication technology is vulnerable to various computer crimes and other security threats that can impede the overall development of the country and endanger individual rights.”

Article 3(1) of the Computer Crimes Proclamation prohibits illegal access to data among other things. It states: “anyone without authorization or in excess of authorization, intentionally secures access to the whole or any part of computer system, computer data or network” is liable to imprisonment not exceeding three years or a fine between Birr 30,000-50,000 (USD 1,110 1,851) or both. Meanwhile, illegal interception of data is a crime, punishable upon conviction with imprisonment not exceeding five years and a fine between Birr 10,000 - 50,000 (USD 370 to 1,851 USD), under article 4(1).

Examples

[State surveillance](#), perceived and real, remains a significant impediment to the practice of independent journalism and freedom of expression. Global watchdog groups have documented how information, obtained through warrantless [digital surveillance](#), has been used to justify arrests and inform violent interrogations of dissenters.

Recommendations

Session	Recommending Civil Society	Recommendation	Implemented?
2014	Ethiopian Free and Open Source Software Network (EFOSSNET)	While close to 90 countries have so far issued data protection laws, Ethiopia has not. It is noted above that the Information and Communication Technology Policy of 2009, however, clearly recognises the need, among other cyber-oriented laws, to issue a data protection law. Therefore there is a need for Ethiopia to develop a data protection and privacy law that can harmonise existing laws that affect these rights.	Towards upholding citizens privacy and data protection, Ethiopia enacted a Computer Crimes Proclamation in 2016. However, surveillance remains a threat among journalists and critics.
2017	Human Rights Watch	Ethiopian authorities have carried out a renewed campaign of malware attacks, abusing commercial spyware to monitor government critics abroad. The government should immediately cease digital attacks on activists and independent voices, while spyware companies should be far more closely regulated.	

Freedom of creation and innovation

Overview

The internet has played a decisive role in transforming the lives of millions in Ethiopia through innovation and creativity. For instance, using mobile phones, the [M-birr](#) service offers financial transactions. Using M-birr customers can deposit, withdraw and transfer cash, as well as pay for bills, goods and services. Similarly, the [Hello Cash](#) service enables existing and potential customers of financial institutions to carry out transactions. One of the unique features of

the HelloCash mobile money service is the shared infrastructure feature, allowing multiple banks and Micro Finance Institutions to serve each other's customers. In the agricultural sector, the [Ethiopian Commodity Exchange \(ECX\) launched](#) a gateway for direct online trading of agricultural products among farmers.

The 2009 [Ethiopian ICT policy](#) underlined the need for enhanced innovation. Meanwhile the country's [Second Growth and Transformation Plan/GTP II](#) (2016-2020) aims to serve as a springboard for "realizing the national vision of becoming a low middle-income country by 2025, through sustaining the rapid, broad based and inclusive economic growth, which accelerates economic transformation and the journey towards the country's renaissance." In GTP II, the strategic directions for digital infrastructure are: accelerate information, communication technology development, human development, ensure the legal framework and security, use ICT for government administration, upgrade government electronics services, internalize ICT knowledge among the general public, use ICT for industrial and private sector development and ICT research and development. Priority will be given to strengthening ICT Industry and thereby improve competitiveness of the sector, expand sound and data services penetration to enable the general public, particularly rural communities to benefit from the outcomes. The other strategic directions are to reduce the share of the second generation mobile technology from 93 percent in 2014/15 to 47% by 2019/20, improve the participation of private ICT organizations, create conditions to enable all government offices and the public benefit from broadband internet, formulate strategies for rural government administrative units - also known as *kebeles* - to use broadband internet in addition to the narrowband internet and increase the coverage and quality of postal services.

Examples

The [e-service portal](#) is designed to provide a common platform and generic tools for online transactional services. Using the system, government organizations render electronic public services to citizens, non-citizens, businesses, and governmental and non-governmental organizations.

[Ethiopia SchoolNet](#) –project aims to integrate national educational resources and help ensure the availability of education all over the country.

SUGGESTED RECOMMENDATIONS

KEY ISSUE/S	RECOMMENDATION
Freedom of Expression	<ul style="list-style-type: none"> ● Amend the Freedom of the Mass Media and Access to Information (FMMAI) Proclamation to remove penalties for defamation. ● As part of ongoing reforms, Laws that prosecute freedom of expression online and offline like the Anti-Terrorism Proclamation and Computer Crime Proclamation must undergo substantial revisions to meet international human rights standards. ● The government should desist from any throttling or blackout of communications under the cloak of national security (state of emergency), quelling protests, controlling strikes, and exam cheating.
Freedom of Information and censorship of content	<ul style="list-style-type: none"> ● Amend the FMMAI to ensure oversight over the powers granted to prosecutors to censor content under Article 42. ● Take concrete measures for the effective realisation of citizen's right of access to information including responsiveness to requests and proactive disclosure
Equality and barriers of access	<ul style="list-style-type: none"> ● Prioritise liberalisation of the telecommunications sector towards promoting affordable and equitable access to services
Right to data protection and privacy on the Internet	<ul style="list-style-type: none"> ● Enact a data protection and privacy law in compliance with international human rights standards. The law should be drafted through participatory/consultative processes. ● Implement changes within law enforcement and intelligence agencies to curb unwarranted surveillance of citizens including introduction of independent oversight over interception of communications.
Freedom of creation and innovation	<ul style="list-style-type: none"> ● ICT based interventions and allocation of grants and subsidies should be informed by research and needs assessments.