Access Now and UHAI-EASHRI Joint Submission to the United Nations Human Right Council on the Universal Periodic Review Fourth Cycle for Ethiopia

About Access Now

Access Now is an international organisation that works to defend and extend the digital rights of users at risk around the world. Through representation around the world, Access Now provides thought leadership and policy recommendations to the public and private sectors to ensure the continued openness of the internet and the protection of fundamental rights. By combining direct technical support, comprehensive policy engagement, global advocacy, grassroots grantmaking, legal interventions and convenings such as RightsCon, we fight for human rights in the digital age. As an ECOSOC accredited organization, Access Now routinely engages with the United Nations in support of our mission to extend and defend human rights in the digital age.[1]

About UHAI EASHRI

UHAI EASHRI is Africa's first indigenous activist fund for sex workers and sexual and gender minorities. UHAI supports civil society organising for and by sex workers and sexual and gender minorities through flexible and accessible grants; capacity support; support for Pan-African organising and advocacy, including support for activist-determined convening; and knowledge building and documentation. UHAI has supported organising in the seven East African countries of Burundi, Democratic Republic of Congo, Ethiopia, Kenya, Rwanda, Tanzania and Uganda. UHAI also recognises that in order to make significant progress in attaining equality, justice and dignity, it is imperative that their work contributes to and is linked to wider global and Pan African struggles. They, therefore, collaborate and engage with other civil society institutions and networks at continental and international levels.

[1] Access Now, https://www.accessnow.org/, 2024.

1. The Universal Periodic Review (UPR) is an important UN mechanism aimed at addressing human rights issues across the globe. It is a rare mechanism through which citizens around the world get to work with governments to improve human rights and hold them accountable under international law. Access Now and UHAI EASHRI welcome the opportunity to contribute to Ethiopia's fourth review cycle.

2. This submission examines the state of digital rights in Ethiopia, including the rights to freedom of expression and opinion, access to information, and the right to privacy. It follows from our previous submission ahead of Ethiopia's third review cycle.[2]

Follow up from Ethiopia's Third Cycle

3. During the third UPR cycle, Ethiopia received 327 recommendations, supporting 270 and noting 57 recommendations.[3] Relevant recommendations regarding digital rights include but are not limited to: 163.56, 163.59, 163.60, 163.61, 163.62, 163.66, 163.75, 163.132, 163.218, 163.219, 163.220.

4. Freedom of expression and opinion, internet shutdowns, and the digital rights of gendered minorities remain a priority for the 4th cycle of review for Ethiopia.

Cooperation with international human rights mechanisms

5. In the period under review, cooperation with international human rights mechanisms has remained the same.

6. Ethiopia has accepted several recommendations to consider addressing pending visits by special procedure mandate holders and grant full access to special rapporteurs and Special procedures mandate holders to visit the country, notably the Special Rapporteurs on the right to education, the right to food and violence against women.

7. Despite outstanding, repeat visit requests from the Special Rapporteurs on the right to freedom of peaceful assembly and of association, on internally displaced persons, on truth, on torture, the Working Group on discrimination against women and girls, and the Working Group on business and human rights, none were facilitated to visit the

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[2] Access Now, *Access Now and Small Media Joint Submission to the United Nations Human Rights Council, on the Universal Periodic Review 2018 Cycle for Ethiopia*, available online https://www.accessnow.org/wp-content/uploads/2018/10/Ethiopia-UPR-digital-rights.pdf

[3] UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Ethiopia*, UN Doc A/HRC/42/14, 5 July 2019.

country in the period under review.[4]

Recommendations

- Accept all outstanding visit requests of special procedures, and cooperate fully with special procedures to ensure the visits take place.

Ethiopia's International and Domestic human rights obligations

8. Ethiopia has ratified the International Covenant on Civil and Political Rights ("ICCPR"), the International Covenant on Economic, Social, and Cultural Rights ("ICESCR") and the African Charter on Human and People's Rights.

9. Ethiopia's Constitution[5] has several provisions which affirm the rights to freedom of expression and opinion, access to information, and the right to privacy including but not limited to:

    - Article 26 states that every person has the right to privacy, which is intended to include the inviolability of communications made by post, phone, telecommunications, and electronic devices.

    - Article 29; which protects the right to thought, opinion and expression. Article 29 also constitutes freedom of the press and prohibits any form of censorship while guaranteeing access to information of public interest.

Internet Shutdowns and Connectivity

10. The #KeepItOn Coalition composed of more than 300 organisations from 105 countries around the world ranging from civil society, rights, and advocacy groups to research centers, detection networks, foundations, and media organizations tracks internet shutdowns worldwide. The 2022 annual #KeepItOn report[6], authored by Access Now,

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[4] Special Rapporteur on the rights to freedom of peaceful assembly and of association: Last reminder of visit request was made on November 26, 2020.
Special Rapporteur on internally displaced persons: Last reminder of visit request was made on February 29, 2024.
Special Rapporteur on truth: Last reminder of visit request was made on November 25, 2022.
Special Rapporteur on torture: Last reminder of visit request was made on January 27, 2021.
Working Group on discrimination against women and girls: Last reminder of visit request was made on November 15, 2019.
Working Group on business and human rights: Last reminder of visit request was made on July 24, 2019.
More information available online at:
https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&lang=en

[5] *Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1/1995*, available online: https://www.ethiopianembassy.be/wp-content/uploads/Constitution-of-the-FDRE.pdf, 21 August 1995

[6] Access Now, 2022 #KeepItOn report, available online: https://www.accessnow.org/wp-content/uploads/2023/05/2022-KIO-Report-final.pdf

noted increasing numbers in deliberate internet shutdowns, with 187 shutdowns being documented across 35 countries. The report also noted trends indicating causes of shutdowns including elections, protests, examinations, and active conflict.

11. Authorities have often attempted to justify internet shutdowns by claiming they are necessary for national security, to curb the spread of misinformation/disinformation, or to prevent exam cheating. Observations show that authorities often order internet shutdowns to quell dissent or to restrict people's freedom of expression and other human rights during important national events like elections.

12. In alignment with its human rights obligations founded in both international and municipal law, Ethiopia must refrain from blocking or shutting down the internet and mobile communications services, particularly during armed conflict, elections and protests. Several U.N. bodies and independent experts have condemned internet shutdowns as a violation of international human rights law.[7] Similarly, regional bodies, including the AU, have also emphasized that intentional shutdowns violate human rights norms[8] and specifically underscored the importance of connectivity to access to information and democratic processes such as elections[9].

13. Despite irrefutable evidence that internet shutdowns are never justified under international human rights law, Ethiopia has shut down the internet on 16 documented occasions since its last review; with a shutdown instituted in Tigray during civil strife setting the global record for the longest ever documented continuous total shutdown during an active conflict – from November 2020 until early 2023[10].

14. Internet shutdowns hurt the safety and security of citizens, limit access to information and emergency services, negatively impact small and large businesses and their customers, and interfere with the provision of health, education, and e-services. Internet

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[7] Most recently summarised in the 15 June 2021 Report *Ending Internet shutdowns: a path forward,* the U.N. Special Rapporteur on the rights to freedom of peaceful assembly and of association, U.N. Doc. A/HRC/47/24/Add.2, available online: https://undocs.org/A/HRC/47/24/Add.2 at paras 13 - 14. *See also,* Access Now, *U.N. propels internet shutdowns into the spotlight, calls on key stakeholders to act, 1 July 2021,* available online: https://www.accessnow.org/un-internet-shutdowns/.

[8]The U.N. Special Rapporteur on the rights to freedom of peaceful assembly and of association, *Ending Internet shutdowns: a path forward,* U.N. Doc. A/HRC/47/24/Add.2, available online: https://undocs.org/A/HRC/47/24/Add.2 at paras 13 - 14.
See also, Access Now, *U.N. propels internet shutdowns into the spotlight, calls on key stakeholders to act, 1 July 2021,* available online: https://www.accessnow.org/un-internet-shutdowns/.

[9] Resolution on Internet Shutdowns and Elections in Africa - ACHPR.Res.580 (LXXVIII)2024 https://achpr.au.int/en/adopted-resolutions/580-internet-shutdowns-elections-africa-achprres580-lxxvii

[10] Access Now, 2022 *After years in the dark, Tigray is slowly coming back online* https://www.accessnow.org/tigray-shutdown-slowly-coming-back-online/#:~:text=Since%20November%202020%2C%20Ethiopia's%20Tigray,lethal%20conflicts%20in%20the%20world.

shutdowns also enhance the concealment of potential violence and human rights violations perpetrated by both State and non-State actors against individuals.

15. It is well researched and documented that internet shutdowns impede the delivery of humanitarian aid to people that need it[11]; further exacerbating an already dire situation. The more than 2 year long shutdown in Tigray and the ongoing internet shutdown in the Amhara region made it impossible to document potential human rights violations during the war[12], ensuring perpetrators would be near impossible to hold to account.

16. Despite the Ethiopian government's commitment to restore basic services to Tigray – including internet connectivity – the lack of a public commitment to a restoration timeline, slow restoration of connectivity infrastructure[13], and succeeding shutdowns in the Amhara region – including an ongoing shutdown that has been in place since August 2023[14] – shows a lack of meaningful commitment to further connectivity enabled rights of the people of Ethiopia; including freedom of expression, access to information and the right to association.

17. In addition to violating international human rights law, internet shutdowns have been shown to greatly and negatively affect the economy of a country. Ethiopia is estimated to have lost hundreds of millions of dollars across a number of shutdowns within the review period[15].

Recommendations

- Refrain from issuing directives to shut down the internet, especially during moments of uncertainty and heightened public anxiety including war, political events, and protests.

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[11] Advocacy Assembly, 2023 *The Devastating Impact of Internet Shutdowns on Vulnerable Groups* https://advocacyassembly.org/en/news/245

[12] Report of the International Commission of Human Rights Experts on Ethiopia (A/HRC/51/46) (Advance Unedited Version) https://reliefweb.int/report/ethiopia/report-international-commission-human-rights-experts-ethiopia-ahrc5146-advance-unedited-version
See also Human Rights Watch *"We Will Erase You from This Land"Crimes Against Humanity and Ethnic Cleansing in Ethiopia's Western Tigray Zone, 2022*, available online: https://www.hrw.org/report/2022/04/06/we-will-erase-you-land/crimes-against-humanity-and-ethnic-cleansing-ethiopias

[13]Access Now, After years in the dark, Tigray is slowly coming back online, available online: https://www.accessnow.org/tigray-shutdown-slowly-coming-back-online/

[14] https://www.accessnow.org/press-release/amhara-internet-shutdown/

[15] Business and Human Rights Centre, Report reveals Internet shutdowns cost Ethiopia $146 million in 2022, January 2023 https://www.business-humanrights.org/en/latest-news/report-reveals-internet-shutdowns-cost-ethiopia-146-million-in-2022/

- Prioritise restoration of meaningful connectivity in the Amhara and Tigray regions to ensure the people of Ethiopia have access to international and municipally founded human rights.

Freedom of Expression

18. Since the last UPR cycle, Ethiopia has embarked on a law reform process that initially signaled a promising shift towards liberalizing the country's freedom of expression landscape. While certain legislative reforms were indeed initiated, the retention of repressive provisions within existing laws, rampant internet shutdowns and the introduction of a restrictive hate speech legislation in 2020 underscore a stark departure from the promised liberalization, with dire consequences for freedom of expression and the press.

19. When the Ethiopian government enacted the *Hate Speech and Disinformation Prevention and Suppression Proclamation No. 1185/2020*[16] in March 2020, Access Now flagged[17] various provisions in the law that would enable arbitrary restrictions on freedom of expression. Key among them was the definitions of hate-speech and disinformation in Articles 2.2 and 2.3 of the legislation, which were determined to lack objective clarity. While it is noted that the right to freedom of expression can be limited in instances of advocacy of hatred that constitutes incitement to discrimination, hostility or violence. Restrictions on these expressions must meet the requirements of the six-part test set out in the The Rabat Plan of Action.[18] Ethiopian authorities' enforcement of this legislation has confirmed initial concerns that its inconsistency with human rights standards would cause a chilling effect on freedom of expression.

20. In March 2020, Yayesew Shimelis, an independent journalist was arrested after he published information on his Facebook page about the government's alleged preparation of 200,000 burial plots for those killed by the Covid-19 virus[19]. He was charged under Article 5 and of the *Hate Speech and Disinformation Prevention and Suppression Proclamation,* which prohibits the dissemination of disinformation, and Article 7 (4) which prohibits people with more than 5,000 followers on social media from

[16] *Hate Speech and Disinformation Prevention and Suppression Proclamation No.1185 /2020*, available online: https://www.accessnow.org/wp-content/uploads/2020/05/Hate-Speech-and-Disinformation-Prevention-and-Suppression-Proclamation.pdf

[17] Access Now, *Ethiopia's hate speech and disinformation law: the pros, the cons, and a mystery*, available online: https://www.accessnow.org/ethiopias-hate-speech-and-disinformation-law-the-pros-the-cons-and-a-mystery/

[18] The Rabat Plan of Action, available online: https://www.ohchr.org/en/documents/outcome-documents/rabat-plan-action

[19] International Press Institute, *Journalist's detention sparks concerns over Ethiopia's new hate speech law* available online: https://ipi.media/journalists-detention-sparks-concerns-over-ethiopias-new-hate-speech-law/

spreading disinformation or hate-speech on platforms. This charge further imposes penalties of up to three years of imprisonment or a fine of 100,000 birr.[20]

21. Eight years ago, the *Computer Crime Proclamation No. 958/2016*[21] was enacted amid strong opposition from human rights organizations such as Access Now.[22] Article 14 of the legislation criminalizes the dissemination of any content that incites violence, chaos, or conflict among persons. This vague, subjective concept of "incitement" does not conform with the requirements of legality, necessity, or proportionality and leaves room for authorities to broadly interpret the provision to crackdown on lawful speech. For example, in August 2023, Yidnekachew Kebede, founder and editor of YouTube-based outlet Negari TV, was arrested and charged with creating video content "with the intent of provoking violence."[23]

22. We are therefore concerned that the government has demonstrated a lack of goodwill in the implementation of these laws which raises serious concerns about the expectation of the reform process to align the national freedom of expression legal framework with international human rights standards.

23. During the 2019 UPR, Ethiopia accepted numerous recommendations[24] to bring national legislation in line with international human rights standards regarding freedom of expression and freedom of the press. Notably, it accepted recommendations to expedite the ongoing revisions of the proclamations on Media and Access to Information[25], Anti- Terrorism[26], and cyber-crimes which began in 2018. While some effort has been made in this regard, Ethiopia's trajectory towards genuine reform has been marred by inconsistency and regression.

Recommendations:

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[20] United Nations Human Rights, Office of the High Commissioner on Human Rights, ETH 1/2020, available at https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=25248, 12 May 2020.
[21] FDRE Ministry of Justice, available online: http://laws.eag.gov.et/Upload/CassationDecisionsDocument/992fbd9d-2fbb-40d2-9a62-7d5bb70b38fb.pdf
[22] Access Now, *What's happening in Ethiopia and how can we protect human rights?*, available online: https://www.accessnow.org/whats-happening-ethiopia-can-protect-human-rights/
[23] Committee to Protect Journalists, Three more journalists arrested under Ethiopia's state of emergency, available online: https://cpj.org/2023/09/three-more-journalists-arrested-under-ethiopias-state-of-emergency/
[24] 163.56 Expedite efforts to amend the Proclamation on Freedom of the Mass Media and Access to Information to protect the rights to freedom of expression and press freedom, see also, 163.58 Complete the revision of the Proclamation on Anti-Terrorism, the Proclamation on Freedom of the Mass Media and Access to Information and the electoral law, and ensure their effective implementation
[25] Proclamation No. 590/2008 of 2008, Freedom of the Mass Media and Access to Information Proclamation available online: https://www.refworld.org/legal/decreees/natlegbod/2008/en/72574
[26] Anti-Terrorism Proclamation No.652/2009 available online: https://www.refworld.org/legal/decreees/natlegbod/2009/en/72479

- Revive the reform process for the *Computer Crime Proclamation* and adopt amendments that bring the laws in line with international standards on freedom of expression.

- Repeal the *Hate Speech and Disinformation Proclamation* and prioritize adopting an equality and non-discrimination legal framework to address the flourishing of hate speech online in line with international human rights law.

Data Protection and the Right to Privacy

24. Concerns raised during Ethiopia's previous UPR process over the violation of right to privacy due to deployment of spyware still remain. A letter[27] by human rights lawyer Eitay Mack to digital intelligence company Cellebrite and Israel's defense ministry revealed that the Ethiopian government had purchased spyware technology from the company, which had been used by law enforcement authorities to hack into phones of detainees.[28] These actions not only violate Article 26 (2) of Ethiopia's Constitution, they are also inconsistent with human rights standards as set out in Article 17 of the ICCPR. Additionally, against a backdrop of repression[29] of the civic space, the government's access to this spyware puts human rights defenders and journalists' rights to freedom of assembly, association and expression at risk, as has been observed in countries like Jordan.[30]

25. Mandatory SIM card registration requirements impede anonymity and privacy, when these directives are implemented without data protection safeguards, they create an enabling environment for abuse from companies and state authorities. In July 2021, the Ethiopia Communications Authority (ECA) issued the *SIM Card Registration Directive No. 799/2021*.[31] This new law established the mandatory registration of SIM cards in Ethiopia, and requires subscribers of telecommunications operators to provide personally identifiable information such as their full name, date of birth and physical

[27] Letter by Eitay Mack to Cellebrite and the Israel Defense Ministry, available online: https://www.accessnow.org/eitay-mack-letter

[28] Haaretz, *Ethiopia Obtains Phone-hacking Tech From Israeli Firm Cellebrite*, available online: https://www.haaretz.com/israel-news/security-aviation/2022-12-18/ty-article/.premium/ethiopian-police-obtain-phone-hacking-technology-from-israeli-firm-cellebrite/00000185-2556-defc-ab97-2d77e1a10000

[29] Amnesty International, OPED: Justice, not repression, will break Ethiopia's waves of violence, available online: https://www.amnesty.org/en/latest/press-release/2020/11/oped-justice-not-repression-will-break-ethiopias-waves-of-violence/

[30] Access Now, Between a hack and a hard place: how Pegasus spyware crushes civic space in Jordan, available online:https://www.accessnow.org/publication/between-a-hack-and-a-hard-place-how-pegasus-spyware-crushes-civic-space-in-jordan/

[31]SIM Card Registration Directive No. 799/ 2021 available online:https://eca.et/wp-content/uploads/2022/10/2022-03-24T06-44-00.693ZSIM-Card-Registration-Directive-No.-799-2021English.pdf

address.

26. Telecommunications providers are further required to submit registration information to the ECA, which maintains the National Subscriber Registry. Access to this database can be authorized at the discretion of the ECA or through a court order. The law provides no adequate safeguards for subscribers to protect their data from unlawful interference and the lack of a comprehensive data protection framework further puts people at risk. The law states that the data is collected in order to harmonize the database of telecommunications subscribers. However, in a context where companies have a track record of granting security authorities unlawful access to subscribers' information, granting access to this registry cannot remain at the discretion of the regulator. These concerns are not unfounded. For example, a 2018 report by Human Rights Watch revealed that security authorities accessed the phone records and recordings of Ethio Telecom customers through a customer management database without court orders.[32]

27. Additionally, the regulation requires telecommunications operators to collect photographs and other kinds of biometric data from subscribers during registration, which are then stored in the companies' databases. Authorizing mass collection of biometrics without ensuring the protection of subscribers' data or establishing the protection of data subject rights creates a breeding ground for misuse. Human rights experts such as the UN High Commissioner for Human Rights have noted that the collection of sensitive personal data such as biometrics as well as the creation of biometric databases puts users at risk of state surveillance, as they could be used for purposes other than were intended.[33]

Recommendations

- Prioritise the development and enactment of a comprehensive and human rights respecting data protection law in compliance with international standards.
- Ratify the Malabo convention and Convention 108+ to strengthen their commitment towards the protection of people's personal data.

[32] Human Rights Watch, *They Know Everything We Do: Telecom and Internet Surveillance in Ethiopia*, available online: https://www.hrw.org/report/2014/03/25/they-know-everything-we-do/telecom-and-internet-surveillance-ethiopia.
[33] United Nations Human Rights, Office of the High Commissioner, A/HRC/39/29: The right to privacy in the digital age - Report of the United Nations High Commissioner for Human Rights available online: https://www.ohchr.org/en/documents/thematic-reports/ahrc3929-right-privacy-digital-age-report-united-nations-high

Emerging Technologies in Contexts of Conflict

28. Reports have revealed that Ethiopian security authorities have deployed combat drones in response to conflict in the Tigray, Amhara and Oromia regions of the country.[34] This includes the use of the Bayraktar TB2, a combat drone with aerial surveillance capabilities,[35] during the conflict in Tigray in 2021.[36] In February 2022, the Washington Post[37] reported that precision-guided munitions from the Bayraktar TB2 were used in a strike that led to the death of 59 civilians in Dedebit. Further, more than 400 civilians had been killed as a result of drone strikes between September 2021 and January 2022 in Tigray.

29. These actions constitute arbitrary deprivations of the right to life, which violate various international human rights instruments including; Article 3 of the *Universal Declaration of Human Rights*, Article 6 of the *ICCPR*, Article 4 of the *African Charter on Human and People's Rights*[38] and Principle 1 of the *Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*.[39] This is additionally relevant to the use of emerging technologies in conflict as experts such as the UN Special Rapporteur on extrajudicial, summary or arbitrary executions have noted that the use of drones to target civilians who are not actively participating to the hostilities in a non-international armed conflict[40]constitute a violation of international humanitarian law.[41]

[34] The New Humanitarian, Horrific civilian toll as Ethiopia turns to combat drones to quell local insurgencies, available online: https://www.thenewhumanitarian.org/feature/2024/03/05/horrific-civilian-toll-ethiopia-combat-drones-local-insurgencies

[35] Baykar Tech, Bayraktar TB2, available online: https://baykartech.com/en/uav/bayraktar-tb2/

[36] Pax for Peace, *Turkish Drones Join Ethiopia's war, Satellite Imagery Confirms*, available online: https://paxforpeace.nl/news/turkish-drones-join-ethiopias-war-satellite-imagery-confirms/

[37] The Washington post, *How Ethiopia used a Turkish drone in a strike that killed nearly 60 civilians*, available online: https://www.washingtonpost.com/world/interactive/2022/ethiopia-tigray-dedebit-drone-strike/

[38] African Union, African Charter on Human and Peoples' Rights, available online: https://au.int/en/treaties/african-charter-human-and-peoples-rights

[39] Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1989), available online: https://digitallibrary.un.org/record/75550?ln=en&v=pdf

[40] Rule of Law in Armed Conflicts, Non-international armed conflicts in Ethiopia, available online: https://www.rulac.org/browse/conflicts/non-international-armed-conflict-in-ethiopia#collapse4accord

[41] United Nations Human Rights, Office of the High Commissioner, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/68/382, available online: https://documents.un.org/doc/undoc/gen/n13/473/63/pdf/n1347363.pdf?token=Ebs10mEir1UTltTYXM&fe=true

Recommendations:

- Conduct transparent, prompt and thorough investigations of alleged cases of extrajudicial, summary or arbitrary executions caused as a result of combat drones deployed by warring parties during the conflicts in Tigray, Amhara and Oromia. Further, ensure that perpetrators responsible for these killings are brought to justice, and that those impacted by these operations receive access to remedies.

- Prioritize the development of legislation regulating the use of unmanned aerial vehicles in compliance with international humanitarian law and human rights standards.

- Ensure that military and security authorities carry out rigorous analysis prior to the use of combat drones in contexts of conflict, to ensure compliance with international humanitarian law and international human rights law.

- Abide by the obligation to prevent people in Ethiopia from from genocide, war crimes, ethnic cleansing and crimes against humanity during times of conflict.

Anti-LGBTQ+ Repression

32. Consensual same sex acts are prohibited by Article 629 of the *Criminal Code of the Federal Democratic Republic of Ethiopia, 2004*. This is a provision that authorities have routinely weaponized to crack down on LGBTQ+ civil society organizations, censor speech and incite discrimination, violence and hostility. In August 2023, the Addis Ababa Culture, Arts and Tourism Bureau posted a statement on their facebook account[42] announcing that it would be working in cooperation with the Addis Ababa Peace and Security Office to crackdown on establishments "where homosexual acts are committed." The Security Bureau confirmed this and announced the creation of a hotline to enable people to report suspected "homosexual acts to the police."[43]

33. This fuelled intolerance in Ethiopia leading to LGBTQ+ activists being targeted both online and offline. Access Now assessed six videos on TikTok containing inflammatory remarks that called on people to take action against people suspected of being LGBTQ+. These videos had between 60,000 and 390,000 views and featured comments that called

[42] Facebook, Addis Ababa Culture, Arts & Tourism bureau, available online: https://web.facebook.com/AAcultureartourism

[43] The Washington Blade, *Advocacy groups: Ethiopian government's anti-gay rhetoric spurs online attacks*, available online: https://www.washingtonblade.com/2023/08/10/advocacy-groups-ethiopian-governments-anti-gay-rhetoric-spurs-online-attacks/

on the murder and extermination of LGBTQ+ people. The harm even extended offline. In one of the videos documented by human rights organization the House of Guramayle, a person was doxxed online, which led to them being assaulted by their classmates.[44]

34. Broad interpretations of Article 629 of Ethiopia's Criminal Code by authorities have extended discrimination against LGBTQ+ people beyond the prohibition of consensual same-sex acts. In 2019, the *Organizations of Civil Societies Proclamation No.1113/2019*[45] was enacted. While the law received praise for lifting the ban on international organizations imposed by the previous 2009 law,[46] these affirmations of right to association did not extend to LGBTQ+ organizations, which are still barred from registering as they are considered to be promoting activities that are prohibited by the Criminal Code.[47] These restrictions interfere with their rights to freedom of expression, association and assembly, thus chilling the advocacy of LGBTQ+ rights both online and offline.

35. Article 640 of Ethiopia's Criminal Code prohibits the possession or dissemination of grossly indecent material. The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) cites this as a barrier to freedom of expression for LGBTQ+ people in Ethiopia.[48] Additionally, in 2016, an investigation by Amnesty International and the Open Observatory of Network Interference revealed that access to websites of three LGBTQ+ organizations had been blocked in Ethiopia.[49]

Recommendations:

- Repeal Articles 629 and 640 of the *Criminal Code of the Federal Democratic Republic of Ethiopia, 2004,* and establish legal frameworks that provide protections for sexual and gender minorities.

- Conduct prompt, thorough and transparent investigations of reported instances of incitement to discrimination, violence and hostility against LGBTQ+ persons by

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[44] The Associated Press, *LGBTQ+ people in Ethiopia blame attacks on their community on inciteful and lingering TikTok videos*, available online: https://apnews.com/article/ethiopia-tiktok-lgbtq-threats-attacks-f4ace0e1968d6bad46bb05710feac5cf

[45] *Organizations of Civil Societies Proclamation No.1113/2019*, available online: http://www.mom.gov.et/wp-content/uploads/2020/02/Proc-No.-1113-2019-Organizations-of-Civil-Societies.pdf

[46] CIVICUS, *Government Amends Contentious CSO Law as Human Rights Actors Return to the Country*, available online: https://monitor.civicus.org/explore/government-amends-contentious-cso-law-human-rights-actors-return-country/

[47] CIVICUS, *ETHIOPIA: For civil society, 2019 has been a new beginning*, available online: https://www.civicus.org/index.php/media-resources/news/interviews/4312-ethiopia-for-civil-society-2019-has-been-a-new-beginning

[48] ILGA World Database, Ethiopia, available online: https://database.ilga.org/ethiopia-lgbti

[49] Amnesty International, *Ethiopia Offline: Evidence of Social Media Blocking and Internet Censorship in Ethiopia*, available online: https://www.amnesty.org/en/documents/afr25/5312/2016/en/.

state agents.

- Consult with civil society to address barriers to right of association and assembly for activists and organizations engaging in advocacy of LGBTQ+ rights.
- Implement the recommendations set out in the Y*ogyakarta Principles on the Application of International Law in Relation to Issues of Sexual Orientation and Gender Identity,* to ensure that sexual and gender minorities are protected against discrimination, violence and hostility.