

# Overview of the Ethiopian Media Landscape 2018



Europe

## Introduction

Together with two Ethiopian experts Mekuria Mekasha and Theodros Woudneh an Assessment of Ethiopian Media Landscape with recommendations for future media reforms as well as a draft National Media Policy were produced for the Ethiopian government.

Based on the insight into the Ethiopian media sector I produced this *Overview of the Ethiopian Media Landscape 2018*. It is structured along UNESCO's Media Development Indicators and each section describes and analyses the specific indicators.

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## CATEGORY 1

A system of regulation conducive to freedom of expression, pluralism, and diversity of the media



Europe

## KEY INDICATORS

### A. Legal and policy framework

- 1.1 Freedom of expression is guaranteed in law and respected in practice
- 1.2 The right to information is guaranteed in law and respected in practice
- 1.3 Editorial independence is guaranteed in law and respected in practice
- 1.4 Journalists' right to protect their sources is guaranteed in law and respected in practice
- 1.5 The public and civil society organisations (CSOs) participate in shaping public policy towards the media

### B. Regulatory system for broadcasting

- 1.6 Independence of the regulatory system is guaranteed by law and respected in practice
- 1.7 Regulatory system works to ensure media pluralism and freedom of expression and information

### C. Defamation laws and other legal restrictions on journalists

- 1.8 The state does not place unwarranted legal restrictions on the media
- 1.9 Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals
- 1.10 Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law

### D. Censorship

- 1.11 The media is not subject to prior censorship as a matter of both law and practice
- 1.12 The state does not seek to block or filter Internet content deemed sensitive or detrimental



## Category 1: A system of regulation conducive to freedom of expression, pluralism and diversity of the media

### A. Legal and policy framework

#### Indicator 1.1.

#### Freedom of expression is guaranteed in law and respected in practice

Ethiopia was a founding member of the United Nations and the African Union and has been a member of International Telecommunication Union since 1932.

The Government of the Federal Democratic Republic of Ethiopia has ratified decrees, laws and treaties that guarantee the freedom of expression such as:

- The Universal Declaration of Human Rights ratified in 1948. Particularly article 19 is relevant in connection with media.
- International Covenant on Civil and Political Rights (ICCPR), as ratified in 1993
- The International Committee on Elimination of Racial Discrimination (ICERD), as ratified in 1991
- The International Committee on Elimination of Discrimination against Women (CEDAW) as ratified in 1981
- Convention on Economic, Social and Cultural rights (ICESCR), as ratified 1993
- African Charter on Human and Peoples' Rights, Article 9 as well as 8 and 10, as ratified in 1981

**The Proclamation no 1/1995 of the Constitution of the Federal Democratic Republic of Ethiopia**, article 29 is quite clear in its provisions for freedom of expression and freedom of the press, as well as in the right to access to information:

*“Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his choice.*

*Freedom of the press and other mass media and freedom of artistic creativity is guaranteed. Freedom of the press shall specifically include the following elements:*

*(a) Prohibition of any form of censorship*

*b) Access to information of public interest.*

*In the interest of the free flow of information, ideas and opinions which are essential to the functioning of a democratic order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.*

*Any media financed by or under the control of the State shall be operated in a manner ensuring its capacity to entertain diversity in the expression of opinion.*

*These rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order to protect the well-being of the youth, and the honour and reputation of individuals. Any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited by law. Any citizen who violates any legal limitations on the exercise of these rights may be held liable under the law.”*

It is particularly important to note that the *“...press shall, as an institution, enjoy legal protection to ensure its operational independence...”* and that *“...these rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed...”*

Despite these clear constitutional provisions several articles in the existing media-related laws have in practice been interpreted so as to limit journalists' and media's right to expression. Ethiopian laws and proclamations directly or indirectly regulating the freedom of expression, media and journalists have been used to restrict journalistic freedom significantly and impose harsh and arbitrary sentences on media and journalists for many years. This is confirmed in numerous interviews and international

analyses carried out by RSF, CPJ, FOJO, IMS and others.

The most recent basis for punishment of journalists and media are the *Anti-Terrorism Proclamation*, the *Freedom of the Mass Media and Access to Information Proclamation no. 590/2008*, and *The Criminal Code of the Federal Democratic Republic of Ethiopia 2004*. Many laws make insults to the state punishable which should be removed. Hate speech should be described precisely by law and primarily be an issue of self-regulation.

The laws mentioned above condone harassment and intimidation of journalists and undermine their right to protect the anonymity of their sources. They have also been used to prosecute individuals for falsification when they criticise government authorities, or legitimately protest against government policy and decisions. This menacing environment has made many journalists and citizens flee the country.

***The Anti-Terrorism Proclamation, 2009 of Ethiopia*** defines terrorism very broadly in its Article 3 and in Article 6 defines *Encouragement to Terrorism* as:

*“Whosoever publishes or causes the publication of a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission or preparation or instigation of an act of terrorism stipulated under Article 3 of this Proclamation is punishable with rigorous imprisonment from 10 to 20 years.”*

Article 3 of the Proclamation defines “terrorist acts” as those that:

*Whosoever or a group intending to advance a political, religious or ideological cause by coercing the government, intimidating the public or section of the public, or destabilizing or destroying the fundamental political, constitutional or, economic or social institutions of the country...*

The legislation does not mention protection of media specifically such as ensuring the right of media and journalists to report on the opposition and non-violent or violent groups, their right to protect the anonymity of sources, or distinguish between this and reflection and incitement to violence.

***Freedom of the Mass Media and Access to Information Proclamation no. 590/2008***

(“*Mass Media Law*”) was an improvement compared with the previous media law by eliminating pre-trial detention of journalists. Nevertheless, it gives hardly no restrictions as to demands for corrections in print publications (Article 40.1).

*Where any factual information or matter injurious to the honor or reputation of any person is reported in a mass media, such person shall have the right to have his reply inserted, free of charge in publication in which the report appeared*

Any person whose right of reply is refused may apply to the court to compel the chief editor and “*in an action for defamation through the mass media the court may award, having regard to the seriousness of the moral damage, compensation up to 100,000 birr (app. 3.600 USD) having regard to the seriousness of the damage.*” (Article 41.2)

The law says in Article 43 (7) that defamation and false accusation against “*constitutionally mandated legislators, executives and judiciaries will be a matter of the government and prosecutable even if the person against whom they were committed chooses not to press charges*”.

The *Mass Media Law* also contains wide-sweeping and discretionary provisions that demand publications to publish apologies or corrections from government without defining the limits of this requirement (Article 176) and allows government officials to use a variety of clauses to deny access to public information (Article 177).

These laws and the Criminal Code have been interpreted to punish journalists and chief editors so seriously that many have left the country to avoid trouble and others have been imprisoned. However, Ethiopia currently seems to interpret some contested laws including media laws less harshly. In Ethiopia as elsewhere, the key challenge is the implementation and interpretation of the laws rather than the legislation as such. Nevertheless, there is a need to reform this legislation to avoid that it may again be interpreted in a way which jeopardises the freedom of speech and undermines a vibrant media landscape.



## Indicator 1.2.

### The right to information is guaranteed in law and respected in practice

#### **Freedom of the Mass Media and Access to Information Proclamation no. 590/2008**

signals very positive intentions with its objectives

*“The objectives of the Proclamation on Access to Information are:*

- 1. to give effect to the right of citizens to access, receive and import information held by public bodies, subject to justifiable limits based on overriding public and private interests;*
- 2. to establish mechanisms and procedures to give effect to that right in a manner which enables persons to obtain information as quickly, inexpensively and effortlessly as is reasonably possible; and*
- 3. to encourage and promote public participation, public empowerment, to foster a culture of transparency, accountability and efficiency in the functions of public bodies and to encourage and promote good governance.” (Art. 11)*

Article 13 considers it a duty to publish a list of information and to update this list at least annually, but agendas, minutes or background documents for meetings in the Parliament or the regional councils are not mentioned in this article.

Nevertheless, several restrictions prevent the right to access to information, and this access is frequently denied or delayed. Article 14.3 says that requests for information must be answered within thirty working days. Article 14.8 allows this to be prolonged by another 30 working days – totalling 60 days.

Article 14.10 states that a media *“request which reasonably demonstrates that an action taken or about to be taken by the public body should be released to the public immediately.”* This information should be provided within 10 days. However, the public body’s public relation officer may deny the urgency without any right to appeal this decision to the courts (article 14.11).

Articles 16, 17, 18, 20, 21, 22, 23, 24, 25, 26 and 27 specify a very long list of exceptions when access to information may not be granted. In bad faith, these exemptions could be used to undermine the objectives of the law. Denied access to information may be appealed to the head of the public body. This body’s decision may

subsequently be appealed to the Ombudsman who must make his decision within 30 days. (Art. 33). The Ombudsman is entitled and required to monitor the implementation of the rules concerning access to information according to the resources of his office.

Article 14 states that all requests must be submitted to the Public Relations Officer of the public body. In line with the Constitution, the *Freedom of the Mass Media and Access to Information Proclamation No. 590/2008* states the right of the citizens to request information from the relevant public relations officer and his/her duty to provide this information in the form in which it is requested. Any official or employee of the public body shall cooperate to provide the requested information.

However, almost all public bodies at federal and at regional levels have been unable to provide effective access to information. There are three main reasons for this:

- The procedures described in the *Freedom of the Mass Media and Access to Information Proclamation no. 590/2008* (“Mass Media Law”) make it cumbersome to fulfil the objectives of access to Information.
- The executives at federal and regional levels seem reluctant to provide any information willingly so the responsible public relations officers and journalists are unable to provide the requested information.
- The public relations officers frequently have insufficient training for this function. Also, their primary objective is to promote their institution rather than to serve the public interest.

For these reasons public relations officers and Ethiopian politicians alike frequently miss the opportunity to communicate their concerns and connect to the citizens through the media.

Ethiopian politicians should instead endeavour to make their stories attractive to the media. It should be possible to follow the proceedings of Parliament and regional councils through audio and video streaming and downloads from the Parliament website. This would also contribute to making politicians accountable to the public. The Council of the SNNP Region already has regular radio and video transmissions from their meetings.

### Indicator 1.3

#### Editorial independence is guaranteed in law and respected in practice

As already mentioned, the Constitution stresses that the media “*enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.*”

The mandate for the board of the EBC contained in the *Proclamation no. 858/2014 to Provide for the Establishment of Ethiopian Broadcasting Corporation* does not give the board any formal authority to intervene in the editorial choices of the Chief Executive Officer, but the boundaries of their mandates are blurred. The same applies to the regional public broadcasters and the relationship between owners and the editors-in-chief of private print and broadcast media who are legally responsible for the media content.

Public media report to the House of Peoples’ Representatives and the Councils at federal and regional level respectively.

Nevertheless, unofficial “Media Committees” consisting of Government Communication Affairs Offices executives, political party representatives and other executives have interfered directly in the media programming and the structural development at federal and regional level. Media managers claim that the “Media Committees” have had very significant influence, while members of these committees argue that individuals rather than the committee as such have intervened.

Interviews with state-owned and private media agencies document virtually unanimously that political executives in the regions and nationally have challenged editorial independence far beyond the provisions in the Constitution and the legislative framework.

### Indicator 1.4

#### Journalists’ right to protect their sources is guaranteed in law and respected in practice

The Ethiopian legislation does not explicitly give journalists the right to protect the anonymity of their sources. Especially the Anti-Terrorism Proclamation has been used to require journalists to name their sources who have subsequently been legally prosecuted.

Article 12, “Failure to Disclose Terrorist Acts”, requires all persons, including the media, to provide information or evidence concerning a terrorist act:

*“Whosoever, having information or evidence that may assist to prevent terrorist act before its commission, or having information or evidence capable to arrest or prosecute or punish a suspect who has committed or prepared to commit an act of terrorism, fails to immediately inform or give information or evidence to the police without reasonable cause, or gives false information, is punishable with rigorous imprisonment from 3 to 10 years »*

The widespread use of the Anti-Terrorism Proclamation against opposition and other groups did actually put journalists at risk.

## **Indicator 1.5**

### **The public and civil society organisations (CSOs) participate in shaping public policy towards the media**

The Ethiopian media sector has been encouraged to establish a self-regulatory system. The Government has recently made sure to include stakeholders from media and civil society in the discussion, development, and validation of the future media reforms and the future media policy.

The general population supports the current promised democratic reforms. This Draft National Media Policy aims to reflect the population’s desire and support for the implementation of genuine democratic reforms in the country. The implementation will make the public and the Civil Society Organisations substantially more influential on the public service broadcasters, the broadcasting authority, and media education and training.

It is an important part of the Ethiopian Broadcasting Authority's mandate to establish technical and professional standards and to develop practical regulation of the media. To achieve appropriate measures for this the Ethiopian Broadcasting Authority should consult the media sector concerning standards and regulations.

When more media manager associations and journalist associations have been established these may also become important stakeholders in the discussion and development of new media regulation and standards.

## **B. Regulatory system for broadcasting**

### **Indicator 1.6**

#### **Independence of the regulatory system is guaranteed by law and respected in practice**

The Ethiopia Broadcasting Authority was established through *Proclamation No. 533/2007 of 2007, Broadcasting Service Proclamation*. Its board consists of members from different institutions and parts of society. The law requires members to be appointed by the government upon recommendation from the Minister of Information (Art. 2.19), but according to the current Director General the board members are selected by the EBA itself and approved by the Prime Minister. The Director General is a member of the board.

The objective of the Ethiopian Broadcasting Authority is to “*ensure the expansion of a high standard, prompt and reliable broadcasting service that can contribute to political, social and economic development and to regulate same*”.

The Ethiopian Broadcasting Authority (EBA) is a key regulatory body tasked with the management of frequencies at federal and regional levels as well as regulatory standards and rules.

Several stakeholders in the media sector perceive the EBA's allocation of broadcast licenses and monitoring of media outlets as biased towards the Government. To avoid

suspicion of bias and to build its credibility with media and citizens, the Ethiopian Broadcasting Authority would have to be transformed into a fully independent and transparent regulatory entity with an independent board. One way of doing this is to let well-defined civil society organisations and institutions nominate a list of potential members who fulfil specified requirements with regards to their experience and educational background. The full list of nominated members should be approved by the Parliament except in cases where a nominee does not fulfil the criteria.

An alternative procedure is found in Sierra Leone. There the Independent Media Council, a politically independent self-regulatory body, is responsible for handling complaints of media's breach of its code of conduct. The Independent Media Council also allocates broadcast licenses on the basis of the purely technical requirements established by the National Telecommunications Commission. If such a model were implemented in Ethiopia, the Ethiopian Broadcasting Authority's non-technical tasks would be transferred to the foreseen Ethiopian Media Council.

### **Indicator 1.7**

#### **Regulatory system works to ensure media pluralism and freedom of expression and information**

The legal and regulatory system allows national and regional public, private commercial and community media as well as print media to be established and to operate. The Constitution explicitly supports pluralism, freedom of expression and free access to information.

The EBA is preparing the transition from analogue to digital terrestrial television. With this transition, more frequencies will become available and some of the added bandwidth may be exploited commercially by telecommunication services etc.

Today, there are 10 state owned and regional state-owned radio and television broadcasters at federal and regional levels. 7 state owned TV-stations broadcast via satellite and 6 by terrestrial transmission. In addition to the state-owned broadcasters, there are 13 commercial radio stations, 10 commercial TV-stations, and 40 community

radios. As for print media, 13 newspapers and 10 magazines are state and regional state-owned. 11 newspapers and 13 magazines are privately owned.<sup>1</sup>

There are few commercial media outside Addis Ababa, and still few community media owned and managed by the communities. There is a noticeable lack of diversity in media ownership, which is partly a result of political scepticism. Private, commercial media are perceived as opposition media whereas state or regional state-owned public media are perceived as supporting the governing bodies. Private, commercial media claim that federal or regional governments are reluctant to support them financially or allocate advertisements to private media.

Nationally defined regulations to protect the public from unethical advertisement content is in accordance with international standards. Examples are advertisements for alcohol, prostitution, political or religious messaging as well as gender-biased stereotyping. These regulations apply to advertisements as well as fiction and entertainment programmes. Advertisements in children's programmes usually have stronger restrictions to protect the children.

Clear and specified requirements that commercial media tenderers must provide elements of domestic public service content are means to ensure that commercial media contribute to the development of Ethiopian democracy. Commercial broadcasters could also be encouraged to build peace and democracy by favouring license applications from tenderers whose innovative content and production strengthen the dialogue between communities locally, regionally and with the centre.

The state monopoly - the Berhanena Selam Printing Enterprise (BSPE) - demands stiff prices and impose restrictive terms in their contracts. Expensive printing and the costs of distribution outside Addis Ababa make it economically unsustainable to invest in independent print media. It could be considered to reform the prices and business procedures of the BSPE and examine new business models favouring online distribution and possible local print versions. Business support and training could help develop and transform the print media sector.

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<sup>1</sup> GCAO 2018

The complex of Ethiopian investment laws and mechanisms should be reviewed to stimulate the development of a sustainable private media sector.

### ***Online media***

The online versions of traditional mass media such as radio, television and print outlets should logically comply with the rules, regulations and codes that apply to their offline versions. The online versions should be registered with the tax authorities.

Media, which are only available online, should similarly be required to register with the tax authorities and follow the same codes of ethics and regulations as print or broadcast media.

### ***Community media***

Community media may play an important role in strengthening local democratic involvement and dialogue. However, Ethiopian community media have preferred not to cover Ethiopian conflicts on many occasions. In other countries community media have actively participated in ethnically based communal conflicts. To avoid either of these situations, it is suggested that community-based media license applications formally represent and also in reality include all relevant groups in the community. As the more than 80 different ethnic groups in the country have few alternatives to the public broadcaster, community media would fill a void by functioning as a platform for local and regional dialogue. That kind of community building could be a means to prevent conflicts and strengthen democracy in the regions.

Religious media have not been granted licenses so far primarily to avoid additional communal conflicts. Evidence from other countries supports the fear that these media may contribute to worsening rather than improving the local discourse between different religious groups. However, in this case the right to freedom of expression should also be considered. Freedom of expression does not grant everybody the right to launch his/her own radio station, but the right to express one's opinion and religious conviction freely. A suggested model to consider could then be to demand religious community radios to represent all religious groups within the community formally and with regards to their programming. This way the religious communities would have to share the



broadcasting hours between them and collaborate on content to some extent. As religious leaders potentially can contribute to conflict prevention and peacebuilding such a community media model with a religious platform may be sustainable and serve other purposes as well.

### **Satellite Media**

Political or religious programmes uplinked to free-to-air satellite distribution Direct to Home and licensed outside Ethiopia have been a cause for concern because they have been perceived as inciting to conflict. The fact that their programming is partly produced within Ethiopia without having an Ethiopian license is a second cause for concern. Yet it is unlikely that the EBA can require legal regulation of the content. The business model used in this case is similar to the one used in connection with a satellite broadcaster launched in Nigeria by the international consultant in 2014, albeit with a different objective. The satellite uplink and licensing were in Jordan, whereas the programme production itself was carried out in Nigeria. In Nigeria, the broadcaster was registered with the tax authorities as an NGO. If the EBA deems it a priority to restrict international free-to-air satellite transmission, the International Telecommunication Union (ITU) should be consulted.

## **C. Defamation laws and other legal restrictions on journalists**

### **Indicator 1.8**

#### **The state does not place unwarranted legal restrictions on the media**

The state and the public have expressed their support for a system of self-regulation for the media for some time, but primarily legal formalities have prevented the registration of an independent media council. The existing criminal code with defamation laws and legal restrictions on the media and the work of journalists are expected to be amended and de-criminalised when effective self-regulation is implemented.

***The Criminal Code of the Federal Democratic Republic of Ethiopia 2004*** has had serious consequences for journalists but could become entirely irrelevant to media if an

efficient self-regulation system was in place. Article 613 defines four types of defamation and calumny as “crimes against honor”, and “insult” as an offence (Article 615). These articles have frequently resulted in severe penalties of 3 - 25 years of imprisonment to journalists. The actions considered punishable are defamation (Article 613), attacks against the state (Article 244), inciting the public through false rumours (Article 486), and “outrages against the Constitution or the Constitutional Order” (Article 238). National security provisions in Articles 248–250 criminalize treason, high treason, and economic treason by making it an offence to disclose official government documents that compromise “*the national interest*”, an exceedingly imprecise term. As an indication of how broadly the law can hit journalists, article 486(a) says that “*Whoever ... starts or spreads false rumours, suspicions or false charges against the Government or the public authorities or their activities, thereby disturbing or inflaming public opinion, or creating a danger of public disturbances*”. This implies that the authorities could charge journalists indiscriminately if their stories reflect criticism of the government as was the case in 2014. Articles 397 and 399 contain the similarly ambiguous terms “*breaches of official secrecy*”, and “*breaches of professional secrecy*”,. Journalists find little legal protection for truthful statements or for statements that are in the public interest.

### Indicator 1.9

#### Defamation laws impose the narrowest restrictions necessary to protect the reputation of individuals

Similar to the Mass Media Law, the Criminal Code also contains strong measures to protect the reputation of individuals. Article 614 effectively prevents any critical media reports that could injure personal honour or reputation:

*“Whoever, addressing a third party, imputes to another, with the intent to injure his honour or reputation, an act, a fact or a conduct, where the allegation accords with the truth, is punishable, upon complaint, with simple imprisonment not exceeding six months, or fine.*

*Statements made concerning a crime of which a person has been found guilty, has duly served the sentence or has been granted pardon or amnesty, with intent to injure his*

*honour or reputation, shall be considered as defamation and are punishable under the preceding Article.”*

These legal means have been widely used against journalists.

#### **Indicator 1.10**

**Other restrictions upon freedom of expression, whether based on national security, hate speech, privacy, contempt of court laws and obscenity should be clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with international law**

Ethiopia has experienced several states of emergency since 2016, the most recent one from February to June 2018. During the states of emergency, the authorities have clamped down on public protests in the regions and on media reporting on them.

Freedom of expression is restricted based on national security, privacy and contempt of court laws but there is no clear definition of hate speech.

### **D. Censorship**

#### **Indicator 1.11.**

**The media is not subject to prior censorship as a matter of both law and practice**

The Constitution unequivocally prohibits any form of censorship of media. This is reflected in the laws.

However, it is claimed that in reality the executive political level has repeatedly demanded that certain stories are not reported by the media. The Ethiopian journalists have consequently either changed their stories or the media have refrained from publishing them.

Pervasive self-censorship has tamed the press. The media have then often prioritised protocol news instead of investigative reporting.

## Indicator 1.12

### The state does not seek to block or filter Internet content deemed sensitive or detrimental

In its 2017 country report for Ethiopia, Freedom House concludes its detailed analysis for the period from May 2016 to May 2017 as follows:

- *Internet and mobile phone networks were deliberately disrupted during anti-government protests and student exams; social media and communications platforms were periodically blocked throughout the year.*
- *Self-censorship heightened following the state of emergency instituted in October 2016*
- *The state of emergency eroded fundamental rights and restricted certain online activities, including supporting protests on social media.*
- *The Computer Crime Proclamation enacted in June 2016 criminalizes online defamation and incitement and strengthened the government’s surveillance capabilities by enabling real-time monitoring or interception of communications*
- *Numerous individuals were arrested for online speech or protests; two were convicted and handed multi-year prison sentences*

Freedom House finds that the 2012 Telecom Fraud Offences Law extends the violations and penalties defined in the 2009 Anti-Terrorism Proclamation and criminal code to electronic communications sent over mobile phone and internet services.<sup>2</sup>

The antiterrorism legislation bans Voice over Internet Protocol (VoIP) services such as Skype and requires all individuals to register their telecommunications equipment — including smartphones—with the government. According to sources within the country, this measure is typically enforced by security officials who confiscate ICT equipment at security checkpoints if the owner cannot produce a registration permit.

Finally, Freedom House states that a new Computer Crime Proclamation has criminalized an array of online activities. For example, content that “incites fear, violence, chaos or conflict among people” can be punished with a maximum three- year

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<sup>2</sup> <https://freedomhouse.org/report/freedom-net/2017/ethiopia>

prison sentence. This provision could be abused to suppress digital campaigns. Other problematic provisions ban the dissemination of defamatory content, which can be penalized with up to 10 years in prison, and the distribution of unsolicited messages to multiple emails (spam), which may be punished with up to five years in prison.

Social media and the internet are popular means to create and strengthen social networks. These media outlets are useful two-way communication platforms to innovate and develop Ethiopian society. Social media should be considered an important resource for the country and its people and should also be used in government and other types of public communication.

Social media risk the same types of abuse as traditional media: dissemination of hate speech or false information, incitement to violent conflict, defamation or fake news. The dissemination speed of social media is higher than that of traditional media. The high speed constitutes a problem regarding crimes such as child pornography, paedophilia, bullying of individuals, or criminal activities. It is difficult to hold the individual to account for the dissemination of information which is circulated on social media. However, this type of dissemination can be prosecuted just as dissemination is prosecuted in other contexts. In contrast to traditional mass media, however, it is virtually impossible to control all messages, senders and recipients of messages conveyed on social media. Yet no democratic country could or should prevent its citizens from using their preferred social media platforms or from using social media to engage in social networks.

There is no specific legislation concerning social media so far. Exceptions to this are the extreme surveillance in China, and the recent requests from United States and some EU member state politicians to commit social media providers as Facebook and others to blocking fake news or conflict inciting hate speech.

It is hardly desirable in a democracy to control or prosecute citizens' use of social media, heated arguments, or discussions.

As a precaution against abuse the users that contribute to social media could be required to give their name or profile. This is traditionally required of offline media except when journalists do not reveal their source of information for professional reasons,

Bloggers and others who systematically engage in social media could form their own association and institute a professional code of conduct as a means of protection and self-regulation.

Comprehensive media literacy campaigns should be implemented so that citizens are trained to be critical of all types of media content. These campaigns should also enable citizens to contribute their own content founded on a solid code of online ethics. Only in the case of organised and comprehensive campaigns of hate speech and incitement to violence should self-regulatory mechanisms intervene. Then formal measures against hate speech could be implemented if the situation continues to degrade.

## **CATEGORY 2**

Plurality and diversity of media, a level economic playing field and transparency of ownership

## **KEY INDICATORS**

### **A. Media Concentration**

- 2.1 State takes positive measures to promote pluralist media
- 2.2 State ensures compliance with measures to promote pluralist media

### **B. A diverse mix of public, private and community media**

- 2.3 State actively promotes a diverse mix of public, private and community media
- 2.4 State and CSOs actively promote development of community media

### **C. Licensing and spectrum allocation**

- 2.5 State plan for spectrum allocation ensures optimal use for the public interest
- 2.6 State plan for spectrum allocation promotes diversity of ownership and content
- 2.7 Independent and transparent regulatory system

### **D. Taxation and business regulation**

- 2.8 State uses taxation and business regulation to actively encourage media development in a non- discriminatory manner

### **E. Advertising**

- 2.9 State does not discriminate through advertising policy
- 2.10 Effective regulation governing advertising in the media



## Category 2: Plurality and diversity of media, a level economic playing field and transparency of ownership

### A. Media Concentration

#### Indicator 2.1

##### State takes positive measures to promote pluralist media

Before 2005, there were numerous diverse media outlets and particularly private print media flourished. Restrictive legislation and media policy, a uniform political leadership and a market that tended to favour public above private media have made many media outlets close since then.

The legislation allows the establishment and operation of public and private broadcasters at federal and regional level, in addition to community media launched by the state or by the local community. There are also legislative provisions for public and private print and online media today and a slight increase in private broadcasters.

Internationally, it is a standard that public service broadcasting is financed directly or indirectly through consumers' fees and advertisements or special fees collected through the taxation system. Often the state also enables private niche media to be sustainable by providing annual grants based on transparent criteria or distribution support.

Traditional and online media often benefit from reduced taxes or VAT mainly to ensure that media outlets contribute to democracy. In Ethiopia, the many indigenous languages make it reasonable to consider incentives to establish regional and local radio and even face to face communication.

In practice, however, public broadcasting services are currently required to prioritise the government's interest rather than the citizens' because the broadcasters shall:

*“Enhance the participation of the public through the presentation of government policies and strategies”*. The legislation on broadcasting services imposes the rather rigid requirement of broadcasters that they *“serve political parties operating in accordance with the Constitution and the electoral laws of the country on the basis of fair and just*

*treatment”.*

In this way, the public broadcasters are in fact legally required to cover the government and the political parties uncritically.

Public Broadcasting Services are legally defined as follows:

*Public broadcasting services shall.*

- *“Enhance the participation of the public through the presentation of government policies and strategies as well as activities related to development, democracy and good governance”;*
- present programs which inform, educate and entertain the public; reflect the people’s unity based on equality; promote and enhance the cultures and artistic values of the public;
- *“serve political parties operating in accordance with the Constitution and the electoral laws of the country on the basis of fair and just treatment”.*

This clearly defines the public broadcasters as the means to ensure public support of the government’s policies and to operate as a mouthpiece for the political parties. At present, the Government, Parliament and Regional Councils consist of identical 5-in-1-party coalitions.

The allocation of analogue radio frequencies at national, regional and community levels as well as the allocation of future digital television frequencies must be based on entirely transparent procedures. It is essential that the allocation procedures describe precisely the technical requirements in addition to the requirements concerning public service broadcasting that must be met to obtain a broadcasting license.

## **Indicator 2.2.**

### **State ensures compliance with measures to promote pluralist media**

Cross-ownership of media is duly restricted but more precise regulation could be developed. Concentration of ownership may be regulated on the basis of audience share, revenues or share of the advertising market. Most European countries, the United States, Canada, most Latin American and other democratic countries have their own rules to avoid media monopolies as is the case in Ethiopia.

## **B - A diverse mix of public, private and community media**

### **Indicator 2.3**

#### **State actively promotes a diverse mix of public, private and community media**

The *Proclamation No. 533/2007 of 2007, Broadcasting Service Proclamation* defines the profiles of public, commercial and community broadcasting services as follows:

*Public broadcasting services shall.*

- *“Enhance the participation of the public through the presentation of government policies and strategies as well as activities related to development, democracy and good governance”;*
- *present programs which inform, educate and entertain the public; reflect the people’s unity based on equality; promote and enhance the cultures and artistic values of the public;*
- *“serve political parties operating in accordance with the Constitution and the electoral laws of the country on the basis of fair and just treatment”.*

*Commercial broadcasting services shall:*

- *“Provide equal treatment to any community in its license area;*
- *transmission of its programs shall cover the whole area of its license;*
- *include regional and national news in its programs”.*

*Community broadcasting services shall:*

- *“carry out its activities based on the needs of the community regarding development, education and good governance;*
- *promote and develop the language, culture and artistic value of the community;*
- *allow the participation of the members of the community in the preparation of its programs;*
- *transmit programs on issues involving the common interests of the community that could not get coverage by other broadcasting services;*

- *utilize the income derived from different sources for the operation of the broadcasting station;*
- *provide community centred informative and entertaining programs to promote the information culture and knowledge of the community”.*

The law does not permit the allocation of licenses to political or religious organisations or to organisations not registered in Ethiopia or whose capital or management is controlled by foreign nationals.

The state does little to promote private media. Hardly any measures are taken to ensure distribution of private commercial media or compensate for the small commercial market, the limited public advertisement in private media, or the high taxes on imported production equipment

No rules require that a certain percentage of the programming must be produced by independent production companies. A more diverse media content would be the result if all broadcasters were obliged to procure between 15 and 25 % of their content from independent production companies. Evidence from other countries demonstrates that such a requirement stimulates domestic media production and content diversification, which consequently enhances democracy.

The federal government and the regional communication affairs offices have attempted on several occasions to encourage the establishment of community media on several occasions. The capacity of community media organisations still needs to be built to develop sustainable economic models. Several community radios have started with public support but have closed when the regional authorities cut their financial support.

In 2017 the FOJO Media Mapping in May 2017 listed 31 community radios on air or testing their transmissions. 12 were owned by community radio associations. 7 were owned by universities, most likely in relation to journalist educations, and the rest by local administrations.

## **Indicator 2.4**

### **State and CSOs actively promote development of community media**

The Ethiopian Broadcasting Authority issues licenses to new community radios. In some cases, regional councils such as SNNS have provided financial support for the launch phase but not ensured economically sustainable models. The current legal restrictions on international support to non-profit associations has made it considerably more difficult to obtain funding from international partners.

Nevertheless, 12 of the 31 community radios were owned by civil society associations last year.

## **C. Licensing and spectrum allocation**

### **Indicator 2.5**

#### **State plan for spectrum allocation ensures optimal use for the public interest**

Currently, the EBA uses the auction model for commercial channels using terrestrial broadcasting. However, public broadcasters are required to bid in “beauty contests” as are commercial broadcasters for satellite channels. The overall difference between the two approaches is that in an auction the media outlet which pays the highest price gets the license whereas in a “beauty contest”, the bidder which provides the highest quality of content and sustainability gets the license.

The Ethiopian government has committed to change from analogue to digital terrestrial television. The licensed digital terrestrial private broadcasters could be required to include public service programming to qualify as partners in the privileged distribution network. Commercial media could be required to supply a certain percentage of domestically produced news, children’s and youth programmes, fiction, high quality domestically produced entertainment or other genres so the bidding approach combines the auction and beauty contest approaches. Programmes dealing with minorities, the disabled, gender, environmental issues etc. could also be considered relevant criteria. These criteria must be politically agreed and made public before the bidding process begins in order to ensure a transparent process.

Since satellite TV is very popular the future digital terrestrial broadcasters should provide a variety of competitive and attractive channels in this system nationally and regionally. The increased number of public and private terrestrial channels should give citizens a free choice among diverse profiles of free media that contribute to enhance freedom of thought, human development, and democracy.

Annual action plans for broadcasters should be presented to and approved by the Parliament, including the number of frequencies publicly tendered in auction or in “beauty contest” procedures. As already mentioned, the latter procedure ensures that media content quality is prioritised.

Many existing Ethiopian media outlets lack the capacity to apply a critical and evidence-based approach to their stories. Continuous liberalisation of media makes it necessary to build the capacity of existing and new media with respect to media ethics and codes of conduct to prevent hate speech, disinformation, dissemination of unfounded news, or other failures to comply with media license conditions.

## **Indicator 2.6**

### **State plan for spectrum allocation promotes diversity of ownership and content**

As discussed earlier, several economic and political issues make it unattractive to establish private commercial media. In fact, rather few private media have been launched since 2005. Very few media in the regions have applied for broadcast licenses from EBA and there has been enough spectrum for more radios or regional television stations in general.

Nationally, the spectrum has been scarce, but the transition to digital terrestrial broadcasting will make more frequencies available for private commercial media or for non-profit community television and radio.

## **D. Taxation and business regulation**

### **Indicator 2.7**

#### **State uses taxation and business regulation to actively encourage media development in a non-discriminatory manner**

The small commercial market in Ethiopia, the excessive tax on imported media equipment to Ethiopia, and expensive printing constitute major challenges to media sustainability.

The complex of Ethiopian investment laws and mechanisms should be reviewed to stimulate the development of a sustainable private media sector.

Because broadcasting services contribute to enhance Ethiopian democracy and development it could be considered to diminish the taxation of media production equipment.

The state monopoly - the Berhanena Selam Printing Enterprise (BSPE) - demands stiff prices and imposes restrictive terms in its contracts. Expensive printing and the costs of distribution outside Addis Ababa make it economically unsustainable to invest in independent print media. It could be considered to review the price index and business procedures of the BSPE as well as examine new business models favouring online distribution and possible local print versions. Business support and training could support the development and transformation of the print media sector.

## **E. Advertising**

### **Indicator 2.8**

#### **State does not discriminate through advertising policy**

Today, the largest advertisement client by far – the Government and state institutions - allocate the vast majority of their advertising budgets to public media. Private media report that the state's rules for advertisement are not transparent. The placement of advertisements should be based on professional calculations such as the contact price and audience share in the relevant target groups. For commercial advertisers, the purchase power of different age and social stratification groups may also be relevant criteria to consider.

Changed procedures for the allocation of government advertising would be a means to enable sustainable commercial broadcasters and print media. Reliable audience surveys carried out by the EBA or the Ethiopian Media Council would, however, need to be in place before audience share may constitute a justified criterion for the allocation of advertisements from public authorities.

## **Indicator 2.9**

### **Effective regulation governing advertising in the media**

Nationally defined regulations to protect the public from unethical advertisement content is in accordance with international standards. Examples are advertisements for alcohol, prostitution, political or religious messaging as well as gender stereotyping. These regulations apply to advertisements as well as to fiction and entertainment programmes. Advertisements in relation to children's programmes usually have stronger restrictions to protect the children.

Ethiopia lacks a code of conduct, regulation, or monitoring of the allocation of advertisement to ensure that the allocation is fair, transparent and non-discriminatory.



### **CATEGORY 3**

Media as a platform for democratic discourse

## **KEY INDICATORS**

### **A. Media reflects diversity of society**

- 3.1 The media – public, private and community-based – serve the needs of all groups in society
- 3.2 Media organisations reflect social diversity through their employment practices

### **B. Public service broadcasting model**

- 3.3 The goals of public service broadcasting are legally defined and guaranteed
- 3.4 The operations of public service broadcasters do not experience discrimination in any field
- 3.5 Independent and transparent system of governance
- 3.6 Public service broadcasters (PSBs) engage with the public and CSOs

### **C. Media self-regulation**

- 3.7 Print and broadcast media have effective mechanisms of self-regulation
- 3.8 The media displays culture of self-regulation

### **D. Requirements for fairness and impartiality**

- 3.9 Effective broadcasting code setting out requirements for fairness and impartiality

### **E. Levels of public trust and confidence in the media**

- 3.10 The public displays high levels of trust and confidence in the media
- 3.11 Media organisations are responsive to public perceptions of their work

### **F. Safety of journalists**

- 3.12 Journalists, associated media personnel and media organisations can practice their profession in safety
- 3.13 Media practice is not harmed by a climate of insecurity

## **A. Media reflects diversity of society**

### **Indicator 3.1**

#### **The media – public, private and community-based – serve the needs of all groups in society**

The FOJO Feasibility Study for Media from 2017 documents that radio reaches a significantly larger part of the population than television. Private television stations are generally watched by much more than 66 % of the television viewers, national public television (EBC) by 20 % and the remaining 14 % watch international or regional satellite television. There are significant regional variations as for the audience for radio, which is the dominant media in Ethiopia because of poverty and power scarcity in rural areas.

Media professionals typically characterize the news in public media as “protocol news”, that cover government representatives opening, participating in, and closing meetings with other officials from Ethiopia or abroad. The news and current affairs in most broadcasters consequently reflect and generally support the agendas of the governing parties. Nevertheless, the EBC and a few of the regional public broadcasters seem to be introducing more diverse news coverage and reporting on political opponents. Media professionals regard private commercial media with a background in entertainment as having a higher quality than the entertainment programmes in public media.

More than 80 ethnic population groups live in Ethiopia. The federal state is subdivided into 8 regions defined by the country’s 8 largest ethnic groups. The major religious groups are Ethiopian Orthodox (44 %), Muslim (34 %), Protestant (19 %), Traditional (3 %), Jewish and Catholic (1% each) and are generally found in all different regions.

Community media can play an important role in stimulating local democratic involvement and dialogue. Nevertheless, Ethiopian community media have frequently preferred not to cover Ethiopian conflicts. This position forms a contrast with other

countries where community media have actively participated in ethnically based communal conflicts. To avoid either of the two extremes, it is important that community-based media license applications formally represent and also in reality include all relevant groups within the community. As there are more than 80 different ethnic groups in the country and few alternatives to the public broadcaster, community media would fill a void by presenting a platform for local and regional dialogue. This type of dialogue may contribute to community building and consequently serve as a means to prevent conflicts and strengthen democracy in the regions.

So far, religious media have not been granted licenses primarily to avoid additional communal conflicts. Evidence from other countries supports the fear that these media may contribute to worsen rather than improve discourse between different religious groups at the local level. However, it is important also to consider the implications for the right to freedom of expression. Freedom of expression does not grant everybody the right to launch his/her own radio, but the right to express one's opinion and religious conviction freely. It is suggested to require that religious community radios represent all religious groups within the community formally and reflect this in their programming. This approach implies that the religious communities would have to share the broadcasting hours between them and collaborate on content to some extent. As religious leaders potentially can contribute to conflict prevention and peacebuilding such a community media model with a religious platform may be sustainable and serve other purposes as well.

### **Indicator 3.2**

#### **Media organisations reflect social diversity through their employment practices**

Recently, the reporting of some regional public broadcaster has caused concern because it appears to fuel hostility to other population groups. This resembles the first phase of the disintegration process in Yugoslavia 25 years ago when regional media contributed to accelerating national conflicts by enforcing regional identities above and against other regional and national identities. In the Ethiopian context, public broadcasters on both sides of the inter-communal tensions between the Somali and Oromia regions broadcasted conflict escalating reports after the respective regional

GCAOs allegedly required them to interfere. Regional and community broadcasters also preferred to remain silent concerning the outbreak of inter-communal violence in Western Guji (Oromia) - Gedeo (SNNP) that has resulted in over a million internally displaced persons.

Professional journalists tend to cover their own group positively and others more critically when they report on a conflict between countries, regions and local population groups even in very democratic and highly professional media contexts. This is undoubtedly also the case in Ethiopia as reflected in the coverage of the conflicts mentioned above.

At present, media managers are typically appointed by the politicians in power. Many media professionals claim that the politicians favour managers and staff from the same political party, region, and ethnic group.

More efforts are needed to ensure political, ethnic and social diversity among media staff.

## **B. Public service broadcasting media**

### **Indicator 3.3**

#### **The goals of public service broadcasting are legally defined and guaranteed**

The national Ethiopian Broadcasting Corporation (EBC) has 3 national TV-channels, 3 national radio channels and a website with online content, produced and distributed by a staff of 2000. Each of the eight regions have their own radio and television organisation, defined as public broadcasters, which is owned by the regional authorities.

In *Proclamation No. 533/2007 of 2007, Broadcasting Service Proclamation* public broadcasting services are required to prioritise the government's interest rather than the citizens' because the broadcasters shall: "*Enhance the participation of the public*

*through the presentation of government policies and strategies*". The legislation on broadcasting services imposes the rather rigid requirement of broadcasters that they **"serve political parties operating in accordance with the Constitution and the electoral laws of the country on the basis of fair and just treatment"**.

The *Proclamation no. 858 – Ethiopian Broadcasting Corporation Establishment (2015)* defines the EBC as an autonomous government institution instead of an independent public service broadcaster. Some formulations within this text concerning the EBC's purpose, powers, and duties could be more specific but the most problematic ones are the articles on governance. These need to be revised to comply with international standards for independent public service broadcasters.

Public media such as the EBC is legally obliged to

*"broadcast main and current issues happening in the country and abroad as well as educational and entertainment events on the radio, television and website in compliance with mass media and other relevant laws and utilizing... ( ) ... direct input coming from the public thereby enhance the awareness of the public on overall activities carried out in the country and... ...creating national consensus, supporting all national efforts made to protect and promote national identity and dignity, diversity, tolerance and democratic unity."*

#### **Indicator 3.4**

##### **The operations of public service broadcasters do not experience discrimination in any field**

The operations of public service broadcasters do not experience discrimination in any field compared to private, commercial media. The politicians' feeling of ownership to public media surfaces, however, when the Media Committees attempt to influence the public broadcasters more than the private media.

#### **Indicator 3.5**

##### **Independent and transparent system of governance**

The procedures for the appointment of the board and the management of regional public broadcasting mirror those for the EBC. The regional broadcasters are funded by the regional authorities, but they have access to advertisement incomes, too.

Article 8 on the election of the board does not ensure enough politically independent civil society representatives. The election procedure should be changed from the current one where the board members are appointed by the House of Peoples' Representatives upon recommendation of the Prime Minister. The House of Peoples' Representatives must ensure and respect that board members should be independent from political and economic interests.

Article 9 on the powers and duties of the board does not distinguish sufficiently between the chief executive officer's and the board's responsibilities with regard to the programming. Currently, the board must "... ensure that the Corporation has timely disseminated and broadcasted government policies and laws that need to be publicized to the society". At present, the board evaluates the content of the programmes and forwards recommended improvement to the CEOs. In addition, the board investigates and decides about complaints from the viewers.

Article 11: "*The chief executive officer shall upon recommendation from the Prime Minister be appointed by the House of Peoples' Representatives*". This appointment is defined as based on politics rather than merits. Nevertheless, most executive officers within the ECB, who were interviewed in connection with this assignment, are experienced professionals.

The legislation should mention specific mechanisms to encourage editorial independence such as protection of the chief executive officer from dismissal within a 5-year period. The management as well as the staff should be employed upon merit and protected against being dismissed for producing professional journalistic content.

### **Indicator 3.6**

#### **Public service broadcasters (PSBs) engage with the public and CSOs**

The news and current affairs content for EBC television appears to become increasingly diverse. The EBC is said to have increased its number of viewers for its

main TV-channel after the editorial reform of April 1<sup>st</sup> 2018, two days before the new government took over. The state seems to have diminished its control and encouraged diversity in coverage and opinion.

Independent public service broadcasters in other democratic countries have a strong representation of CSOs in their board and/or an advisory board of CSO representatives to advise informally on the programmes and programme schedule. However, in Ethiopia there is no such collaboration.

Accusations of unreliable reporting and dwindling trust in the federal broadcaster have reduced the long tradition for extensive collaboration between the federal and regional public broadcasters which used to broadcast on the same platforms and exchange content and possibly also co-produce programmes. Even though some regional broadcasters seem to be undergoing a reform towards increased independence other regional broadcasters seem to uncritically support local political, cultural or even ethnic scepticism towards outsiders. This disturbing development risks contributing to hostility towards other regions.

The EBC and the regional public broadcasters should be transformed into genuine public service broadcasters. This implies that their boards and editorial procedures must be independent of specific political agendas or political parties so that they may serve the public. It is also essential that the public service broadcasters acknowledge that their collaboration must be innovative to be attractive to the audience.

As mentioned above there is a need to establish more community radios that should be managed by and unify the ethnic and religious groups in the area covered by the radio. This will contribute to stabilise the community and build peace.

The EBC, the regional public broadcasters, and the community radios should explore new ways of collaboration. It is important for citizens to discuss important topics within their communities, but equally important that their needs and visions are heard by others – within the region, in other regions and at national level.

It could be considered to strengthen the collaboration between the regional broadcasters and encourage them to launch new national radio and television



channels. This collaboration could generate programmes to be broadcast at national level and in combination with regional news slots.

Regional broadcasting to increase collaboration and understanding within Ethiopia is undoubtedly the most important challenge especially for public broadcasters but also for commercial ones for the next decade.

Broadcasters are legally required to receive feedback from the public. The public is heard in various phone-in programmes and other types of programming but very few journalistic reports reflect the citizens' needs, visions and interests because most reports communicate the interests of the government.

## C. Media self-regulation

### Indicator 3.7

#### Print and broadcast media have effective mechanisms of self-regulation

Codes of conduct are familiar to Ethiopian journalists but rarely used. At least two of the journalist associations have adopted a code of ethics and some media outlets have also formulated their own codes of journalistic ethics. However, the codes of ethics are rarely actively upheld, and need to be updated regularly.

There is no complaints mechanism in place capable of dealing with complaints from citizens, organisations, or public authorities. The Ethiopian Media Council (EMC) was established in 2016 but was unable to become operational for a number of reasons. Firstly, because it could not be registered based on the *Proclamation to Provide for the Registration and Regulation on Charities and Societies*. Secondly, because of internal conflicts with journalists and media owners about how to balance the power and the financial contributions to the Media Council. Thirdly, because journalists felt side-tracked by media house owners. According to the Code of Conduct to be signed by all its members, the EMC was intended to handle complaints and mediate between media

and the citizens. In 2016, 24 media organisations had signed the Code of Conducts to become members.

Print media employers are represented by a *Publishers Association* with 5 members, which is not formally registered at this point. However, there are no national associations for commercial or public broadcasters, community radios, online media or production houses

### **Indicator 3.8**

#### **The media displays culture of self-regulation**

Journalistic practice in Ethiopia is characterised by highly heterogeneous ethical and professional standards and by considerable self-censorship. For this reason, professional capacity and ethical standards need to be enhanced. Useful tools for this are mid-career training, peer advice and implementation of best practices.

The coalition party (EPRDF) is virtually the only party represented in the federal parliament, the government, the regional councils and at the regional executive levels. The vast majority of media managers are also members of this political party so media have not been inclined to attempt or been able to keep the political power accountable for its decisions and actions.

Managers of public and private broadcasters and print media repeatedly confirm that the political executive level has not enforced access to information, has restricted undesired media coverage, and has enforced media regulations more rigidly than the legal formalities.

In order to encourage self-regulation of the media it is important to eliminate self-censorship, hold the authorities accountable, and implement high ethical and professional standards.

It should be considered to establish an independent fund to develop the professional quality of independent local and regional media which provide public service content. Such a fund should be administered independently and provide grants through regular calls for proposals. The EU fund for public service purposes in Serbia illustrates this approach.

A formalised and independent complaints mechanism for the citizens usually aims to protect citizens, organisations, or public authorities from unfounded media sensationalism and errors. The complaints mechanism should replace the use of the criminal code against journalists and media houses.

When the revised *Proclamation to Provide for the Registration and Regulation of Charities and Societies* has been adopted the Ethiopian Media Council should be able to finalise its registration and enable journalist and professional media organisations and media-NGOs to register formally. The EMC will need comprehensive assistance in this process until it is able to function smoothly and systematically, so it may earn the respect of all media houses and their journalists.

The obvious means to enhance media self-regulation are codes of conduct which should be developed by relevant stakeholders at national, organisational, and media outlet level. Journalistic practice will need to be evaluated by peers at regular intervals and mentoring mechanisms could be considered.

A guideline for covering communal or inter-regional conflicts should be developed to ensure that the conflict is not silenced by the media but is covered seriously in the news. This coverage should examine the roots of the conflict, enquire how to eliminate them and should hear both sides of the conflict in every report. In addition to news and current affairs programmes, plenty of entertainment formats could be used to enhance dialogue and mutual understanding.

## **D. Requirements for fairness and impartiality**

### **Indicator 3.9**

#### **Effective broadcasting code setting out requirements for fairness and impartiality**

The role of Ethiopian Broadcasting Corporation is defined by law, but not by any detailed broadcasting code. This seems to be the case also for regional public broadcasters.

Journalist associations and a few media outlets have codes of ethics that were developed some years ago. They have not been updated and are not enforced.

## **E. Levels of public trust and confidence in the media**

### **Indicator 3.10**

#### **The public displays high levels of trust and confidence in the media**

The media coverage of political issues in Ethiopia is often not perceived as reliable, so the stories have little impact. The mal-functioning Access to Information Act makes access to information a major obstacle to critical and investigative journalism and also reduces the public trust and confidence. ts.

Private commercial broadcasters tend to have larger audience than the public media not because of their journalistic skills but because of their entertainment that is considered better than the public media.

### **Indicator 3.11**

#### **Media organisations are responsive to public perceptions of their work**

Public media managers in some regions and at the federal level have struggled to improve editorial independence and quality within the existing framework. In some cases, they have managed to improve public perception of the broadcaster. As an example, the EBC is said during the last half year to have increased its audience share significantly.

However, private, commercial media are attentive to audience perception for economic reasons.

## **F. Safety of journalists**

### **Indicator 3.12**

#### **Journalists, associated media personnel and media organisations can practice their profession in safety**

Numerous reports from national and international organisations document that Ethiopian journalists fear fines and imprisonment as a result of their journalism. The blurred line between terrorism and journalism, or criticism of the state and criminal defamation has made journalism and media management unattractive.

For small media outlets, fines and prison verdicts may jeopardize the organization

### **Indicator 3.13**

#### **Media practice is not harmed by a climate of insecurity**

The combination of professional insecurity with economic and professional challenges have damaged the Ethiopian media landscape so it is less vibrant and useful to the democratisation process than it ought to be.

## **CATEGORY 4**

Professional capacity building and supporting institutions that underpin freedom of expression, pluralism and diversity

## **KEY INDICATORS**

### **A. Availability of professional media training**

- 4.1 Media professionals can access training appropriate to their needs
- 4.2 Media managers, including business managers, can access training appropriate to their needs
- 4.3 Training equips media professionals to understand democracy and development

### **B. Availability of academic courses in media practice**

- 4.4 Academic courses accessible to wide range of students
- 4.5 Academic courses equip students with skills and knowledge related to democratic development

### **C. Presence of trade unions and professional organisations**

- 4.6 Media workers have the right to join independent trade unions and exercise this right
- 4.7 Trade unions and professional associations provide advocacy on behalf of the profession

### **D. Presence of civil society organisations**

- 4.8 CSOs monitor the media systematically
- 4.9 CSOs provide direct advocacy on issues of freedom of expression
- 4.10 CSOs help communities access information and get their voices heard

## Category 4: Professional capacity building and supporting institutions that underpin freedom of expression, pluralism and diversity

### A. Availability of professional media training

#### Indicator 4.1

##### Media professionals can access training appropriate to their needs

Hardly any vocational training or in-house mentoring has been organised for journalists or media managers in Ethiopia in recent years. In general, media in all parts of the country need systematic practical training. Some training has been carried out by the Journalism School at Addis Ababa University, and a few in-house courses were conducted at media outlets such as the EBC by trainers from Al Jazeera.

International media-NGOs describe the Ethiopian media sector as largely isolated from the surrounding countries in the region and without much international assistance. One reason for this is the restrictions for international support in the *Proclamation to Provide for the Registration and Regulation on Charities and Societies*.

The Ethiopian media sector urgently needs technical and vocational training and in-house mentoring based on clear objectives that meet the specific needs of the individual professional and of the media sector's most modern organisations. An advisory board should be established with representatives from the media sector itself to determine the needs, strategies, and training provisions in Addis Ababa and in the regions. In most countries, mid-career training of journalists is financed through a combination of the media houses, the state and the participants. In the case of Ethiopia, it may be possible to attract funding for this training from international development support.

One approach could be to combine hands-on training with comprehensive subsequent in-house mentoring within the media outlets. Another approach could be to implement a training-of-trainers' strategy that allows trained trainers from each region to train their peers locally and in-house.



Systematic transfer of knowledge between experienced, respected journalists and young open-minded journalists should be encouraged. Both groups represent important qualities that are crucial to the growth and sustainability of the media industry.

It is necessary to consult a wider group of stakeholders to determine whether organisations like the Independent Media Council, journalist associations, or other types of organisations, including the university-based journalism educations, would constitute the most appropriate platforms for up-to-date and future-oriented excellence training programmes.

#### **Indicator 4.2**

##### **Media managers, including business managers, can access training appropriate to their needs**

Few trainings for media and business managers have focused on economic sustainability or business development. New media models should be considered in the light of the international decline of print media and the overwhelming challenges in Ethiopia with respect to potential readership, printing costs, distribution, and the gradual increase in use of online media.

Managers within many of the large public broadcasters need mentoring and advice on how to improve financial management and quality production by decentralizing and delegating decisions.

The advisory board mentioned above would also be a useful tool to ensure targeted efforts.

#### **Indicator 4.3.**

##### **Training equips media professionals to understand democracy and development**

There is a wealth of specialised topics for training that contribute to democracy and development, including election reporting, investigative journalism, court reporting, conflict sensitive reporting etc. The skills in research and use of access to information should also be developed.

Continuous training and mentoring in dynamic journalism, technology, global and international politics, and national economy should take place within the media houses. The media houses should also receive capacity building support to enhance their in-house journalistic practice through learning and sharing with reporters, editors and media managers

## **B. Availability of academic courses in media practice**

### **Indicator 4.4**

#### **Academic courses accessible to wide range of students**

The School of Journalism at Addis Ababa University was the first one in the country and university-based journalist education in the regions followed later. None of the educations include periods of practice with media production in media houses, and students have little access to production equipment and hands-on media production.

The journalist profession seems unattractive to young people and particularly young women. The wages within the profession are low. The price of critical journalism has been high and educated journalists have often preferred private public relations and marketing jobs with higher salaries.

In Ethiopia, teachers for the schools of journalism are often employed by the Ministry of Education without having formal qualifications or experience in the field. Many more experienced practitioners should be employed.

### **Indicator 4.5**

#### **Academic courses equip students with skills and knowledge related to democratic development**

The journalistic curricular must include practical skills and target the media sector so that the graduates' qualifications correspond to the profession. It is suggested to implement a supervised semester-based internship that would provide students with practical skills and include a purposefulness in their future job. Graduates with other backgrounds who want to enter journalism could also benefit from this.

The expected Media Council or a new media industry board should advise on the development of the journalistic curricula and their implementation. It is essential that the sector's innovative media professionals contribute to ensure that the teaching in the journalism schools corresponds with the needs of the future media sector and its high technological requirements.

The journalists have a reasonably good academic background in social and economic development but they need more training in democratic processes, the role of media, and the contribution of journalism to democracy.

### **C. Presence of trade unions and professional organisations**

#### **Indicator 4.6**

#### **Media workers have the right to join independent trade unions and exercise this right**

10 to 15 years ago, the Ethiopian media landscape was characterised by a variety of journalist and media associations. Today, only 2 general associations each representing public or privately employed journalists exist, but they organise few activities and are unable to protect journalists' interests. The *Ethiopian Journalist Association* was established 60 years ago and has a few regional offices. The *Free Media Journalist Associations* came into existence more than a decade ago, largely funded through support from abroad. However, neither of the two organisations can successfully campaign to attract more paying members unless their level of activities changes.

It is claimed that members close to the government have infiltrated the associations which is categorically denied by both chairmen. The latter insist that their members

define the organisations' strategy and plan the activities independently. The launch of an umbrella organisation for both journalist associations is currently debated. A Women's Journalist Association was formed 20 years ago to improve women's conditions in the media and to reduce gender stereotyping in media. At present, the percentage of women journalists has risen to 29<sup>3</sup> and a future media policy should continue to rise the number.

The *Proclamation to Provide for the Registration and Regulation on Charities and Societies* prevents journalist associations from receiving funding and support from abroad, so their funding depends on their very limited membership fees. Without access to financial means, the associations are unable to attain a level of activity that would make them useful for the members and allow them to become important media actors.

#### Indicator 4.7

#### Trade unions and professional associations provide advocacy on behalf of the profession

Journalist associations may contribute significantly to the development of Ethiopian media if they have access to resources. They may become effective advocates for self-regulation, promote better working conditions and benefits for their members, and protect them if they are charged or subject to politically motivated restrictions. If the organisations increase their membership they should be invited to voice their opinion as key stakeholders in connection with media reforms and other public discussions.

Similarly, the *Publishers' Association*, *Editor's Forum* and future media employers within other media sectors could voice their opinion impartially concerning media legislation and regulation processes. The professional organisations could include public as well as private media outlets. They should advocate for editorial independence and transparent rules for advertisements in public and private media in terms of minutes per hour and in terms of allocation of advertisements by public authorities. Uniting their efforts with the journalist associations, media management organisations could be key

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<sup>3</sup> Skjerdal, T. (2016) Professional Perceptions Among Male and Female Journalists on the Horn of Africa: A Quantitative Study. *Journal of African Media Studies*. September, Vol. 8, Issue 3, pp. 305-318

stakeholders concerning the reform of journalist education and mid-career training programmes as they often are internationally.

The Women's Journalist Association has advocated against gender stereotyping in media and advertisements but has not advocated for media policy issues. This organisation should be encouraged to engage in media policy and self-regulation.

There are no professional associations for FM-radio broadcasters, community radios, private television, independent production companies and editors etc. These organisations could contribute to enhance the quality, fairness and professionalism of Ethiopian media.

## **D. Presence of civil society organisations**

### **Indicator 4.8**

#### **CSOs monitor the media systematically**

No active national CSOs monitor the Ethiopian media systematically. Only international CSOs systematically follow the development of freedom of expression in the country.

In the World Press Freedom Index, Ethiopia fell from 137 in 2013 to 150 in 2017. In the Freedom of the Press 2017 Report, Ethiopia is ranked 46 in Sub Saharan Africa out of 50 Countries and 183 out of 195 globally.

### **Indicator 4.9**

#### **CSOs provide direct advocacy on issues of freedom of expression**

*Justice for All* is an influential CSO in Ethiopia that patiently seeks to influence and improve basic human rights in prisons and elsewhere in Ethiopia. However, the organization cannot be regarded as an advocacy organization on issues of freedom of expression but may be a useful partner in building the capacity of the state with regards to human rights.

## **Indicator 4.10**

### **CSOs help communities access information and get their voices heard.**

A variety of humanitarian organisations draw attention to the problems of the people they work with. However, no well-established organisations target access to information specifically.

## **CATEGORY 5**

Infrastructural capacity is sufficient to support independent and pluralistic media

## **KEY INDICATORS**

### **A. Availability and use of technical resources by the media**

5.1 Media organisations have access to modern technical facilities for news gathering, production and distribution

### **B. Press, broadcasting and ICT penetration**

5.2 Marginalised groups have access to forms of communication they can use

5.3 The country has a coherent ICT policy which aims to meet the information needs of marginalised communities



## Category 5: Infrastructural capacity is sufficient to support independent and pluralistic media

### A. Availability and use of technical resources by the media

#### Indicator 5.1

#### Media organisations have access to modern technical facilities for news gathering, production and distribution

Imported media equipment is heavily taxed so public as well as private broadcasters lack updated, modern equipment. In general, the production equipment of community and regional media is older than that of the large, national broadcasters.

The technical equipment does not constitute an obstacle to news gathering and programme production. The cause of bad sound quality for example is less likely to be bad microphones than lack of training and professional focus. Generally, however, the broadcast sector is confronted with the technical challenges involved in the transition to digital production and distribution. When this transition has been implemented journalists will be able to produce much higher technical quality.

This transition makes it possible to offer the Ethiopian media audience a greater variation of content depending on which technical structure is preferred and on the potential content providers invited to bid.

The Assessment of the Media Landscape did not include an analysis of the transition from analogue to digital terrestrial television (DTT) or an analysis of the planned technical solution. Nevertheless, some of the challenges, opportunities and technical solutions to consider should be mentioned.

Regional and federal public broadcasters will benefit from the DTT on the condition that the citizens and viewers pay for watching television on one platform only and use one DTV set top box to access all broadcasters. In countries of comparable size, population and federal structure, the terrestrial network would usually be based on regional digital transmitters, which would together guarantee national coverage.

The advantage of this model is that it allows for flexible collaboration between national and regional public broadcasters. The model makes it easy to schedule regional news slots in the national programming or national news windows in regional programming. It could also accommodate increased cooperation between regional broadcasters across the regions.

A variety of television channels, including private entertainment focused channels or highly popular channels must be available so that viewers will favour this DTT rather than international satellite broadcasters. All broadcasters will benefit from being distributed in a package with several other attractive channels.

Radio will continue to broadcast as today. The transition will give radio broadcasters the opportunity to cooperate with other entities by using the internet to link to local, regional and national analogue broadcasters.

Today only 16 % of the population has direct access to the Internet. 10 % of rural households and 85 % of urban households have access to electric power. According to USAID's Power Africa Fact sheets August 2018, only 25 % of Ethiopian households have access to electric power whereas 14.6 million households have not.

The lack of access to electric power supply explains why radio is the media platform that reaches most citizens, especially the marginalized population. This situation is unlikely to change soon.

## **B. Press, broadcasting and ICT penetration**

### **Indicator 5.2**

#### **Marginalised groups have access to forms of communication they can use**

Index Mondii estimates that the female level of literacy in Ethiopia is 41 and the male 57 % according to the CIA World Fact Book, January 2018.

Social media like Twitter, Facebook and others are quickly gaining ground especially in major cities and towns. As only 16 % of the population have direct access to the

internet these social media are not relevant for rural communities and marginalized groups. For these population groups radio remains the media where they may be heard and receive necessary information.

### **Indicator 5.3**

#### **The country has a coherent ICT policy which aims to meet the information needs of marginalised communities**

The government estimates that most of the Ethiopian population will be connected to the electric grid within the next ten years. This will be possible thanks to Ethiopia's impressive economic growth and its enormous potential of renewable energy and particularly water energy.

General access to the power supply will fundamentally change the country's media landscape. Today, radio is the all-pervasive media platform available to most people because it is cheap to receive and easy to power. When Ethiopians have easy access to electricity and their incomes grow, television will gradually become more attractive and the Internet will provide the most dominant media content.

This development will revolutionise the basis for Ethiopia's media. The focus will inevitably change from print media to radio and television which will be available to the entire population. The internet will become a particularly important media content provider especially if consumer prices are more competitive. The internet will be used to distribute radio and TV-content as well as information previously distributed in print. The internet will also facilitate comprehensive one-way, two-way and multiple types of communication and discussion on social media platforms.

Firmly rooted in the Ethiopian Constitution's Article 29, the new media policy aims to provide the people of Ethiopia with a diverse choice of media content. It is suggested to develop a coherent ICT policy in the light of the projected increase in access to electricity and the transition to digital terrestrial television.