

THREATS TO THE RIGHT TO VOTE IN ETHIOPIA AHEAD OF THE 2021 ELECTIONS

Briefing Paper - June 2021

OVERVIEW

The right to take part in genuine elections through voting or running for office is vital to ensuring that a government is held accountable to its people. Essential to the right to vote and the right to participate in one's government are the rights to freedom of expression, assembly, and association, which are at the core of civic space. International human rights bodies specifically emphasize the heightened importance of these rights in order to have an informed electorate.¹ Repression of civic space, especially when associated with an election, threatens the democratic process, in turn jeopardizing human rights more broadly.

Originally planned for May 2020, the Ethiopian Government postponed their national elections twice, first due to the COVID-19 pandemic and again due in part to opposition parties dropping out of the election because of the conflict in Tigray.² Elections finally took place on June 21, 2021.

While many saw initial progress on the protection of freedom of expression in the early tenure of Prime Minister Abiy Ahmed Ali, over the last few years leading up to this election, respect for human rights rapidly deteriorated as the Government reverted back to repressive policies and tactics³ that marked previous electoral periods.⁴ In 2018, Abiy's chief of staff, Fitsum Arega, announced in a Tweet that the Government opened access to 264 blocked websites claiming, "Freedom of expression is a foundational right that other rights depend on... A free flow of information is essential for engaged and responsible citizenry."⁵

Unfortunately, the Ethiopian Government's tone has since changed. Widely criticized by Ethiopian and international human rights groups for restricting freedom of expression⁶, Ethiopian lawmakers passed the Hate Speech and Disinformation Law in 2020 which put a penalty of up to \$3,000 USD and three years in prison for anyone found guilty of disseminating hate speech on social media platforms with more than 5,000 followers.⁷

¹ U.N. General Assembly, Report of the Special Rapporteur on the rights to freedom of assembly and of association, ¶ 5, 11, U.N. Doc. A/68/299 (August 7, 2013), available at

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/423/09/PDF/N1342309.pdf?OpenElement>.

² *Ethiopia delays polls again amid security, logistical challenges*, Al Jazeera (May 15, 2021),

<https://www.aljazeera.com/news/2021/5/15/ethiopia-again-delays-national-election-amid-deadly-tensions>.

³ *As Ethiopia Fights in Tigray Region, a Crackdown on Journalists*, The New York Times (May 13, 2021),

<https://www.nytimes.com/2021/05/13/world/africa/ethiopia-tigray-journalists.html>.

⁴ Robert F. Kennedy Human Rights, *Imperiling the Right to Vote* (May 2015),

https://rfkhumanrights.org/assets/documents/briefing_paper_-_right_to_vote_in_ethiopia_-_may_2015_final.pdf.

⁵ Fitsum Arega on Twitter: <https://twitter.com/fitsumaregaa/status/1010095287254372353>.

⁶ *See, e.g.* U.N. Human Rights Council, Visit to Ethiopia: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, ¶ 32, U.N. Doc. A/HRC/44/49/Add.1 (April 29, 2020), available at

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/107/65/PDF/G2010765.pdf?OpenElement>. ("The Special Rapporteur is concerned that the Hate Speech and Disinformation Prevention and Suppression Proclamation criminalizes the dissemination of disinformation. Such restrictions could therefore undermine public debate and the free flow of information, which is protected by international human rights law..."), available at <https://undocs.org/A/HRC/44/49/Add.1>.

⁷ *Ethiopia approves controversial law curbing hate speech*, AP News (Feb. 13, 2021),

<https://apnews.com/article/1a159efec95f5eaaf9cbcfb6e177c07e>; Ethiopia: Hate speech and disinformation law must not be used to suppress the criticism of the government, ARTICLE 19 (Jan. 19, 2021),

<https://www.article19.org/resources/ethiopia-hate-speech-and-disinformation-law-must-not-be-used-to-suppress-the-criticism-of-the-e-government/>, Proclamation No. 1185/2020,

Following this new law, in June 2020, there were internet shutdowns and violent crackdowns on protests which left hundreds dead and thousands arrested, including Oromo activist, Jawar Mohammed, who is currently facing trial on charges of terrorism.⁸

The conflict in Ethiopia's northern region of Tigray has resulted in the further stifling of civic space and continues to threaten the legitimacy of the June 2021 election. Longstanding tensions between the Tigray People's Liberation Front (TPLF) and Abiy's government turned into active conflict in the Fall of 2020 after Tigray moved forward with regional parliamentary elections despite the Prime Minister's postponement due to the pandemic.⁹ Reports emerged that on November 4, following a TPLF attack on a federal military base in Tigray (which the TPLF claims was preemptive), Abiy ordered a military offense and declared a six month state of emergency in the region, including the shutdown of internet and phone communications.¹⁰ Violence against civilians has been brutal, leaving thousands dead and millions displaced. Additionally, the Government is accused of committing atrocity crimes such as ethnic cleansing and mass rape.¹¹ Eritrea joined the war on the side of the Ethiopian Government and has been blamed as one of the primary perpetrators of the atrocities taking place, causing many in the international community to call for Eritrea's withdrawal and an end to the violence against civilians.¹²

The war has had devastating consequences on human rights and civic space in the country, especially for those reporting on the conflict, as well as for the Tigrayan people who face significant discrimination, human rights abuses, and atrocities. Due to this ongoing violence in Tigray and other regions of the country, residents' main concerns are focused on finding safety and housing following the violence and destruction of their homes and communities, rather than on the national election.¹³ The Government announced that elections would not be held in the Tigray region as well as several other constituencies in the country.¹⁴ In May, the EU decided to cancel plans to observe Ethiopia's election claiming that the conditions required for communication systems and the mission's independence had not been met.¹⁵ After opposition parties said they would not take part in the election, the Ethiopian Government decided to delay the election¹⁶ from June 5 to June 21.¹⁷ Less than two weeks before the election, the National Electoral Board of Ethiopia announced additional areas within the

<https://www.article19.org/wp-content/uploads/2021/01/Hate-Speech-and-Disinformation-Prevention-and-Suppression-Proclamation.pdf>

⁸ *Ethiopia's week of unrest sees 239 dead, 3,500 arrested*, Washington Post (July 8, 2020),

https://www.washingtonpost.com/world/africa/ethiopia-week-of-unrest-sees-239-dead-3500-arrested/2020/07/08/8eb30952-c10-0-11ea-8908-68a2b9eae9e0_story.html.

⁹ *Why is Ethiopia at War With Itself?*, The New York Times (Nov. 5, 2020),

<https://www.nytimes.com/2020/11/05/world/africa/ethiopia-tigray-conflict-explained.html#link-2dbf1cb2>.

¹⁰ *Id.*

¹¹ *'Leave no Tigrayan': In Ethiopia, an ethnicity is erased*, AP News (April 7, 2021),

<https://apnews.com/article/ethiopia-tigray-minority-ethnic-cleansing-sudan-world-news-842741eebf9bf0984946619c0fc15023>.

¹² *Refugees Come Under Fire as Old Foes Fight in Concert in Ethiopia*, The New York Times (Dec. 28, 2020),

<https://www.nytimes.com/2020/12/28/world/africa/Ethiopia-Eritrea-Tigray.html>.

¹³ *'It was war': Ethnic killings cloud Ethiopia's election buildup*, France 24 (June 6, 2021),

<https://www.france24.com/en/live-news/20210603-it-was-a-war-ethnic-killings-cloud-ethiopia-s-election-buildup>.

¹⁴ *Ethiopia: News - Election Will Not to Take Place in Four Constituencies in Benishagul Gumuz*, AllAfrica (June 1, 2021),

https://allafrica.com/stories/202106020136.html?utm_campaign=allafrica%3Aeditor&utm_medium=social&utm_source=twitter&utm_content=promote%3Aaans%3Aacblp.

¹⁵ *EU scraps plan to observe Ethiopia election*, Reuters (May 4, 2021),

<https://www.reuters.com/world/africa/eu-scraps-plan-observe-ethiopia-election-2021-05-04/>.

¹⁶ *Ethiopia delays polls again amid security, logistical challenges*, Al Jazeera (May 15, 2021),

<https://www.aljazeera.com/news/2021/5/15/ethiopia-again-delays-national-election-amid-deadly-tensions>.

¹⁷ *Ethiopia sets June 21 as new date for its delayed elections*, AP News (May 20, 2021),

<https://apnews.com/article/ethiopia-africa-elections-health-coronavirus-pandemic-c03d476bb2d51f906ee9dda709930be0>.

country where elections would be postponed again due to “irregularities and problems with the printing of ballot papers.”¹⁸

CURTAILMENT OF FREEDOM OF EXPRESSION

Even prior to the conflict in Tigray, the Ethiopian Government had created what rights groups describe as a “climate of fear and repression that has eroded Ethiopia’s already-tenuous press freedoms,” and which could undermine confidence in the upcoming election.¹⁹ Six months into the war, Abiy suppressed coverage of the conflict and silenced dissent and debate ahead of the election with increased arrests, intimidation, and obstruction, targeting the independent media.²⁰ At least 21 journalists and media workers were detained and two killed between early 2020 and May 2021.²¹ Tigrayan journalists or those covering the conflict in Tigray have been disproportionately impacted.

Ethiopian authorities cracked down on the press in Tigray by detaining Ethiopians working for international news outlets in the region, suspending ethnic Tigrayan journalists from state media outlets, and suspending news anchors of state-owned Ethiopian television channels because of their objections to the wording of news about the war.²² Lucy Kassa, a Tigrayan reporter for the LA Times and Al Jazeera had her apartment raided and laptop stolen by armed intruders,²³ and Simon Marks, an Irish reporter for the New York Times was expelled from the country by the Government after he interviewed Tigrayan residents about atrocities. Marks was accused by the Ethiopian Government of fake news and unbalanced reporting on the conflict.²⁴ Dawit Kebede Araya, a reporter with broadcaster Tigray TV, was killed by a gunshot wound to the head and international rights groups have called for investigations into whether his killing was motivated by his work.²⁵ Many journalists have expressed fears for their safety after being harassed or receiving death threats, and some have moved or stopped reporting entirely.²⁶

Since November 2020, the Government has also imposed lockdowns in the northern region of Ethiopia including communications blackouts affecting the internet, mobile phones, and landlines.²⁷ Such information blackouts have made it impossible for journalists and media to report on the conflict and investigate attacks, extrajudicial killings, and other human rights abuses.²⁸ Jakenn Publishing PLC, the publisher of the Addis Standard online magazine, announced that because of the blocked internet, mobile, and landline communications, it would not be able to provide unbiased reporting of the conflict in Tigray.²⁹ In late May

¹⁸ *News: Defect in Ballot Papers Leads to Postponed Election in Dozens of Constituencies, Somali Region & SW Referendum*, Addis Standard (June 10, 2021),

<https://addisstandard.com/news-defect-in-ballot-papers-leads-to-postponed-election-in-dozens-of-constituencies-somali-region-s-w-referendum/>.

¹⁹ *As Ethiopia Fights in Tigray Region, a Crackdown on Journalists*, The New York Times (May 13, 2021),

<https://www.nytimes.com/2021/05/13/world/africa/ethiopia-tigray-journalists.html>.

²⁰ *Id.*

²¹ *In Abiy’s Ethiopia, press freedom flourished then fear returned*, Reuters (May 28, 2021),

<https://www.reuters.com/world/africa/abiys-ethiopia-press-freedom-flourished-then-fear-returned-2021-05-28/>.

²² *Ethiopia’s Tigray conflict and the battle to control information*, Al Jazeera (Feb. 16, 2021),

<https://www.aljazeera.com/news/2021/2/16/ethiopias-tigray-conflict-and-the-battle-to-control-information>.

²³ *Id.*

²⁴ Committee to Protect Journalists Africa on Twitter: <https://twitter.com/cpjafrika/status/1395565953262530562?s=11>.

²⁵ *Ethiopia’s Tigray conflict and the battle to control information*, Al Jazeera (Feb. 16, 2021),

<https://www.aljazeera.com/news/2021/2/16/ethiopias-tigray-conflict-and-the-battle-to-control-information>.

²⁶ Zecharias Zelalem on Twitter: <https://twitter.com/zekuzelalem/status/1332940234305232897?s=11>.

²⁷ *As Ethiopia Fights in Tigray Region, a Crackdown on Journalists*, The New York Times (May 13, 2021),

<https://www.nytimes.com/2021/05/13/world/africa/ethiopia-tigray-journalists.html>.

²⁸ *Id.*

²⁹ Access Now on Twitter: <https://twitter.com/accessnow/status/1323964706382643200>

2021, there was an internet blockage with service to Facebook, WhatsApp, and Instagram temporarily blocked, raising further concerns of shrinking civic space.³⁰

CURTAILMENT OF FREEDOMS OF ASSEMBLY & ASSOCIATION

Within the last year, especially in the months leading up to the conflict in Tigray, the Ethiopian Government repressed freedom of assembly, including through violent and deadly crackdowns on protests. In June 2020

weeks of unrest exploded throughout the country after a popular anti-government singer, Hachalu Hundessa was shot dead.³¹ Protests erupted throughout the Oromia region and the military was deployed. Within a week, at least 239 people were reported dead and 3,500 were arrested.³² In response to the unrest, the government shut off internet services which made it difficult for rights groups to monitor the scores of killings, severely interrupting the free flow of information.³³ There were also reports of serious due process violations for those detained following the protests, affirming fears of the Government's aim to quash any dissent through the suppression of protests. In October 2020, police fired live bullets on a group of anti-government protesters in Bale Robe, and at least one person was killed.³⁴ In the months leading up to the election, the government has also prevented opposition parties from protesting and holding rallies. A rally planned by the opposition party for January 31 was canceled by police, while Abiy's party organized its own multi-city rallies on February 2.³⁵ In February 2020, a protest erupted in Oromia to demand the release of some of the region's most prominent political leaders and was met with government force resulting in a number of injuries and at least one death.³⁶

There has also been a trend of repressing civil society groups and opposition parties in the months leading up to the June 2021 elections, including mass arrests of opposition party supporters, prohibitions on opposition parties organizing and holding rallies, and general incapacitation of opposition party activities. Beyond not allowing opposition parties to hold protests or rallies, a number of opposition leaders have been jailed including Bekele Gerba, Dejene Tafa, and Jawar Mohammed from the Oromo Federalist Congress (OFC), as well as hundreds of members and leaders from the Oromo Liberation Front, one of the oldest political parties in Ethiopia.³⁷ In March, the founder and leader of the opposition Ethiopian Democratic Party, Lidetu Ayalew, was acquitted after being detained on July 24, 2020, when he was accused of coordinating and supporting violence following the assassination of Hachalu Hundessa, but his movement is restricted as he is barred from

³⁰ *Social media restrictions lifted in Ethiopia*, NetBlocks says, Reuters (May 17, 2021), <https://www.reuters.com/world/africa/social-media-restricted-ethiopia-netblocks-says-2021-05-17/>.

³¹ *Ethiopia: Popular musician's killing must be fully investigated*, Amnesty International (June 30, 2020), <https://www.amnesty.org/en/latest/news/2020/06/ethiopia-popular-musicians-killing-must-be-fully-investigated/>.

³² *Ethiopia's week of unrest sees 239 dead, 3,500 arrested*, Washington Post (July 8, 2020), https://www.washingtonpost.com/world/africa/ethiopias-week-of-unrest-sees-239-dead-3500-arrested/2020/07/08/8eb30952-c100-11ea-8908-68a2b9eae9e0_story.html.

³³ *Id.*

³⁴ *Ethiopia: Security forces killing unarmed peaceful protesters*, Geeska Afrika Online (Oct. 12, 2020), <https://www.geeskaafrika.com/ethiopia-security-forces-killing-unarmed-peaceful-protesters/>.

³⁵ Fassil Hailu, *Election 2021: Ethiopia's transition from a dominant coalition to a dominant party*, Ethiopia Insight (Feb. 5, 2021), <https://www.ethiopia-insight.com/2021/02/05/election-2021-ethiopias-transition-from-a-dominant-coalition-to-a-dominant-party/>.

³⁶ *As Jawar et al continue hunger strike Oromia region sees multiple protests demanding their release and justice for slain artist Hachalu*, Addis Standard, <https://addisstandard.com/news-as-jawar-et-al-continue-hunger-strike-oromia-region-sees-multiple-protests-demanding-their-release-justice-for-slain-artist-hachalu/>.

³⁷ Addis Standard on Twitter: <https://twitter.com/addisstandard/status/1362817904585150466>; *Ethiopia Oromo party to boycott June polls*, The BBC (March 4, 2021), https://www.bbc.com/news/live/world-africa-47639452?ns_mchannel=social&ns_source=twitter&ns_campaign=bbc_live&ns_linkname=60409064b4f28002d08caa4c%26Ethiopian%20Oromo%20party%20to%20boycott%20June%20polls%262021-03-04T08%3A40%3A08.378Z&ns_fee=0&pinned_post_locator=urn:asset:c4cd4c1e-f5a1-4253-88d3-fe512994e28a&pinned_post_asset_id=60409064b4f28002d08caa4c&pinned_post_type=share.

leaving the country.³⁸ Opposition parties have also faced the forced closure of their headquarters and curtailed freedom of movement which has largely reduced their ability to operate.³⁹ This assault on opposition parties, their leaders, and their members, has led many parties, including the Oromo Liberation Front, and the OFC, to withdraw from the national elections.⁴⁰

ETHIOPIA'S OBLIGATIONS UNDER INTERNATIONAL LAW

Ethiopia established the rights to vote and be elected in Article 38 of its own Constitution, in which it provides that every Ethiopian national has the right “take part in the conduct of public affairs, directly and through freely chosen representatives,” “to vote in accordance with the law [after reaching age 18],” and “to vote and be elected at periodic elections...by universal and equal suffrage...guaranteeing the free expression of the will of the electors.”⁴¹ In addition to its domestic requirements, however, Ethiopia is bound by international and regional obligations.

The African Charter on Human and Peoples’ Rights, to which Ethiopia is a state party, sets the foundation for the right to participate freely in government under Article 13 and the right of access to information under Article 9. Ethiopia is bound to respect, protect, and fulfil the right of its citizens to “participate freely in the government of [Ethiopia], either directly or through freely chosen representatives in accordance with the provisions of the law.”⁴² From this, the African Charter on Democracy, Elections, and Governance calls for State Parties to “ensure fundamental freedoms and human rights” in the context of holding regular, free, fair and transparent elections.⁴³

The African Commission on Human and Peoples’ Rights (ACHPR) adopted in 2012 the Guidelines on Access to Information and Elections in Africa, which calls the right to access information a “cross-cutting right” in that it is necessary for the realization of other rights, including the right to participate in government as guaranteed by Article 13 of the African Charter, and highlights the importance of the right in empowering the electorate to make informed decisions.⁴⁴ The Guidelines, which aim to help States adopt legislative or other measures to give effect to their obligations enshrined in the Charter, call on State Parties to ensure access to information for all stakeholders in order to safeguard the integrity of the electoral process. Further, the 2019 Declaration of Principles on Freedom of Expression and Access to Information in Africa, adopted by the ACHPR in late 2019, calls State Parties’ obligation to promote and protect freedom of expression as “crucial and indispensable for the...creation and nurturing of democratic societies and for enabling the exercise of other

³⁸ *Lidetu Ayalew banned from traveling abroad for the second time*, Addis Standard (March 17, 2021), <https://addisstandard.com/news-lidetu-ayalew-banned-from-traveling-abroad-for-the-second-time/>.

³⁹ Addis Standard on Twitter: <https://twitter.com/addisstandard/status/1362817904585150466>.

⁴⁰ Bekele Atoma Boru, Ethiopian Oromo party to boycott June polls, The BBC Horn of Africa (March 4, 2021), https://www.bbc.com/news/live/world-africa-47639452?ns_mchannel=social&ns_source=twitter&ns_campaign=bbc_live&ns_linkname=60409064b4f28002d08caa4c%26Ethiopian%20Oromo%20party%20to%20boycott%20June%20polls%262021-03-04T08%3A40%3A08.378Z&ns_fee=0&pinned_post_locator=urn:asset:c4cd4c1e-f5a1-4253-88d3-fe512994e28a&pinned_post_asset_id=60409064b4f28002d08caa4c&pinned_post_type=share; Addis Standard on Twitter: <https://twitter.com/addisstandard/status/1362817904585150466>.

⁴¹ Ethiopia’s Constitution, Article 38(1)(a)-(c), *available at* https://www.constituteproject.org/constitution/Ethiopia_1994.pdf?lang=en.

⁴² African Charter on Human and Peoples’ Rights, Article 13(1), *available at* <https://www.achpr.org/legalinstruments/detail?id=49>.

⁴³ African Charter on Elections, Democracy and Governance, Article 6, *available at* <https://au.int/en/treaties/african-charter-democracy-elections-and-governance..>

⁴⁴ *Guidelines on Access to Information and Elections in Africa*, African Commission on Human and Peoples’ Rights, 3 (November, 2012), *available at*

https://www.achpr.org/public/Document/file/English/guidelines_on_access_to_information_and_elections_in_africa_eng.pdf.

rights.”⁴⁵ Under Principle 13(6) of the Declaration, states should ensure that the public receives adequate and politically balanced information, particularly during an election.

Ethiopia, is also a party to the International Covenant on Civil and Political Rights (ICCPR), and as such, it has an obligation under Article 25 to protect the right to vote and partake in public affairs. The Human Rights Committee interprets this to mean that the “[f]reedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected,”⁴⁶ and that the right to vote “requires the full enjoyment and respect for the rights guaranteed in Articles 19, 21, and 22 of the ICCPR, including the freedom to engage in political activity individual or through political parties and other

organizations, freedom to debate public affairs, to hold peaceful demonstrations and meetings, to criticize and oppose, to publish political material, to campaign for election and to advertise political ideas.”⁴⁷ General Comment No. 25 also provides that States should protect the right to assembly and press freedom as an essential part of Article 25 because of the significant role they play in the election process.

CONCLUSION

The right to vote is foundational to international human rights legal obligations. The nature of this obligation includes the responsibility to protect the various requirements that give rise to the experience of free participation in the government of one’s country, including through a vibrant civil society and free press. Ahead of the June 2021 elections in Ethiopia, a number of incidents demonstrate a pattern of abuses violating the rights to freedom of assembly, association, and expression. When those fundamental freedoms are suppressed, the right to participate in government through free and fair elections cannot meaningfully be exercised.

⁴⁵ Declaration of Principles on Freedom of Expression and Access to Information in Africa, Principle 1(1), *available at* <https://www.achpr.org/legalinstruments/detail?id=69>.

⁴⁶ Human Rights Committee, CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote) The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service, ¶ 12 U.N. Doc. CCPR/C/21/Rev. 1/Add. 7 (July 12, 1996), *available at* <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G96/180/94/PDF/G9618094.pdf?OpenElement>.

⁴⁷ *Id.* ¶ 25.