



Freedom of Opinion and Expression and Sustainable Development - Why Voice Matters

Introduction:

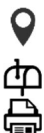
Since the beginning of the conflict in the Tigray region, Ethiopia has been accused of rolling back progress made in press freedom by cracking down on reporters both inside and outside of Tigray. This backtracking on press freedom took place in a number of ways, including internet shutdowns, which have not been unusual in Ethiopia and are typically employed as a tactic to stifle freedom of expression, with the government always providing a different justification for these shutdowns. Simply put, the Ethiopian government's use of internet shutdowns failed to meet the standard of necessity and was unrestrained by law or policy. The idea that these shutdowns are intended to quell public criticism of the government is only strengthened by the lack of transparency and the refusal to provide an explanation. Internet shutdown did not only affect the freedoms of journalists but it also deprived marginalized communities from receiving health-related information and the needed services during the Covid-19 pandemic. The arbitrary arrest of journalists who point out corruption or expose more details about the ongoing conflict was another way the Ethiopian government limited freedom of expression.

The following report will provide more details on how restrictions on access to information has affected the achievement of certain rights. Followed by that will be one section on laws and practices adopted and implemented by the Ethiopian government that hamper freedom of expression and another section on the arbitrary arrest of journalists. The last section will tackle the Ethiopian government's biased stance on investigative journalism followed by Maat's recommendations on the situation of freedom of expression.

Restrictions affecting achievement of social rights:

Over the last few years, access to the internet has been intentionally made very unstable in certain regions within Ethiopia due to the ongoing conflict. In 2020, millions of Ethiopians in western Oromia were cut off from phone and internet access, for 3 whole months, due to a government-imposed shutdown¹, the same year where people of the world, including Ethiopians, were battling Covid-19. The Ethiopian government decided to cut off access to landlines, mobile phone networks, and the internet in

¹ Solomon, Salem. "Rights Group Condemns Internet Shutdown in Ethiopia, Points to Threats of Coronavirus Spread. VOA News, 23 March 2020, <https://bit.ly/3lbnTru>.



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reaction to regional turmoil, including clashes between government forces and the Oromo Liberation Army (OLA), which impacted the Kellem Wellega, West Wellega, and Horo Gudru Wellega zones².

The lack of internet access led to a lack of important health-related information which was particularly important as Ethiopians needed to seek critical news about the global spread of the virus³. While people in other parts of the world were informed on the importance of good hygiene habits and given information on how to spot symptoms, Ethiopians were deprived of that right. Due to the government's refusal to restore the internet, it was quite possible that important information was not delivered to everyone, especially those who were crucial to the control efforts in Western Oromia such as medical personnel and humanitarian aid organizations. This has also affected the number of humanitarian actors who have been unable to obtain reliable information on what the humanitarian and security situation was like⁴.

Such a decision negatively affected the people of Oromia's right to health as they did not receive the health-related information needed to battle the virus. Their right to an adequate standard of living was also impacted as humanitarian actors were unable to properly assess the situation in the region nor deliver the needed essentials such as food and fertilizers to farm the lands which have been left untouched for a while. This also meant that their right to gain a living by working and generating income was unattainable as they could not get their hands on seeds and fertilizers. Planting the lands and regrowing crops is highly needed so the full reliance is not just on humanitarian aid but also on the natural resources present in the region that the people have the right to take advantage of to survive. The people of Oromia were already enduring a tough situation due to the ongoing conflict, but the decision to cut off the internet has made their situation even worse.

Laws and practices that hamper freedom of expression:

The Ethiopian government shut down 15 foreign media outlets that had been covering the country's Somali regional state in the second half of January 2023⁵. The Ethiopian Media Authority (EMA) issued a national order for the suspension for allegedly operating without a license, and the Somali Region Communications Bureau was asked to take appropriate action. Investigative work by the authority revealed that some journalists and representatives of media organizations were working in the regional state without a license from the federal government's media regulatory body⁶. However, it is believed that the regional government played a significant role in the decision to outlaw these media outlets, using the license issue as a pretext. The real intention behind this decision is believed to be retaliation against media reports on the ruling party's role in corruption, conflict, and drought-related issues⁷.

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Addis Standard Staff. "Somali region suspends 15 media outlets, accuses reporters of working without licenses." Addis Standard, 31 January 2023, <https://bit.ly/3Huf5EY>.

⁶ Ibid.

⁷ Ibid.

This suspension represents a challenge that impedes on the right to accessing information generally but could also impede on the right to accessing information and data related to sustainable development. If this trend of suspending media outlets out of spite continues to take place, media outlets that provide critical information on development projects and assess whether the government is doing its best to ensure sustainable development for all will cease to exist. People will have no chance to voice their thoughts on what their government is or is not achieving in regards to national development goals because of the lack of information resulting from the suspension of media outlets.

The House of People's Representatives passed the Hate Speech and Disinformation Prevention and Suppression Proclamation law with a majority vote in the 547-seat parliament, outlawing the creation and dissemination of hate speech and fake news, including writing or sharing social media posts that might incite violence or disturb public order⁸. There were two abstentions and a vote against it by about 23 legislators⁹. The law stipulates that offenders could be faced with a maximum punishment of 100,000 Ethiopian Birr (\$3,115) and a maximum sentence of five years in jail¹⁰.

The law's overly broad and ambiguous phrasing gives law enforcement officials plenty of room for interpretational error and may encourage authorities to abuse the law by using it as justification for widespread network and internet shutdowns. In addition, it is completely unknown to content authors and hosts what will or will not subject them to criminal sanctions under the Proclamation. The Ethiopian government should establish a comprehensive approach to combat hate speech rather than enacting a law that will undoubtedly be exploited and may not even be able to achieve its intended goal.

Arbitrary arrest of journalists:

One of the main challenges faced by journalists is the rounds of arbitrary arrest that continue to take place despite amended laws. On February 2nd 2021, the Broadcasting Service Proclamation of 2007 was repealed and replaced with the New Media Law¹¹ which significantly contributed in addressing the long-standing problem of wrongful arrests and detentions of journalists in Ethiopia. It is unfortunate that the unlawful arrests and detentions of journalists have continued firmly even after the New Media Law came into existence. Shocking numbers include at least 46 journalists who were detained in the year 2021 alone¹². To make matters worse, Ethiopia was listed as one of the worst jailers of journalists in sub-Saharan Africa in 2022¹³.

⁸ Getachew, Addis. "New Ethiopia law feared undermining free speech." AA, 13 February 2020, <https://bit.ly/3Hssi0Z>.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Woldemichael, Zelalem. "Unlawful detention of journalists in Ethiopia continues despite amended laws." Ethiopia Insight, 11 December 2022, <https://bit.ly/3HDmeTw>.

¹² Ibid.

¹³ Ibid.

The arbitrary arrest of journalists is made easier by the decisions taken by the Federal Supreme Court which go against the New Media Law. The decision to deny bail to the editor of a privately-owned magazine in July of 2022¹⁴ gave rise to discussions on the compatibility of the trendy practice of arresting and detaining journalists with the New Media Law. Denying bail forces the detainees to stay in pre-trial detention which is inconsistent with the aforementioned law¹⁵. The editor's case is hardly the only instance in which the judiciary has supported the continued detention of journalists. Other courts have taken into account bail difficulties and mandated the maintenance of pretrial detention on numerous occasions¹⁶. Given its position in the hierarchy, the Federal Supreme Court's decision should not be taken lightly because it may persuade subordinate courts to take the same course.

In early July 2021, 12 journalists were arbitrarily arrested, including some that were assaulted and abducted by armed men¹⁷. Their lawyer was prevented from talking to them and was given incorrect information when he asked about their whereabouts¹⁸. Officers at the police station informed him that his clients were taken to Arada first instance court but they were not there when he arrived¹⁹.

May 2022 was a busy month full of arbitrary arrests of journalists and media personnel. An Oromo journalist was detained on May 10th and released on May 19th²⁰. Nine media workers from two different companies were arrested on May 19th²¹. A day later, a YouTuber was arrested when he went to the police station to search for his sister who was detained there and towards the end of the month on the 26th, 27th and 28th, three more journalists were arrested²². The arbitrary arrests of journalists and media workers were made on the basis that these journalists are inciting violence or that they are worsening the bloodshed which are only excuses that the government was making to limit freedom of expression.

Investigative journalism:

The Ethiopian Media Authority issued a rare statement on January 2, 2023, urging judicial bodies in the country to refrain from actions that obstruct investigative journalism²³. The statement claimed that there was a growing trend of investigative journalism projects being terminated on orders from these judicial

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Abera, Etenesh and Fasil, Mahlet. “News: 12 Journalists arrested in two days ; media authority unaware of the arrests; Fed. police says arrests linked to association with terrorist organization.” Addis Standard, 2 July 2021, <https://bit.ly/3emvctc>.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ IPI Staff. “Ethiopia: 19 media workers detained in May as press freedom situation deteriorates.” International Press Institute, 3 June 2022, <https://bit.ly/3et0cYF>.

²¹ Ibid.

²² Ibid.

²³ Addis Standard Staff. “Ethiopian Media Authority urges judicial bodies to refrain from obstructing investigative journalism.” Addis Standard, 3 January 2023, <https://bit.ly/3X11qL6>.

bodies. The Ethiopian Media Authority specifically urged judicial authorities to cooperate with media organizations in order to give journalists the space to conduct proper investigative journalism by supporting journalists' right to access information, conduct investigations, and broadcast their findings without hindrance. It is important to note that this statement was issued after reports of claims that members of the Addis Ababa city police detained a group of journalists who were on investigative duty in the Kolfe Keraniyo sub-city in Addis Ababa who work for a broadcasting outlet that is known to be affiliated with the ruling party²⁴. A picture portraying the police transferring a team of journalists on a pickup truck has gone viral on social media²⁵.

The timing of this statement indicates bias as it was only released after journalists who worked for a media corporation that is affiliated with the ruling party. The same Ethiopian Media Authority that is asking judicial bodies to refrain from acts of obstructive investigative journalism, is the same media authority that suspended 15 media outlets for criticizing the government a few weeks later. This contradiction says a lot about the intentions of the Ethiopian government which only advocates for freedom of expression when it involves individuals that are affiliated with its ruling party, not the opposition.

Recommendations:

It seems that the Ethiopian government supports the adoption of new laws but fails to abide by them or only uses them for its own benefit and the benefit of its supporters and those affiliated with the ruling party. As a result of this consistent breach of national laws, Maat recommends the establishment of an independent national monitoring body that is responsible for ensuring that all relevant stakeholders are abiding by these laws to the best of their abilities and that they provide detailed explanations and justifications for why they might have breached a law which should be later assessed.

As for journalists who have been arbitrarily arrested and kept in pre-trial detention despite this representing a breach of the New Media Law, immediate compensation and guarantees of non-recurrence should be made publicly to discourage judicial bodies, including the Federal Supreme Court, from taking advantage of such laws.

Maat also highly recommends an immediate revision of media-related laws to ensure that they include specific definitions and that they are not overly vague so they cannot be abused by the different authoritative bodies existing in the country. The revision process should be inclusive so that it includes journalists, lawyers, youth, and other relevant stakeholders. It is important that such revisions are done on a regular basis to ensure that any and all loopholes are filled to minimize the risk of these laws being taken advantage of.

²⁴ Ibid.

²⁵ Ibid.