

**UN Human Rights Council – Universal Periodic Review
19th UPR session: April - May 2014**

**Contribution from Reporters Without Borders, an NGO with special consultative
status, on the state of media freedom in Ethiopia**

**Summary of the state of media freedom and the recommendations accepted by
Ethiopia under the Universal Periodic Review**

Ethiopia is ranked 137th out of 179 countries in the 2013 Reporters Without Borders press freedom index,¹ the same rank the country held in 2002, after over a decade of ups and downs for media freedom.

Hailemariam Desalegn's Ethiopia does not, however, resemble the Stalinist-style dictatorship that existed under Mengistu. Privately owned newspapers have helped to sustain intellectual exercise in the capital, Addis Ababa, and other growing regional cities. But the climate, which has significantly deteriorated since 2005, is still quite hostile to media independence and self-censorship is very common.

The Ethiopian government often punishes its political opponents and privately owned media for their opinions. Despite the country's stated democratic mechanisms, the authorities are inflexible and use political, legislative and administrative measures to harass journalists, who are often provocative or allied with the opposition.

The laws on media provide for long prison sentences for those found guilty of defamation or publishing false information, as well as for those found guilty of "terrorist activities" under the July 2009 anti-terrorist law. Foreign reporters based in Ethiopia apply utmost caution not to embarrass the government over their coverage of news or face harsh repercussions that include deportation. Despite hosting the African Union's headquarters, Addis Ababa is not living up to its expectation to respect the African Charter on Human and Peoples' Rights.

As well as having to cope with a number of repressive laws, many journalists with the privately owned media still live in fear following the 2005 post-election crackdown in which a score of newspaper editors and publishers were arrested. Since the incident, journalists have had to endure harassment, intimidation and "official or unofficial

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Press Freedom Index 2013 : <http://en.rsf.org/press-freedom-index-2013,1054.html>

warnings” not to cross redlines. Many journalists get discouraged, some are reduced to routinely censoring themselves and some end up fleeing the country. The government maintains a total control over the news put out by the public media, which has a monopoly on the broadcast sector of the country.

The only Internet Service Provider in Ethiopia is the state-owned *Ethio Telecom*, which facilitates government control of online activity. But only about 0.5 per cent of the population is online (around 500,000 Internet users in 2010).

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During the Human Rights Council’s 6th session, a number of states put forth recommendations to improve the state of media freedom in Ethiopia. Among those recommendations accepted by the Ethiopian delegation, many have not been respected.

Recommendation n°72, put forth by France, suggested that the Ethiopian government "guarantee genuine freedom of expression to all political leaders and the media, in light of the next elections." Having willingly accepted this recommendation, the government proceeded, in March 2010, to adopt a new code of conduct governing election reporting in anticipation of the upcoming general elections. The law imposed many restrictions on the freedom of journalists. They were not, for example, allowed to interview voters, candidates or observers on election day. Government agents actively harassed and intimidated opposition members and journalists covering their campaigns, leading to a victory for the government across the board. It is clear that Ethiopia had not implemented this recommendation.

Germany and Norway respectively recommended that Ethiopia "adopt all necessary measures to provide for free and independent media which reflect a plurality of opinions, including those of minority groups and political opposition parties" and "fully and effectively implement the Freedom of Mass Media and Access to Information Proclamation," two commitments that the government has completely abandoned.

In a 2011 press release, Reporters Without Borders had strongly urged the Ethiopian government to do everything in its power to allow the private press to do its job without fear of intimidation, financially damaging law suits and self-censorship. The organisation also reminded the government of a number of pledges it made to protect the constitutionally guaranteed right of the press.

Recommendation n°12, proposed by Australia and accepted by the Ethiopian government, called upon the country to "take steps to ensure civil and political rights are upheld, including freedom of expression and freedom from arbitrary arrest and detention." This recommendation coincides with a similar recommendation from the Netherlands that Ethiopia "ensure that no one is detained for political reasons." It is clear that Ethiopia has not respected either of these commitments that it voluntarily agreed to.

Reporters Without Borders is in complete agreement with the Ethiopian Women's Human Rights Alliance (EWHRA) which responded to the Mid-term Implementation Assessment, published by UPR-Info, saying "the Ethiopian government has used the passage of the Anti-Terrorism Proclamation in 2009 to curtail the legitimate activities of journalists and opposition members and leaders. Specifically the government has criminalized dissent by charging and arresting opposition members for engaging in protected activities and by designating opposition groups as terrorist organizations. With respect to journalists, the Ethiopian government has severely curbed freedom of the press by charging and arresting journalists who report the activities of opposition members and groups." The Mid-term Implementation Assessment concluded that no recommendations were implemented to put an end to the arbitrary detention of journalists.

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During the Human Rights Council's 6th session, a number of important recommendations proposed by different states to improve the state of media freedom in Ethiopia were rejected by the Ethiopian delegation.

Given the context surrounding recent attacks on media freedom in Ethiopia, the most pressing of those recommendations that was rejected by Ethiopia was one proposed by the Netherlands to "amend the Anti-Terrorism Proclamation with a view to bringing this Proclamation into conformity with international human rights standards and narrow the definition of terrorism used." The refusal to accept this recommendation underlines the worsening climate for journalists in Ethiopia since the government of former Prime Minister Meles Zenawi began using anti-terrorism legislation against them.

Since the law was passed in July 2009, Reporters Without Borders has written to the Ethiopian authorities to point out its shortcomings and how it can be misused against the press. Our organisation's fear was that the law might be used to curb freedom of the press and suppress the expression of independent journalists.

Subsequently, in June 2011, Woubeshet Taye, the deputy editor of the Amharic-language weekly *Awramba Times*, and Reyot Alemu, a columnist for the Amharic-language weekly *Fitih*, were arrested. Both were accused of complicity with a group regarded as a terrorist organisation.

In addition, on 1 July 2011, two Swedish journalists of the *Kontinent* news agency, reporter Martin Schibbye and photojournalist Johan Persson, were arrested for entering Ogaden illegally to report on human rights abuses in the region, which is closed to the press. They were accused of entering Ethiopia illegally – which they had already admitted in court – and also of supporting a terrorist group.

Finally, in November the authorities also charged six Ethiopian journalists, some of whom were in exile, with terrorism offences.

This misuse of anti-terrorism legislation is also damaging to Ethiopia's privately owned media as a whole in fostering self-censorship and in creating a climate of fear.

This climate has forced at least three journalists to flee the country fearing arrest in November 2011. These were Abebe Tola, known as "Abe Tokichaw", a well-known columnist for the weeklies *Fitih* and *Awramba Times*, Tesfaye Degu of the newspaper *Netsanet*, and Dawit Kebede, managing editor of the *Awramba Times*.

The 2009 law has become a serious threat for the news industry. The vague wording has been repeatedly interpreted too broadly, exposing journalists to arbitrary arrest. One of the law's articles says that journalists must refrain from reporting anything that might incite rebellion or terrorism. In the name of the fight against terrorism, the government is suppressing dissident and critical voices, thus abusing human rights and fundamental media freedoms.

The Ethiopian government has, however, accepted a recommendation proposed by Sweden to "take further measures to ensure that any efforts to counter terrorism are carried out in full compliance with its human rights obligations, including respect for due process and freedom of expression and assembly." The incompatibility of the rejection of the Netherlands' recommendation with the simultaneous agreement to comply with the recommendation from Sweden reflects the lack of serious commitment on the part of the Ethiopian government to ensure that the antiterrorism legislation does not threaten media freedom.

Similarly, the Ethiopian government rejected two related recommendations from Australia and Poland to allow the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression access to the country. The Special Rapporteur has already been denied this request several times.

With five journalists currently behind bars in the country for charges relating to their work in the media, the denial of access to the country for the Special Rapporteur is a clear sign that the Ethiopian government is attempting to hide its abuses of media freedoms from international observers.

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Recommendations

Reporters Without Borders recommends that the government of Ethiopia:

- Implement the Human Rights Council recommendations that it has previously accepted.
- Respect the freedom of expression of all its citizens regardless of their opinions.
- End all arbitrary detentions of journalists and other persons held because of their political views.
- Revise the 2009 anti-terrorism legislation in order to accurately and precisely define terrorist activities in order to protect all media and media personnel doing critical reporting.
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APENDIX 1

Recommendations from the 6th UPR session, accepted by Ethiopia:

Recommendation n°12: *Take steps to ensure civil and political rights are upheld, including freedom of expression and freedom from arbitrary arrest and detention (Australia).*

Recommendation n°72: *Guarantee genuine freedom of expression to all political leaders and the media, in light of the next elections (France).*

Recommendation n°73: *Adopt all necessary measures to provide for free and independent media which reflect a plurality of opinions, including those of minority groups and political opposition parties (Germany).*

Recommendation n°98: *Ensure that no one is detained for political reasons (Netherlands).*

Recommendation n°108: *Fully and effectively implement the Freedom of Mass Media and Access to Information Proclamation (Norway).*

Recommendation n°143: *Take further measures to ensure that any efforts to counter terrorism are carried out in full compliance with its human rights obligations, including respect for due process and freedom of expression and assembly (Sweden).*

Recommendations from the 6th UPR session, rejected by Ethiopia:

Recommendation n°114: *Issue a standing invitation to the special procedures of the Human Rights Council, and in particular accept a visit by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, which has already been requested twice (Poland).*

Recommendation n°11: *Agree to the visit of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (Australia).*

Recommendation n°95: *Amend the Anti-Terrorism Proclamation with a view to bringing this Proclamation into conformity with international human rights standards and narrow the definition of terrorism used (Netherlands).*