ABOUT THE ORGANIZATIONS

1. **Ethiopian Human Rights Council** (EHRCO) is a non-governmental, non-profit-making, non-partisan, and membership-based organization legally registered by the Ethiopian Civic Society Authority with registration number 1146. Since its establishment in 1991, EHRCO has been working as a human rights-based civil society organization (CSO).[1] As part of its unique organizational mandates, EHRCO specializes in situation monitoring, investigating, documentation, and reporting (MIDR) of human rights violations within the context of the local human rights arena. Furthermore, EHRCO conducts routine monitoring *vis-a-vis* prisons, and trials, as well as election proceedings, and provides free legal aid services to victims, prioritizing the needs of the most vulnerable segments of the society.

2. **Small Media Foundation** is a UK-based organisation that works to support the free flow of information in politically closed societies. The non-profit engages in research, advocacy, and training activities to support global advocates to uphold citizens' rights to freedom of expression and access to information. The Uproar programme is a Small Media initiative championing digital rights in over 34 countries across Africa, MENA region and Central Asia through the Universal Periodic Review.

3. **The International Press Institute** (IPI) is a global network of editors, media executives, and leading journalists who share a common dedication to quality, independent journalism. The IPI Africa Program supports and advances press freedom and independent journalism in Africa. Through this program, IPI monitors and collects data on press freedom threats and violations across the continent, including threats to journalists' safety and gendered attacks against journalists both online and offline. IPI uses this data to carry out evidence-based advocacy to hold states and other duty-bearers accountable for their responsibilities to protect press freedom and ensure that journalists can carry out their work freely, independently, and safely.

I. INTRODUCTION

4. In Ethiopia, the digital landscape intertwines with fundamental human rights, presenting a complex situation of the need to balance freedoms and regulations. As technology becomes increasingly integrated into everyday life, questions surrounding freedom of expression, opinion, and access to information online have come to the forefront. Yet, alongside these liberties, challenges such as censorship of online content and the protection of data and privacy persist,

[1] https://ehrco.org/

shaping the digital experience for Ethiopian citizens. In this context, exploring the dynamics of freedom of expression, opinion, information accessibility, content censorship, data protection, and privacy online becomes imperative to understand the evolving digital rights landscape in Ethiopia.

5. This submission will delve into the nuanced landscape of digital rights in Ethiopia from 2019 to 2024, specifically focusing on six key aspects: Freedom of Expression, Opinion Online, Freedom of Information, Censorship of Content Online, the Right to Data Protection, and Privacy Online.

6. According to data from January 2024, Ethiopia has approximately 24.83 million internet users, with the Internet penetration standing at 19.4 percent,[2] a 2.7 increase compared to 2023.[3] According to the International Telecommunication Union (ITU), Internet penetration differs substantially between urban and rural areas.[4]

II. UPDATE FROM PREVIOUS REVIEW

1. In the 3rd cycle, at the 33rd session of the Universal Periodic Review, Ethiopia received a total of 287 recommendations from various UN Member States regarding its human rights situation. These recommendations covered a wide range of areas, including Freedom of Expression, Opinion Online, Freedom of Information, Censorship of Content Online, the Right to Data Protection, and Privacy Online.

III. INTERNATIONAL, REGIONAL, AND DOMESTIC LEGAL FRAMEWORK

2. The right to freedom of expression is well protected by several international human rights instruments to which Ethiopia is a party. These include Article 19 of the Universal Declaration of Human Rights (UDHR)[5] and Article 19 of the International Covenant on Civil and Political Rights (ICCPR)[6], as well as Article 9 of the African Charter on Human and Peoples' Rights (ACHPR's).[7]

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[2] "Digital 2024: Ethiopia," Data Reportal, Accessed on April 7, 2024, https://datareportal.com/reports/digital-2024-ethiopia?rq=ethiopia

[3] "Digital 2023: Ethiopia," Data Reportal, Accessed on April 7, 2024. https://datareportal.com/reports/digital-2023-ethiopia?rq=ethiopia

[4] "Percentage of Individuals Using the Internet, 2000-2018," International Telecommunication Union, 2020, https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx.

[5] Universal Declaration of Human Rights, UN General Assembly Resolution 217A (III), adopted 10 December 1948, [herein after UDHR] available at: https://www.ohcr.org/en/udhr/documents/udhr translation/eng.pdf , [last accessed on August, 2023]

[6] International Covenant on Civil and Political Rights, UN General Assembly Resolution 2200A of 16 December 1966, [herein after ICCPR]. Ethiopia acceded to the ICCPR on 11 June 1993. availabel at: https://www.ohcr.org/documents/professionalinterest/ccpre.pdf. [last accessed on August, 2023]

[7] African charter on Human and Peoples' rights, adopted 27 June 1981, OAU Doc, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), [herein after ACHPR]. Ethiopia acceded to the ACHPR on 15 June 1998. Available at: https://au.int/en/treaties/african-charter-human-and-peoples-rights, [accessed on August, 2023]

3. The UDHR and ICCPR emphasize the importance of freedom of expression and the right to seek, receive, and impart information without interference. Censorship of content online would generally be contrary to these provisions unless it can be justified under certain limited circumstances as prescribed by law and necessary in a democratic society.

4. UDHR Article 12 states that individuals should not face arbitrary interference with their privacy, family, home, or correspondence, nor should they experience attacks on their honor and reputation. It affirms everyone's entitlement to legal protection against such interferences or attacks. Similarly, ICCPR Article 17 asserts that individuals should not be subject to arbitrary or unlawful interference with their privacy, family, home, or correspondence, nor should they suffer unlawful attacks on their honor and reputation.

5. The International Telecommunication Union (ITU), a specialized agency of the United Nations that Ethiopia is a member of, addresses issues related to information and communication technologies. It develops regulations and standards to ensure the smooth operation of international telecommunications networks and services, which indirectly impact aspects of online expression, censorship, and data protection.[8]

6. At the national level, freedom of expression is guaranteed under the Federal Democratic Republic of Ethiopia (FDRE) Constitution. Article 29, provides a number of speech-related freedoms which among others include 'everyone's right to freedom of expression without any interference, including freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or print, in the form of art, or through any media of one's choice.'[9] This right, however, is not an absolute one as it may be limited under .[10]

7. The Media Proclamation No.1238/2021:[11] governs the operations of the media and grants individuals the right to access information held by public bodies. One key provision of Proclamation No. 1238/2021 is the prohibition of pre-trial detention of any person suspected of committing an alleged crime through the media. This prohibition ensures that individuals charged with offenses related to media activities are promptly brought before a court without being remanded for

[8] Final Acts of the World Conference on International Telecommunications (WCIT-12). (n.d.). Retrieved from https://www.itu.int/pub/S-CONF-WCIT-2012/en

[9] Article 29 (2) of the FDRE Constitution, adopted 8 December 1994, in force 21 August 1995 (Federal Negarit Gazeta, 1st Year No. 1) [hereinafter FDRE constitution]. https://www.ethiopianembassy.be/wp-content/uploads/Constitution-of-the-FDRE.pdf

[10] Id. Art, 29 (6).

[11] Media Proclamation No. 1238/2021, World Intellectual Property Organization (WIPO) https://www.wipo.int/wipolex/en/text/586376

further investigation, as outlined in Article 86(1) of the Media Proclamation.[12] However, this principle is far from being implemented and upheld as many journalists continue to be detained by the police before their trial. In September 2022, at least ten journalists were believed to be in detention over their coverage of the ongoing conflict in the Tigray region.[13]

8. Ethiopia's legal framework does not explicitly address censorship of online content; various laws and regulations, including provisions in the Criminal Code and Anti-Terrorism Proclamation, have been used to restrict online content deemed to be against national security or public order.

9. Ethiopia does not have specific legislation solely dedicated to data protection. However, certain provisions in the Criminal Code and other laws may indirectly address aspects of data protection.

10. There are other legislation that impact freedom of expression including the Freedom of the Mass Media and Access to Information (Proclamation No. 590/2008).[14] There is also the Computer Crime Proclamation No. 958/2016[15] which enables real-time monitoring or interception of communications by the Justice Minister and also requires service providers to maintain records of all communications and metadata for at least one year. The Hate Speech and Disinformation Prevention and Suppression (Proclamation No. 1185/2020)[16] criminalizes hate speech and disinformation under broad definitions and enforces disproportionate penalties.

IV. FREEDOM OF EXPRESSION, OPINION ONLINE AND FREEDOM OF INFORMATION

11. In the period under review, Ethiopia has experienced a mix of progress and challenges regarding freedom of expression, opinion online, and freedom of information. The 1995 constitution provides for freedom of expression, freedom of the press, and access to information while prohibiting censorship.[17] However,

[12] Dejene, L., & Dejene, L. (2022, October 7). *Press Freedom and Pre-trial detention - Ethiopian Human Rights Commission - EHRC*. Ethiopian Human Rights Commission - EHRC -. https://ehrc.org/press-freedom-and-pre-trial-detention/

[13] *Ethiopia: IPI calls for the release of jailed journalists Gobeze Sisay and Meaza Mohammed* (September 19, 2022) https://ipi.media/ethiopia-ipi-calls-for-release-of-jailed-journalists-gobeze-sisay-and-meaza-mohammed/

[14] Freedom of the Mass Media and Access to Information (Proclamation No. 590/2008) https://www.lawethiopia.com/images/federal_proclamation/proclamations_by_number/590.ae..pdf

[15] Computer Crime Proclamation No. 958/2016," Federal Negarit Gazette, July 7, 2016, https://natlex.ilo.org/dyn/natlex2/r/natlex/fe/details?p3_isn=103967

[16] Hate Speech and Disinformation Prevention and Suppression (Proclamation No. 1185/2020) https://www.lawethiopia.com/index.php/volume-3/6504-hate-speech-and-disinformation-prevention-and-suppression-proclamation?highlight=WyJoYXRlIiwic3BlZWNoIl0=

[17] Ethiopia. (n.d.). Retrieved from https://freedomhouse.org/country/ethiopia/freedom-net/2019

the country's Internet Freedom Score has consistently been low, indicating restrictions on online freedom[18]

12. The Ethiopian government has been criticized for restricting freedom of expression on the internet and adopting measures that limit online speech.[19] In 2020, a new law aimed at combating online disinformation and hate speech was passed, enforcing steep penalties for problematic online speech[20] Concerns have been raised about their impact on freedom of expression and access to information online.

13. Following the Human Rights Council Resolution 34/18, the UN Special Rapporteur on the Promotion and Protection of the right to freedom of opinion and expression visited Ethiopia in 2019 and expressed concerns about a new law targeting hate speech and disinformation that could potentially limit freedom of expression.[21]

14. The government frequently imposes restrictions on connectivity, often motivated by political considerations and lacking transparency. In early January 2020, mobile phone, landline, and internet services were halted in specific areas of the Oromīya region. This move coincided with reports of clashes between government forces and a faction of the Oromo Liberation Front (OLF), advocating for the independence of the Oromo ethnic group.[22]

15. At the end of June 2020, Ethiopian authorities imposed a nationwide internet shutdown following the murder of prominent Oromo singer and activist Hachalu Hundessa in Addis Ababa. Some connectivity was restored by mid-July 2020, primarily for fixed-line broadband users, but most of the country remained offline until late July.[23]

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[18] Ibid

[19] CCPR/C/ETH/CO/2 Human Rights Committee Concluding observations on the second periodic report of Ethiopia, 2022. Paragraphs 39-40. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FETH%2FCO%2F2&Lang=en

[20] *Ethiopia*. (n.d.). Freedom House. https://freedomhouse.org/country/ethiopia/freedom-net/2020

[21] *Visit to Ethiopia – Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/44/49/Add.1) [EN/AR] - Ethiopia*. (2020, June 23). Paragraphs 22-25 of A/HRC/44/49/Add.1. ReliefWeb. https://reliefweb.int/report/ethiopia/visit-ethiopia-report-special-rapporteur-promotion-and-protection-right-freedom

[22] *Human Rights Watch, "Ethiopia: Communications Shutdown Takes Heavy Toll," March 9, 2020,* https://www.hrw.org/news/2020/03/09/ethiopia-communications-shutdown-takes-heavy-toll
Garda World, "Ethiopia: Ongoing internet and phone disruptions in Oromia as of January 8," January 9, 2020, https://crisis24.garda.com/alerts/2020/01/ethiopia-ongoing-internet-and-phone-disruptions-in-oromia-as-of-january-8
"Thousands of Ethiopians hail return of once-banned Oromo group," Al Jazeera, September 15, 2018, https://www.aljazeera.com/news/2018/9/15/thousands-of-ethiopians-hail-return-of-once-banned-oromo-group

[23] "Internet cut in Ethiopia amid unrest following killing of singer," NetBlocks, June 30, 2020, https://netblocks.org/reports/internet-cut-in-ethiopia-amid-unrest-following-killing-of-singer-pA25Z28b

16. The government has defended internet shutdowns, which have at times occurred amid political and ethnic unrest, by asserting the necessity of preserving security and public order. Fixed-line and mobile internet services were suspended throughout much of August 2018 in the eastern Sumalē region, where federal troops were involved in confrontations with local authorities.

17. In November 2021, in response to the incursion of Tigray People's Liberation Front (TPLF) forces into the Afar and Amhara Regions, the Council of Ministers announced a nationwide six-month state of emergency.[24] Utilizing the emergency powers that ensued, authorities initiated a crackdown on media outlets and detained journalists operating in both online and broadcast platforms.[25]

18. In early April 2020, Elizabeth Kebede, a volunteer lawyer associated with the Ethiopian Women's Lawyers Association, was arrested by the police on charges of disseminating false information regarding COVID-19 on Facebook.[26]

19. Yayesew Shimelis, an opposition journalist, was detained at the end of March 2020 for allegedly posting fake information regarding the government's pandemic response.[27] Initially detained without formal charges, Yayesew faced legal action in April when prosecutors brought charges against him under the *Hate Speech and Disinformation Prevention and Suppression Proclamation*.[28] Yayesew was released in late April, after a judge granted him bail earlier that month.[29]

20. On November 30, 2020, Dawit Kebede, the editor of *Awramba Times*, an online media outlet, was arrested. Law enforcement officials accused him of spreading false information, though he was not charged.[30]

21. On November 7, 2020, federal police arrested Medhanie Ekubamichael, editor of the *Addis Standard*.[31] Medhanie was accused of attempting to dismantle the

[24] *Ethiopia declares nationwide state of emergency," Al Jazeera, November 2, 2021,* https://www.aljazeera.com/news/2021/11/2/ethiopia-declares-nationwide-s....

[25] *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-....

[26] Human Rights Watch, "Ethiopia: Free Speech at Risk Amid Covid-19," May 6, 2020, https://www.hrw.org/news/2020/05/06/ethiopia-free-speech-risk-amid-covid-19

[27] *News: Police Vague about Journalist Yayesew Shimelis as CPJ Call for His Release," Addis Standard, April 3, 2020,* https://addisstandard.com/news-police-vague-about-journalist-yayesew-sh....

[28] *Ethiopia*. (n.d.). Freedom House. https://freedomhouse.org/country/ethiopia/freedom-net/2020#footnote3_xhjemb4

[29] *Human Rights Watch, "Ethiopia: Free Speech at Risk Amid Covid-19," May 6, 2020,* https://www.hrw.org/news/2020/05/06/ethiopia-free-speech-risk-amid-covi....

[30] *"Ethiopian Journalist detained without charge since November 30," Committee to Protect Journalists, December 18, 2020,* https://cpj.org/2020/12/ethiopian-journalist-dawit-kebede-detained-with....

[31] *"Ethiopian authorities arrested Addis Standard editor Medhane Ekubamichael," Committee to Protect Journalists, November 13, 2020,* https://cpj.org/2020/11/ethiopian-authorities-arrest-addis-standard-edi....

constitutional order.[32] Medhanie stayed in detention until December 2020, though the charges were later dropped.

22. Thirteen individuals associated with *Awlo Media Center,* including Bekalu Alamrew, were arrested by authorities on June 30, 2021. Additionally, two employees of *Ethio Forum*, a YouTube broadcaster, including Yayesew Shimelis, were detained by police on July 2. The arrests were justified by officials citing alleged ties to a banned terrorist organization.[33] In August 2021, 10 of the *Awlo Media Center's* detained employees were released from a military camp in Afar Region after 40 days in detention.[34]

23. In May 2022, nineteen Ethiopian journalists and media workers were arrested in Addis Ababa and the Amhara region during an "anti-crime operation," and face charges of "incitement to violence." The arrests began on May 10 with journalist Muhayadin Abdullahi, followed by others from *Nisir International Broadcasting Corporation*, *Ashara Media*, and *Geneyanu YouTube channel*. Further arrests occurred in late May, including journalists from *Finfinnee Integrated Broadcasting*, *Alpha TV*, and *Toha TV*.[35]

24. Two journalists with the YouTube-based media outlet *Ethio Forum*, Yayesew Shimeles and Abebe Bayu, were abducted by plainclothes security personnel in June 2022.[36] Both were released in July 2022 after being held for more than a week.

25. In April 2023, Genet Asmamaw, a journalist for the YouTube channel *Yeneta*, was abducted and beaten by plainclothes security forces after she interviewed the former commander of Amhara's regional special forces.[37]

26. In August 2023, Tewodros Zerfu, a presenter for Yegna TV and Menelik Television, was taken into custody by police while socializing at a café in Addis Ababa. Shortly after, on August 30, Nigussie Berhanu, a political analyst and co-

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[32] *Mahlet Fasil, "News Alert: Police Detain Addis Standard's Editor, Accuse Him of Attempt to Dismantle the Constitution," Addis Standard, November 9, 2020* https://addisstandard.com/new-alert-police-detain-addis-standards-edito....
"Analysis: Less than Three Years After Declaring New Era Ethiopia is Back in the List of Countries Jailing Journalists. We Traced 33 Cases," Addis Standard, December 16, 2020, https://addisstandard.com/analysis-less-than-three-years-after-declarin....

[33] *"Ethiopian authorities arrest at least 15 employees of 2 independent media outlets," Committee to Protect Journalists, July 2, 2021,* https://cpj.org/2021/07/ethiopian-authorities-arrest-at-least-15-employ....

[34] *"10 staff members of awolo media released from prison in Afar; trials are set for four journalists" Addis Standard, August 10, 2021,* https://addisstandard.com/news-10-staff-members-of-awlo-media-released-...

[35] *Ethiopia: 19 Media workers detained in May as press freedom situation deteriorating" International Press Institute, June 03, 2022,* https://ipi.media/ethiopia-19-media-workers-detained-in-may-as-press-fr...

[36] *"Ethiopian Journalist Abebe Bayu detained 1 day after colleague Yayissew Shimelis arrested," CPJ, July 6, 2022,* https://cpj.org/2022/07/ethiopian-journalist-abebe-bayu-detained-1-day-....

[37] *Seid Mehammed, "An audio recording exposed the security men who abducted the journalist, Gent Asmamaw," Addis Zeybe, April 7, 2023,* https://addiszeybe.com/featured/addis-ababa/politics/news/currentaffair....

host of "*Yegna Forum*" on Yegna TV, was similarly detained by plainclothes security officers.[38]

27. In November 2023, Belay Manaye, co-founder and presenter of *Ethio News* in Addis Ababa, was arrested by uniformed and plainclothes security personnel without being informed of the reason. It is believed to be related to his reporting on the Amhara conflict. The Ethiopian government has detained seven other journalists in connection with the Amhara turmoil during the state of emergency, with few being released.[39]

28. On February 22, 2024 Antoine Galindo, a journalist for *Africa Intelligence*, was detained by plainclothes security personnel in Addis Ababa while interviewing Bate Urgessa, a political official from the Oromo Liberation Front, at the Ethiopian Skylight Hotel.[40]

29. The above shows the deteriorating freedom of expression and media freedom situation in Ethiopia. This has included brutal crackdown on protesters and journalists covering such protests for example what transpired on September 7, 2023, during protests in Mekelle in the Tigray Region.[41]

V. CENSORSHIP OF CONTENT ONLINE

30. Ethiopia has experienced a complex relationship with freedom of expression online and freedom of information. The country has faced numerous challenges in the form of censorship and internet shutdowns, which have impacted the rights of its citizens.

31. In 2019, the Ethiopian government published a draft law aimed at tackling hate speech and disinformation, which was criticized for its vague definitions and potential to censor dissent and limit freedom of expression. The proposed law created two categories of criminal offenses: hate speech and fake news, with penalties of up to five years in prison for disseminating such content.[42] The law was subsequently adopted in 2020 as the "Hate Speech and Disinformation

[38] *Three journalists detained in Ethiopia, transferred to military camp*. (2023, October 6). Committee to Protect Journalists. https://cpj.org/2023/10/three-journalists-detained-in-ethiopia-transferred-to-military-camp/

[39] *Ethiopia: Journalist arrested under state of emergency: Belay Manaye - Amnesty International*. (2024, March 14). Amnesty International. https://www.amnesty.org/en/documents/afr25/7782/2024/en/

[40] *Ethiopia: Authorities must release French journalist Antoine Galindo*. (2024, February 29). International Press Institute https://ipi.media/ethiopia-authorities-must-release-french-journalist-antoine-galindo/

[41] *Africa Media Monitoring September 2023: Nigeria, DRC and Ethiopia see highest number of threats to journalists* (October 18, 2023) International Press Institute https://ipi.media/africa-media-monitoring-september-2023-nigeria-drc-and-ethiopia-see-highest-number-of-threats-to-journalists/

[42] *The problems with Ethiopia's proposed hate speech and misinformation law*. (2019, June 25). Media@LSE. https://blogs.lse.ac.uk/medialse/2019/06/04/the-problems-with-ethiopias-proposed-hate-speech-and-misinformation-law/

Prevention and Suppression Proclamation 2020," criminalizing broad definitions of hate speech and disinformation and confirming disproportionate penalties.[43]

32. In August 2019, testing conducted by the Open Observatory of Network Interference (OONI) revealed that *African Arguments*, a pan-African magazine website, was blocked.[44] Based on the data from Freedom House, the blocking was due to content that criticized the government of Ethiopia.[45].

33. Since 2016, Ethiopia has experienced at least 26 instances of internet shutdowns, particularly during times of conflict, communal violence or political unrest. For example, during the Tigray War, the government shut down internet services in the region, which lasted for two years. This shutdown was a flagrant violation of human rights, as it blocked access to life-saving information and hindered communication between people in the region and the rest of the world.[46]

34. Internet content, including access to social media platforms, was restricted by the government. In February 2023, the Ethiopian Orthodox Tewahedo Church (EOTC) criticized the government's interference in its internal matters following the government's acknowledgment of a splinter synod of Oromo bishops.[47] Efforts by the Ethiopian Orthodox Tewahedo Church (EOTC) to arrange a public gathering and demonstrations using social media led to the government's decision to block access to major platforms such as TikTok, Facebook, Telegram, and YouTube from February 9 onwards. The restriction remained in place until July 19, 2023.[48]

35. Censorship has also been noted in the form of suspension of media outlets. In February 2023, 15 foreign media outlets were suspended and these included Horn Cable TV, BBC Somali, and Universal TV among others. While the suspension was allegedly based on an accreditation issue, local media rights groups highlighted that this was an attempt to silence foreing media outlets provising coverage of sensitive issues such as cor

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[43] *Ethiopia: Hate speech and disinformation law must not be used to suppress the criticism of the Government*, Article 19, 19 January 2021 https://www.article19.org/resources/ethiopia-hate-speech-and-disinformation-law-must-not-be-used-to-supress-the-criticism-of-the-government/

[44] *"Blocking of African Arguments website," OONI, August 14, 2019,* https://ooni.org/post/resurgence-internet-censorship-ethiopia-2019/#blo...

[45] *Ethiopia*. (n.d.). Freedom House. https://freedomhouse.org/country/ethiopia/freedom-net/2020#footnote3_xhjemb4

[46] *Preserving freedom in crisis: Ethiopia's internet shutdowns must not become the norm - Access Now*. (2023, September 12). Access Now. https://www.accessnow.org/press-release/open-statement-internet-shutdown-amhara/

[47] *Steven Addamah, "Ethiopia: Orthodox Church accuses Prime Minster of interference" MedaFrica, February 3, 2023,* https://medafricatimes.com/29813-ethiopia-orthodox-church-accuses-prime....

[48] *"Ethiopia: Social media accessible again after 5 months of blockage," AfricaNews, July 19, 2023,* https://www.africanews.com/2023/07/19/ethiopiasocial-media-accessible-a....

36. In May 2023, the Ethiopian Media Authority (EMA) issued a temporary suspension of *Mahibere Kidusan TV*, the media license affiliated with the Ethiopian Orthodox Tewahedo Church (EOTC). This action came after the TV station aired a breaking news alert and disseminated a statement from a committee addressing ongoing disputes among bishops.[49]

37. The current shutdown in Amhara marks the second instance recorded in the region in 2023, after the dispute with the Ethiopian Orthodox Tewahedo Church (EOTC). On April 6, 2023, officials suspended access to mobile internet services throughout the area due to escalating political tensions following the government's announcement of its intention to disband the region's special forces and incorporate them into both national and regional security forces.[50]

38. Journalists covering the Tigray conflict faced physical assaults, arrests, social media harassment, and government scrutiny, contributing to an environment of self-censorship on the internet.[51] For instance, journalists Dawit Kebede and Bereket Berhe were reportedly killed by security forces on January 19, 2021.[52] In February 2021, Lucy Kassa, a well-known freelance journalist documenting human rights violations in Tigray, experienced a disturbing incident when her home was invaded and she was subjected to intimidation by unidentified armed individuals.[53] BBC tigrinya journalist Girmay Gebru, Tamirat Yemane with two translators (Alula Akalu and Fitsum Berhane) who were working for the Financial Times and the AFP were detained without reason and later on released without charge.[54]

39. There are no established procedures to ascertain which websites are blocked or the reasons behind such actions, leaving no avenues for recourse. Authorities do not disclose lists of blocked websites or the criteria used for blocking decisions, and users encounter a generic error message when attempting to access restricted content. The decision-making process seems decentralized, with multiple government entities such as the Ethiopian Telecommunication Agency or Information Network Security Agency (INSA), Ethio Telecom, and the Ministry

[49] *News: Media authority temporarily suspends license of Orthodox Church affiliated TV," Addis Standard, May 21, 2023,* https://addisstandard.com/news-media-authority-temporarily-suspends-lic....

[50] Ibid

[51] *Ethiopia*. (n.d.). Freedom House. https://freedomhouse.org/country/ethiopia/freedom-net/2021#footnoteref3_5wcmp5k

[52] EHRCO-Immediate-Press-Release-on-Human-Rights-Situation-in-Tigray-Jan-22-2021-.pdf

[53] Lucy Kassa, "I reported on Ethiopia's secretive war. Then came a knock at my door," Los Angeles Times, February 11, 2021, https://www.latimes.com/world-nation/story/2021-02-11/i-reported-on-eth....

[54] Ethiopia's Tigray Crises: BBC Reporter Girmay Gebru Freed," BBC News, March 3, 2021, https://www.bbc.com/news/world-africa-56263704;

of Innovation and Technology lacking a synchronized way of filtering contents resulting in inconsistent blocking of social media and the internet.[55]

40. The lack of transparency is exacerbated by the government's typical refusal to admit its censorship efforts. Government officials have flatly denied the blocking of websites or jamming of international satellite operations while also stating that the government has a legal and a moral responsibility to protect the Ethiopian public from extremist content.[56]

41. Ethiopia's current condition regarding censorship of content online remains a concern, with the government continuing to restrict access to information and social media platforms.

VI. RIGHT TO DATA PROTECTION, AND PRIVACY ONLINE

42. Ethiopia lacks a unified data protection framework, with existing protections dispersed across various legislations including the Constitution, Criminal Code, Civil Code, Computer Crime Proclamation, and Freedom of Mass Media and Access to Information Proclamation (Proclamation No. 590/2008). Although sector-specific regulatory bodies have authority, data protection measures are inadequate compared to global standards.[57]

43. Ethiopia's government, under the Ministry of Innovation and Technology, has crafted a Personal Data Protection Proclamation. This draft, a first of its kind in Ethiopia, received approval from the Council of Ministers in October 2023 for parliamentary endorsement. Enactment of this proclamation will play a key role in overseeing the management and safeguarding of personal data.[58]

44. Misuse of the proclamation could take place without a clear and narrow definition of the exemptions for some categories of data processing, such as those categorized under national security or safeguarding the general public interest. Additionally, the draft law provides for the Ethiopian Communications Authority (ECA), instead of an independent initiative, the authority to regulate personal data. As a government agency, the impartiality of the ECA is being questioned.[59]

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[55] Endalkachew Chala, "Months after pledge to open internet, Ethiopia disrupts connectivity amidst communal violence, tension," Global Voices, August 29, 2019, https://globalvoices.org/2019/08/29/months-after-pledge-to-open-interne....

[56] *Ethiopia*. (n.d.). Freedom House. Section B3. https://freedomhouse.org/country/ethiopia/freedom-net/2020#footnote3_xhjemb4

[57] *Ethiopia is Moving Towards Data Protection*. (n.d.). https://www.renewcapital.com/newsroom/ethiopia-is-moving-towards-data-protection

[58] Ibid

[59] *Critics fear Comms Authority personal data dominion, impartiality in legislative wrangle*, The Reporter, 13 January 2024. https://www.thereporterethiopia.com/38279/

45. Extensive government surveillance of online and mobile communications has persisted in Ethiopia without any revisions to pertinent laws. Activists have previously disclosed instances of their phone communications being monitored.[60]

46. The 2016 Computer Crime Proclamation empowered the government to enhance its surveillance capabilities, enabling the authorization of real-time monitoring or interception of communications by the Justice Minister. Furthermore, the legislation stipulates that service providers must maintain records of all communications and metadata for at least one year.[61]

VII. RECOMMENDATIONS

47. In light of Ethiopia's record on freedom of expression, freedom of the press, the right to privacy and digital rights, the submitting organisations call on States to propose the following recommendations to Ethiopia:

48. End the practice of internet shutdowns. Refrain from shutting down the internet and blocking social media and make a state pledge to refrain from imposing any unlawful restrictions on internet access and telecommunication in the future.

49. Strengthen Legal Framework: Develop a comprehensive and unified legal framework specifically dedicated to data protection and privacy rights in line with international standards. This framework should address gaps in existing legislation and ensure adequate protections for individuals' personal data, including by limiting government surveillance and ensuring strict regulations on data collection, processing, and storage by both public and private entities. Any entity in charge of such responsibilities should be independent.

50. Transparency and Accountability: Enhance transparency in government practices related to internet censorship and surveillance by establishing clear procedures for website blocking and ensuring that such actions are justified, proportionate, and subject to independent oversight and can be appealed. Additionally, hold accountable those responsible for unlawful surveillance or censorship.

51. Respect Freedom of Expression: Uphold the right to freedom of expression both online and offline, as guaranteed by international human rights instruments and the Ethiopian Constitution. Avoid imposing undue restrictions on internet freedom, including through overly broad legislation targeting hate speech and disinformation. Immediately and unconditionally release all of those detained for

[60] Ethiopia. (n.d.). Freedom House. Section C5. https://freedomhouse.org/country/ethiopia/freedom-net/2023
[61] Computer Crime Proclamation No. 958/2016 (Article 23, 24, 25)," Federal Negarit Gazette, July 7, 2016, https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=103967&p_co....

exercising their right to freedom of expression.

52. Protect Journalists and Media Workers: Ensure the safety and freedom of journalists and media workers to carry out their work without fear of harassment, arrest, or violence. Investigate and prosecute cases of attacks or intimidation against journalists, and immediately and unconditionally release those detained for exercising their right to freedom of expression.

53. Engage Civil Society and Stakeholders: Foster dialogue and collaboration with civil society organizations, media outlets, and other stakeholders to address concerns related to internet freedom, data protection, and privacy rights, and ensure that they are not at risk of reprisals. Seek input from diverse voices to inform policy-making and ensure that rights are respected.

54. Invest in Digital Literacy and Awareness: Promote digital literacy and awareness programs to empower citizens to navigate the online environment safely and responsibly. Educate the public about their rights and responsibilities concerning data privacy and online expression.