

Regulating Inter-Ethnic Induced Hate Speech in Ethiopia

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Abstract: Freedom of expression is not absolute right and may be restricted for the sake of protecting other fundamental human rights in accordance with law. Online social Media is unlike print media, tend to be unregulated and provide services being manipulated all over the world. Hate speech should not be hid under the protective umbrella of freedom of speech or expression. There must have a clear demarcation between free speech and hate speech. Accordingly, the main objective of the article is to examine international legal instruments, Ethiopian legal frameworks and institutional setting which regulate hate speech. In order to achieve the intended aims, the study employed doctrinal legal research on which legal analysis of the principal legislations. In so doing, the result of findings identified a lot of legal vacuums with regards to hate speech. Further, the existing FDRE proclamation No.1185/2020 provides responsibilities of service provider institutions to suppress and prevent dissemination of hate speech; however, the practical enforcement of hate speech legislation in Ethiopia suffers challenges inter-alia: absence of uniform definition, contents and scope of hate speech, anonymity, jurisdiction etc. Finally, the study used OSCOLA rule of reference in this article.

Keywords: Hate Speech, Social Media, Freedom of Expression, Media Laws, Human Rights

1. Introduction

Online social Media is unlike print media, tend to be unregulated and provide services being manipulated outside the jurisdiction of Ethiopia. The practices and consequences of online hate speech activities in such a diversified ethnic federating countries like Ethiopia has shown more vivid in keeping nation, nationalities and peoples more extremists, divided and hatred against one another's.

Considering certain expression as 'hate speech' has an important role in advancing basic values of human dignity and equality which underpin international human rights law. However, due to attention must be given to freedom of expression, as its use can have negative consequences [1]. Since, the term is highly emotive and susceptible for, among other things, political manipulation; it can be abused to justify inappropriate restrictions on the right to freedom of expression. The law should be making clear balance between

free and hate speech.

Inter-ethnic induced hate speech resulted in insidious consequences, ranging from psychological harm on the target individuals and groups, to the incitement of genocide, displacements, civil war and other mass violence. The devastating corollaries of hate speech are evident the recent genocide or ethnic cleansing in Rwanda, and the former Yugoslavia [2].

There have been pressure at international level for efficacious legislation and creative responses to address hate speech and its consequences. For instance, the UN special reporter on right to freedom of expression warned that new and old technologies used as more or less sophisticated tools for political propaganda, including racial discrimination, and hate speech, thus contributing to the proliferation of polarization of ideas and ethnic tensions [3].

In Ethiopia, there is inter-ethnic hate nick-names that some ethnic groups owe to others inter-alia: Junta for Tigray ethnic

group, Irist Asmelash for Amharas, Kenya politics for Oromo ethnic groups, Adal for Afar, Issa-warabo for Issa Somali, Shankila for Gumz, Wolamo for Wolaita, Janjaro for Yem, Kullo for Dawaro etc..[4]. Such hate names used by some extremists portraying Ethiopian political history to offend or dehumanize corresponding ethnic groups. Predominantly, the term ‘Neftegna’ does not represent particular ethnic groups, factually, it represent the historical ruling class those called themselves as Ethio-highland class respectively. Some authors argued that Ethiopian social media users by the historical oppressor-oppressed narratives revealed with stereotypical naming as ‘Neftegna’ [5]. In the country, especially over the last six years, online hate speech has been witnessed boldly. Its effect would not only endanger the exercise of human rights, but also jeopardize the unity and fraternity among the peoples of Ethiopia. It is now critical matter for the Ethiopian government in progress to design a new legal or policy and institutional mechanisms to regulate the complicated inter-ethnic online hate speech.

The Ethiopian human right action plan also provides the absence of legal regulation on hate speech made against individuals and groups [6] as a challenge in regulating the right to freedom of expression. Hence, there must be precise legal and institutional settings that regulate hate speech without violating enforcement of free speech.

Hence, the main objective of the article is to examine international legal instruments, Ethiopian legal frameworks and institutional setting which regulate about hate speech. The study employed doctrinal method to hermeneutically analyze relevant international and domestic legal instruments and institutional settings regulating hate speech parse.

2. Definition and Concepts of Online Hate Speech from Relevant Laws and Online Media Policies

Basically, there is no uniform internationally agreed definition for online hate speech. The most useful law dictionary ‘Black’s Law Dictionary’ defines hate speech as a speech that carries no meaning other than the expression of hatred for some groups, such as a particular race, in the circumstances which the communication is likely to provoke violence [7].

Many online service providers attach their own meaning of hate speech and regulate as per terms of their service. For instance, Face-book provides what it considers to be hate speech [8]. YouTube also prohibits speech which attacks or demeans a group based on race or ethnic origin, religion, disability, gender, age, veteran status and gender identity [9]. Moreover, Google makes a special warning that do not distribute content that promotes hatred or violence towards groups of people based on their race or ethnic origin, religion, disability, gender, age, veteran status, or sexual orientation/gender identity [10]. Further Yahoo terms of service, prohibits posting of some unlawful hate speech contents [11]. Overall, the prohibited content seems to be

similar, with some difference in which specific groups have been brought out regarding condemnation of what they call online hate speech.

However, a significant step towards clarifying the definition of online hate speech, the Council of Europe’s Additional Protocol on Cyber crime defines as any written material, any image or any other representation of ideas which incites hatred, discrimination or violence, against any groups, based on race, color, descent or national or ethnic origin [12].

As far as the Ethiopian legal system is concerned, the recent hate speech and disinformation proclamation No.1185/2020 defines ‘*hate speech*’ as a *speech that deliberately promotes hatred, discrimination or attack against a person or discernable group of identity, based on ethnicity, religion, race, gender or disability* [13]. This definition exhaustively listed protected person or groups. The authors, lobby law making authority to expand the definition by statute to broadly include the victim’s color, language, political membership, job status or sexual orientation. This implies that the proclamation does not define what constitutes ‘*hatred*’ and it seems to be ambiguous which lacks precise meaning, contents and scope of relevant terms.

The proclamation No.1185/2020 also defines the term ‘social media’ as a *means any social interactive method that facilitate the creation and sharing of information for more than one person at one time and social networking through the internet access* [13]. Accordingly, the proclamation does not provide its scope of application and to what extent share information to others.

Hence, from the above stated definitions, we can separately discern the meaning of ‘online hate speech’ as an internet social networking based speech, or content that deliberately promotes hatred, discrimination or attack against a person or a discernable group of identity, based on ethnicity, religion, race, gender or disabilities.

3. Online Hate Speech Under International and Regional Instruments

The first international treaty to regulate the issue of hate speech was adopted in 1965 by the UN General Assembly – the International Convention on the Elimination of all Forms of Racial Discrimination (here in after CERD)[14]. It provides that *along with condemning all propaganda, state parties are obliged to punish those engaged in the dissemination of ideas based up on racial superiority or hatred, incitement to racial discrimination, acts of violence or incitement to such acts against any race or group of persons of another color or ethnic origin* [14].

Here in after International Covenant on Civil and Political Rights (ICCPR) also attempt to tackle this issue that *any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law* [15]. It simply prohibits without

precisely regulating whether such acts are criminally punishable or not.

The Convention on Prevention and Punishment of Crime of Genocide [16] also enshrines that state parties shall criminalize public expressions which could directly incite others to commit the crime of Genocide.

The African Charter on Human and Peoples' Rights (here in after ACHPR) also explicitly provides for the *banning of hate speech* [17]. It further states that every individual shall have the right to express and disseminate his opinions within the law.

The most relevant international instrument as far as online hate speech is concerned the 2003 Additional Protocol to the Convention on Cybercrime which obliges state parties to adopt legislative and other measures to establish as criminal offences under its domestic law against online hate speech [18]. Hence, the aforementioned international instruments explicitly or implicitly prohibit online hate speech and its incitement accordingly.

4. Regulation of Online Hate Speech in Ethiopia: Substantive and Procedural Matters

4.1. The FDRE Constitution

Ethiopia has ratified almost all of the major international human rights treaties [19]. Under its supremacy clause, the FDRE Constitution provides that all international agreements ratified by Ethiopia are an integral part of the law of the land [20]. This assertion implies that the provisions of these international instruments are part of the Ethiopian law. The domestic application of international human rights instruments is further fortified under article 13(2) of the Constitution, which provides that the fundamental rights and freedoms shall be interpreted in a manner conforming to the principles of Universal Declaration of Human Rights, international covenants on human rights and international instruments adopted by Ethiopia. Further, the Constitution stipulates obligation of all organs of the Government to enforce fundamental rights and freedoms in which the right of 'access to justice' is among basic rights per-se.

As a state party to international human right instrument, and to enforce Constitutional pledge, Ethiopia has the obligation to ensure that the right to access to justice is fully enforced.

The FDRE Constitution is the supreme law of the land having precedence over any laws in the country and any laws contrary to the constitution is null and void having no legal effect [20]. In enshrining freedom of expression as a fundamental 'democratic right', the Constitution stipulates that the third chapter of the Constitution should be interpreted in accordance with the Universal Declaration of Human Rights and international human rights instruments ratified by Ethiopia.

The FDRE Constitution recognized freedom of expression

under Article 29 with its limitations. However, it does not clearly provide hate speech as a ground of limitations like under relevant international human right instruments [15]. Moreover, the right to freedom of expression is provided under the category of democratic rights in FDRE Constitution though stipulated as fundamental human right under international human right instruments and other regional human right treaties.

The FDRE Constitution under article 10(1), categorize rights under chapter three of the FDRE Constitution as 'democratic' and 'human rights' stipulating that 'human rights and freedoms, *emanating from the nature of mankind, are inviolable and inalienable*'. It also provides under Article 10(2) that 'human and democratic rights of *citizens and peoples* shall be respected. At this juncture, Gedion Timothewos [21] analyzed democratic vis-à-vis human right dichotomy under article 10 of FDRE Constitution as inferring two implications:

The first implication is human rights and freedoms are derived from the nature of man and as such are universal. This is to mean that human rights are the rights of all human beings simply and merely by virtue of their humanity, as opposed to democratic rights which are the rights of citizens and peoples derived from their juridical and political status. So this would seem to mean that in terms of the bearers of the right, human rights and democratic rights are different, the former being more inclusive than the later.

The second implication is that human rights are to be accorded more robust protection as 'inviolable and inalienable' rights as compared with democratic rights which are just to be respected [22]. However, the characterization of the right to freedom of expression as a democratic right which emanates from the relation between the state and citizens may face possible problem on recognizing the right in the sense *regardless of frontier and any media of his choice* mainly with the development of the social media platforms on the present world. And it is contrary to the international human right principles that all human rights are universal, indivisible and interdependent and interrelated [23].

The other dilemma is on limitation to be imposed on the right. Article 29(6) of FDRE Constitution provides limitations of freedom of expression as the following:

First: the 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.

Second: legal limitations can be laid down in order to protect the *well-being of the youth*, and the *honor* and *reputation of individuals*.

Third: any propaganda for war as well as the public *expression of opinion intended to injure human dignity* shall be prohibited by law. Hence, from these clauses it is clear that certain types of speech could be or should be limited based on the effect they might have and also based on the intention of the speaker. This third clause of sub-Article 6 imposes an obligation on the legislature to enact laws that prohibit propaganda of war and also speech that is intended to injure

human dignity. These could be taken as *exceptions* to the *effect* and *content limitation prohibition* of the first clause.

The constitution as states above, the right to freedom of expression should not be *limited on the account of the content and effect of point of view expressed*. Does it mean that freedom of expression cannot be limited even when the view expressed by the speaker has the effect of *unleashing ethnic based hate, conflict and violence*? This may pose a problem on restricting online hate speech as it resulted in the effect of the violence and has the remoteness in content to result possible public disorder and unable to resolve the *current practical problem* that result in racial or ethnic tension in the country. Limitation on the right to freedom of expression that contain and resulted in inter-ethnic hate is also compatible with the objective of FDRE Constitution stated in its preamble that *'we nation nationalities and peoples of Ethiopia are fully cognizant that our common destiny can best be served by rectifying historically unjust relationships and by further promoting our shared interests'* [12]. The Constitution refers the past historical hates or injustices among ethnic groups of Ethiopia. Hence, limitation on the right to freedom of speech that portrays ethnic hate is constitutionally justified.

Timothewos, further argued that the view to be expressed must be such that there is *a reasonable and demonstrable likelihood* for it to cause ethnic violence *in the foreseeable future* for it to be legitimately limited. Any legislation or its application that is not designed to restrict speech that poses such a danger should be considered unconstitutional [21]. Hence, the expression shall be limited based on the negative effects that may have on the youth, honor, and reputation of others as well as violation of human dignity.

The other thing worth consider at this juncture is that the phrases *citizen* who violate such legal limitation shall be held liable implies that only citizen of the federation will be held liable which makes the prosecution of online hate speech that may possibly made outside the citizen of the country and breach the legal limit in Ethiopia exonerate from liability, in spite of their destructive effect on protection of the rights of others. It leads to absurd conclusion during regulation of online hate speech as non-citizens could disseminate dangerous ethnic based hate speech online in Ethiopia.

Hence, limitation on online hate speech contents with dehumanizing metaphors, considering certain group of human beings as sub-human or incite ethnic discrimination is in conformity with the right to equality under article 25 of FDRE Constitution and equal right and dignity of all mankind enshrined under article 1 of 1948 Universal Declaration of Human Rights which has attained the status of international customary law.

4.2. The Hate Speech and Disinformation Prevention and Suppression Proclamation No.1185 /2020

The Hate Speech and Disinformation Prevention and Suppression Proclamation provides its rationale in preamble that necessity to prevent and suppress by law the deliberate dissemination of hate speech to control the threat that hate

speech pose to social harmony, political stability, national unity, human dignity, diversity and equality; and to recognize limitations on fundamental rights should be proportionate, narrowly tailored and prescribed by law in pursuit of aims that are legitimate in a democratic society [12].

Similarly, the proclamation stipulates its objective under article 3 as the following:

Ensure that in their exercise of freedom of expression, individuals will not engage in speech that incites violence, is likely to cause public disturbance or promotes hatred and discrimination against a person or an identifiable group or community based on ethnicity, religion, race, gender or disability;

Promote tolerance, civil discourse and dialogue, mutual respect and understanding and strengthening democratic governance;

Control and suppress the dissemination and proliferation of hate speech, disinformation and other related false and misleading information.

The proclamation for the first time in Ethiopian legislation explicitly prohibits hate speech stating that *any person disseminates hate speech by means of broadcasting, print or social media using text, image, audio or video is prohibited*. From the stated article, we can easily discern that it prohibits hate speech to be disseminated by using various forms including online hate speeches too.

The Proclamation also enshrined exceptional circumstances whereby disseminating some hate speech would not be considered as a crime. These are explicitly listed under article 6 that dissemination is not prohibited if it is part of [12]:

- a) *Academic study or scientific inquiry;*
- b) *News report, analysis or political critique;*
- c) *Artistic creativity, performance or other form of expression;*
- d) *Religious teaching.*

With regard to criminal liabilities against someone who committed an offence of hate speech, the proclamation stated any person who commits acts proscribed under article 4 shall be punished with simple imprisonment not exceeding two years or a fine not exceeding 100,000 birr. However, if there is an attack against a person or a group has been committed as a result of hate speech, the punishment shall be simple imprisonment not exceeding one year up to five years.

If the offense of hate speech or disinformation offense has been committed through a social media account having more than 5,000 followers or through a broadcast service or print media, the person responsible for the act shall be punished with simple imprisonment not exceeding three years or a fine not exceeding 100,000 birr.

This provision focused on liability of 5000 plus followers without clearly defining these thresholds. The proclamation should have been emphasized on hate speech disseminated online than simply focusing on number of followers. The degree of severity of offense is not considered. It seems as if targeted to incapacitate or explode fear to those with 5000+ followers.

If no violence or public disturbance has resulted due to the commission of the offense of hate speech or disinformation and if a court of law is convinced that the correction of the convict will be better served through alternatives other than fine or imprisonment, the court could sentence the convict to render mandatory community service [12].

However, the proclamation does not provide any civil or tortious remedy against hate speech criminals to compensate the alleged victims. There is no alternative measure of civil or administrative law sanctions albeit the necessity test under article 19 of ICCPR requires that the least intrusive effective remedy should be employed to restrict freedom of speech overriding public or private interests.

The proclamation also suffers from the following lacuna:

First, it confuses social media with conventional media that is, broadcasting and printed media. Unlike social media, conventional media is subject to strict centralized regulatory requirements including licensing and editorial control. The actors who participate in conventional media are known, and their degree of responsibility is prescribed in domestic legislation unlike social media. Therefore, putting social media users and conventional media broadcasters on equal footing and then impose similar criminal liability seems to be a great pitfall and could lead to regulation of the latter arbitrarily.

Second, it remains silent whether the criminal responsibility imposed on social media users is limited to those who create the content, or also covers small acts of participation such as likes, shares, and comments.

Third, it does not provide any substantive and procedural safeguards. The principle of due process requires, inter alia, any interference with human rights to be in accordance with procedures provided in law, uniformly practiced, and open to the public.

Fourth, the Proclamation never listed what kind of terminologies, words or statements are considered to be prohibited hate speech. It doesn't identify whether the 'possession' of hate speech content with the intent to disseminate is a prohibited or not.

Unfortunately, this law also veils what rights and remedies social media user victim of hate speech would have in times of abuse. It is unclear whether internet users have any judicial or administrative recourse in case of illegitimate, disproportionate or unjustified actions. It poorly promulgated to guarantee human rights like freedom of expression, inherent human dignity and the right to privacy.

4.3. Media Laws

4.3.1. The Broadcasting Service Proclamation No. 533/2007

It is one of the pertinent media laws which aimed to regulate hate speech that can be broadcasted via Television or radio [24] and might also be disseminated on their web sites using social media while exercising citizens' basic constitutional right to freedom of expression and information. It defines power and obligation of person undertaking broadcasting services. It also sets general guidelines for prohibited activities stating any program intended for

transmission may not violate the dignity and personal liberty of mankind or the rules of good behavior or undermine the belief of others; or incite war. Though, it implies the list of some elements for hate speech as prohibited acts violating human dignity, it seldom regulates the issue of online hate speech.

4.3.2. Advertisement Proclamation No. 759/2012

As per this proclamation advertisement is any notice, through the means of advertisement dissemination such as the mass media, Internet web sites and any other related means of advertisement dissemination [25]. Again, it provided that, advertisement if not regulated may harm the rights and interests of the people. Online hate speech might be disseminated for the purpose of advertisement. It listed some criteria for advertisements as unlawful or immoral content.

4.3.3. Computer Crime Proclamation No.958/2016

Computer technology delivering information communication is essential for the development of any Countries. Similarly, it can be a cause for violation of various human rights unless its due regard is given. Currently, many countries including Ethiopia are suffering from the danger of social media induced hate speech. Accordingly, the proclamation criminalized the dissemination of illegal content of data such as; inter alia, the content of speech that incites fear, violence, chaos or conflict among people [26]. However, these are already ordinary crimes as long as not committed on discriminatory grounds like hate speech.

5. Institutional Regulation of Online Hate Speech in Ethiopia

5.1. Information Network Security Agency and Ethiopian Telecommunication Corporation

Computer crimes proclamation entitles Information Network Security Agency to establish online computer crimes investigation system and provide other necessary investigation technologies [26]. However, there is no practical case that can be mentioned in relation to measure that the Agency took against online hate speech. In addition, there is no clear law about the technologies and techniques to be provided towards investigation of computer crimes. Further, as Internet service providers are under government monopoly, and Ethiopia can establish special authority which investigates the suspected of crimes committed under Ethio Telecom service provider.

5.2. Social Media Service Providers

The Ethiopian hate speech control proclamation provides any enterprise that provides social media service should endeavor to suppress and prevent the dissemination of disinformation and hate speech through its platform [26]. It enshrines responsibilities of Social media service providers that they "should act within twenty four hours to remove or

take out of circulation disinformation or hate speech upon receiving notifications about such communication or post. However, it kept silent as to who may provide such a notice or procedure of delivering notice. The possibilities of judicial oversight and right to appeal against such decision is not provided and hence, online media users have no effective right or it may arbitrarily limit freedom of speech accordingly. Further, Social media enterprises should have policies and procedures to discharge their duty under sub article (1) and (2) of this article. However the proclamation has been made no legal solution in case such service providing enterprises like Face-book, Twitter, You-tube, Telegram, etc...violated the provision of the proclamation for they headquartered outside Ethiopian jurisdiction.

5.3. The National Intelligence and Security Service Institution

The National Intelligence and Security Service (NISS) have some generic powers that might be construed as covering the right to investigate cybercrimes. For instance, it has the power to ‘follow up and collect intelligence and evidence on other serious crimes which are threats to the national interest and security’, and to work in collaboration with other relevant organs [27]. Given the potentially serious damage that cybercrime causes particularly when committed against critical infrastructure, it is likely that NISS might be involved in the investigation of cybercrimes in collecting intelligence on cybercriminals.

5.4. The Ethiopian Broadcasting Agency and Human Right Commission

The Hate Speech and Disinformation Prevention and Suppression proclamation obliged Ethiopian Broadcast Authority (EBA) that it shall prepare a report which is notify to the public on social media enterprises whether they discharge their duty properly or not. Ethiopian Broadcast Authority has a duty to oversee social media service providers. Further, the Ethiopian Broadcast Authority is obliged to conduct public awareness and media literacy campaigns to combat disinformation.

On the other hand, it made the Ethiopian Human Rights Commission has responsible for creating awareness to curb hate speech. Though it is a commendable move that the law incorporates ‘awareness creation as a practical measure in countering hate speech, this institutional arrangement is a problematic in which from their principal establishment goals, the Ethiopian Broadcast Authority and Ethiopian Human Rights Commission cannot regulate and control of social media. The other is that the manner in which responsibility is allocated between these two organs would create regulatory overlap, duplication of efforts and seems to be a waste of resources. The Ethiopian human right commission is mandated in its establishment proclamation to protect and accept grievances on alleged human right violation [28]. However, in spite of gravity that hate speech pose to human right violation and ethnic-racial

discrimination, and this proclamation limited the role of Ethiopian Human Right Commission only to awareness creation.

6. Challenges on Regulation of Online Hate Speech in Ethiopia

6.1. Absence of Uniform Definition, Content and Scope of Hate Speech

It is cumbersome to distinguish where freedom of expression ends and legitimate restriction on expression begins absence of comprehensive definition to the term may pose problem to make laws in compatible with international human right instruments without prejudice the right to freedom of expression and also let the government use law to limit opinions and speech that they do not like [29]. Identifying causal-effect relation of hate speech as well as the material damage that had been result by the incited person as a result of the specific hate speech will be uneasy task to determine elements constituting criminal act of hate speech [30]. These challenges could eventually create wide room for the government to use such laws exchange for political purposes in the detriment of human right to free speech.

6.2. Anonymity

The term ‘anonymous’ can be defined as ‘not identified’ or ‘of unknown authorship or origin’ or ‘lacking individuality, distinction, or recognizable. Some basic forms of Internet anonymity include but are not limited to anonymous networking, anonymous blogging and posting [31]. So, it can be applies to any interaction a user has on the Internet that protects his or her identity from being shared with another users. It is seen as part of exercising freedom of expression to remain anonymous for legitimate purposes on online media’s and needs such care. Anonymity nature of hate speech is multi-jurisdictional in which content that dehumanize inherent nature of human dignity created in certain jurisdiction may violate victims or vulnerable groups founding in other jurisdictions [32]. Therefore, anonymity could be a challenge to detect identity of hate speech disseminators on social media in Ethiopia unless relevant institutional and laws regulates.

6.3. Jurisdiction

The main feature of criminal law is its parochialism in nature. The jurisdictional problem faced when there is divergence in the criminal act of hate speech in Ethiopian and other countries as dual illegality requirements is needed in the acquiring jurisdiction. The Internet service providers that used as a means to disseminate hate speech may be found in other countries which considers act as free speech. The law also fails to solve jurisdictional challenges and solving under council of minister regulation to claim jurisdiction over foreign based service provider might also triggers legal problem of limiting human right to freedom of speech.

Hence, it is cumbersome to identify applicable laws and courts having jurisdiction to dispose cases of hate speech.

7. Conclusion

The FDRE parliament has promulgated latest proclamation No.1185/2020 on hate speech and disinformation prevention and suppression. This law has not incorporated effective substantive and procedural provisions that explicitly regulate online hate speech despite its effect rampantly igniting ethnic hatred among citizens. There is no uniform and clear provisions that list what kind of ethnic hate terms are prohibited or not. Meaning, content and scope of hate speech should conform to nuanced spirit of article 20 Paragraph 2 of ICCPR.

The Ethiopian hate speech proclamation is poorly promulgated with profound implications for human rights in general and freedom of expression and the right to privacy in particular. It broadly defines hate speech as an act likely to incite imminent violence, discrimination or hostility, unlike as is required under international law.

The restriction on freedom of expression under article 29 (6) of FDRE Constitution stating *public expression of opinion intended to injure human dignity* is to provide minimum protection of fundamental human rights and thereby limit inter-ethnic or racial induced hate speech. Such limitation further enforces the inherent equality, equal right and dignity of all mankind enshrined under article 1 of the 1948 Universal Declaration of Human Rights.

The Ethiopian Information Network Security Agency, Ethio-Telecom, National Intelligence and Security Service Institution, Ethiopia Human Right Commission and others are the main institutions responsible to protect, investigate and regulate hate speech and its effect in Ethiopia.

For better protection of individual from evils of hate speech, there should be binding laws compatible with human right treaties that could clearly define free and hate speech, contents, scope, regulating mechanism, institutions, substantive and procedural safeguards in Ethiopia.

The social media service providing enterprises and Internet are a global medium, and pose challenges to easily regulate them for they operate outside the jurisdiction of the Ethiopian judicial or other regulating system.

Further, due to the nature of hate speech terms and contents variety among international communities, and absence of standby online mechanisms to identify what amounts to hate speech or not in service providing enterprises, it is cumbersome to immediately take measures against hate speech suspected criminals. There is no effective legal procedure or mechanism for receiving complaints from the public or social media users about the alleged illegal content of hate speech on respective social media.

Ethiopian human right commission, Broadcasting Authority and other concerned Governmental Organs should encourage and let online media using citizens report hate speech to social media companies or service providers so that Social media pages which frequently post hate speech can

easily be warned and forfeit ability to comment on posts.

Special consideration has to be given in educating people about the existing legislation and mechanisms for combating online hate speech that incite hatred among nation, nationalities and peoples of Ethiopia.

The forthcoming laws or regulation should come up with civil and administrative remedies to rectify for victim of hate speech in addition to providing explicit obligation of individual social media. The proclamation No.1185/2012 and subsequent laws in regulating the meaning, content, scope and restriction of hate speech, should be tested in conformity with article 19 (3), 20 of ICCPR and article 29 of FDRE Constitution.

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