

Proclamation No.... /2019

Hate Speech and Disinformation Prevention and Suppression Proclamation

Whereas, it has become necessary to prevent and suppress by law the deliberate dissemination of hate speech and disinformation,

Cognizant of the threat hate speech and disinformation pose to social harmony, political stability, national unity, human dignity, diversity and equality,

Recognizing that limitations on fundamental rights should be proportionate, narrowly tailored and prescribed by law in pursuit of aims that are legitimate in a democratic society,

NOW THEREFORE In accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

1. Short Title

This Proclamation may be cited as “**Hate Speech and Disinformation Prevention and Suppression Proclamation No..... /2019.**”

2. Definition

In this Proclamation unless the context otherwise requires:

- 1/ “**Speech**” means the act of disseminating of information verbally, textually, graphically or by other means;
- 2/ “**Hate speech**” means speech that promotes hatred, discrimination or attack against a person or an identifiable group, based on ethnicity, religion, race, gender or disability;
- 3/ “**Disinformation**” means speech that is false, is disseminated by a person who knew or should reasonably have known the falsity of the information and is highly likely to cause a public disturbance, riot, violence or conflict;
- 4/ “**Broadcasting**” means radio or television transmission;
- 5/ “**Social media**” 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;
- 6/ “**Print media**” means any printed material prepared for public dissemination or distribution;

- 7/ **“Person”** means a natural person or juridical person;
- 8/ Any expression in the masculine gender includes the feminine.

3. Objectives

The objectives of the Proclamation are to:

- 1/ 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.
- 2/ Promote tolerance, civil discourse and dialogue, mutual respect and understanding and strengthening democratic governance.
- 3/ Control and suppress the dissemination and proliferation of hate speech, disinformation and other related false and misleading information.

4. Prohibition of Hate Speech

Disseminating hate speech by means of broadcasting, the print or social media using text, image, audio or video is prohibited.

5. Prohibition of Disseminating Disinformation

Disseminating of disinformation, by means of broadcasting, the print or social media using text, image, audio or video is prohibited.

6. Exemptions

1. Notwithstanding Articles 4 and 5 of this Proclamation, a speech will not be considered hate speech or disinformation and its dissemination is not prohibited if it is part of;
 - a) an academic study or scientific inquiry
 - b) a news report, analysis or political critique
 - c) artistic creativity, performance or other form of expression
 - d) Religious teaching
2. Notwithstanding to article 5 of this proclamation ,a speech will not be considered as disinformation and prohibited if a reasonable effort has been made under the circumstances by the person making the speech to ensure the veracity of the speech or

if the speech is more inclined to political commentary and critique instead of being a factual or news report.

7. Criminal Liability

- 1/ Any person who commits acts proscribed under Article 4 shall be punished with simple imprisonment not exceeding three years or a fine not exceeding 100,000 birr.
- 2/ If an attack against a person or a group has been committed as a result of a hate speech, the punishment shall be a rigorous imprisonment not exceeding five years.
- 3/ Any person who commits acts proscribed under Article 5 shall be punished with simple imprisonment not exceeding one year or a fine not exceeding 50,000 birr.
- 4/ 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.
- 5/ If violence or public disturbance occurs due to the dissemination of disinformation, the punishment shall be rigorous imprisonment of up to 5 years.
- 6/ 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.
- 7/ If the offenses provided for under this Proclamation are committed through the mass media, the principles of the Criminal Code stipulated in the General Part of the Code regarding "Participation in Crimes Relating to the Mass Media" (Articles 42-47) shall be applicable.

8. Duties of Institutions and Service Providers

- 1/ Any enterprise that provides social media service should endeavor to suppress and prevent the dissemination of disinformation and hate speech through its platform.
- 2/ Social media service providers should act swiftly to remove or take out of circulation disinformation or hate speech upon receiving notifications about such communication or post.
- 3/ Social media enterprises should have policies and procedures to discharge their duty under sub article (1) and (2) of this article.
- 4/ Without prejudice to the civil liability that failure to discharge these duties might entail, the Ethiopian Broadcast Authority shall monitor compliance by social media providers with the duties stipulated under sub article (1-3) of this Article and publish a report.
- 5/ The Ethiopian Broadcast Authority shall conduct public awareness and media literacy campaigns to combat disinformation.
- 6/ The Ethiopian Human Rights Commission shall conduct public awareness campaigns to combat hate speech.
- 7/ The Council of Ministers may issue a regulation to provide for the detail responsibilities of service providers and relevant governmental institutions

9. Repealed Laws

Article 486 of the Criminal Code of the Federal Democratic Republic of Ethiopia is hereby repealed.

10. Effective Date

This Proclamation shall enter into force on the date of its publication on the Federal Negarit Gazette.

Done at Addis Ababa, this ..th day of ..., 2019

SAHLE-WRK ZEWDE
PRESIDENT OF THE FEDERAL DEMOCRATIC
EPUBLIC OF ETHIOPIA