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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Elizka Relief Foundation, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Online Misinformation and Violation of the Right to Freedom of Opinion and Expression in Ethiopia and South Africa**

Disinformation, both at the media and security level, has become a global concern, being exploited by the threats of the digital age, and the increasing effects on the health level, especially in light of the spread of the global Coronavirus pandemic. Yet, the dilemma here is the distinction between combating misinformation, restricting personal freedoms, and undermining civil and political rights. Although most countries do not have laws to combat misinformation, many countries use them to restrict the rights of human rights defenders. Therefore, Elizka Relief Foundation presents this intervention to highlight the spread of misinformation and media threats in light of the digital age and their impact on human rights; with Ethiopia and South Africa as case studies.

### **First: Misinformation and limiting its spread in Ethiopia**

The Ethiopian government spread misinformation online during the civil war in the Tigray region among other human rights violations that hit the country and prompted the Ethiopian government to falsify information and facts online. Hence, misinformation about hate speech spread on social media has become responsible for violence offline. Although Ethiopia issued a declaration to prevent hate speech and disinformation, it used this law to suppress freedoms and impede access to information via the Internet. (1)

### **Facts**

Under the fight against disinformation for 2021, two journalists, (D. K.) and (S. V.) were shot dead, and more than forty journalists were arrested . (2) On May 1, 2022, a group of eight armed men in civilian clothes broke into the home of (G. S.) in the capital, Addis Ababa, and kidnapped him. G. was held for more than a week, blindfolded, and warned not to publish his reports on the situation in Ethiopia, and about 10 days after the kidnapping, they released him near his home. The detention of journalist (G. S.) for more than a week by Ethiopian security is an affront to the rule of law and due process, and abusive use of the law against disinformation . (3)

On December 10, 2021, T. N., founder and managing editor of Terara Network, a media web page, was arrested. According to the emergency law imposed in November 2020, he was detained for two months without trial or official comment on his detention. On February 15, 2022, after the state of emergency was ended, Ethiopian police said T. had spread false information, tarnished the government's image in his analyzes and programs, and committed a range of other crimes. On February 24, 2022, the Oromia state court in Ethiopia allowed the police to request 14 days of additional investigation into journalist T. N., in violation of all international human rights standards . (4) On April 5, T. N. was released on 50,000 birr bail after more than 100 days without trial . (5) On April 7, authorities in Ethiopia's Oromia region charged D. and B., both journalists working for the Oromia News Network on social media. They were first brought to trial on May 3, 2022, after months of detention, on charges of spreading false news, seeking to destabilize the state, and violating the constitution. Police had previously arrested B. in 2019 and held him for weeks without charge; Authorities detained D. in March and September 2020 .(6)

### **Using misinformation online to spread violence**

The Ethiopian government is also using social media to fuel the abuses taking place in the Tigray region, at least by ignoring the calls of the people of the Ethiopian regime against the Tigrayans. Some of the statements posted on the Facebook amount to incitement to genocide. D. A., an activist with over 120,000 followers, called for patriots to take up arms against the Tigrayan ethnic group and called for their disposal. His post was shared more than 900 times before it was reported and deleted . (7)

## **Second: Misinformation and limiting its spread in South Africa**

In February 2022, the South African President approved the Film and Publications Act (FPA) and it came into effect on 1 March 2022. The Act made the FPB broad in scope and transformed it from a simple rating authority into a full regulator, with legitimate powers to issue and renew licenses, accredit distributors, and impose fines in case of non-compliance. The law stipulates that any person who knowingly distributes hate speech by any means that amounts to propaganda for war, or incitement to violence, shall be accused of committing a crime . (8)

This law contained many violations used by the South African government to restrict human rights. The law states that distributors of commercial online content must submit content submitted on their platforms to first be classified by the Film and Publications Council. Noting that people can be jailed or fined up to 150,000 rands for expressing their opinions online if it is considered hate speech.

The law did not define the term hate speech, although the South African constitution specifically defines hate speech as: “advocacy of hatred that incites harm based on race, ethnicity, gender or religion.” The new oversight office has attempted to censor any expression other than that which is a violation of South Africans' rights to freedom of expression. Forcing everyone to submit audio and video content to the entity for approval before publishing means an infringement on individual freedom. (9)

But although the law was passed, the South African government has not used it to prevent genuine hate speech. The song "Kill the Boer, Kill the Farmer" has spread in Johannesburg during the last period without a ban by the Council. Hate speeches in the form of misinformation also spread through social media, with no response from the government .(10)

During the last period, many activists and politicians in South Africa launched a campaign on social media against immigrants in South Africa called Operation Dudula. This movement has transformed hate speech from mere rhetoric on social media into actual movements, which means that the government has allowed them to do so. This movement relies on the dissemination of misinformation about migrants, such as that migrants share resources with South Africans, causing poor economic conditions. If the South African government continues to allow this movement to operate freely, this may worsen security conditions in the future. (11)

## **Recommendations**

First: Elizka calls on the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to pressure Ethiopia to release all detainees under the abusive use of the law to combat hate speech and misinformation on the Internet.

Second: Elizka calls on the Human Rights Council to urge states to establish an independent body to enforce and adjudicate the law to combat misinformation and agree on an ideal mechanism based on human rights principles and respect for applicable laws. The body supervising these laws must also be experienced and not politicized.

Third: we recommend drawing the attention of the South African government to provide an opportunity for citizens and content creators to object to their content removals. They must also be informed of its removal and their opportunities to appeal the decision. And work to promote all principles of the Film and Publications Law ratified by the President of the Republic.

Fourth: The Human Rights Council must develop a preventive tool to curb the spread of hate speech on the Internet, formulate a set of principles that states are bound by in the face of misinformation, and commit that the fight against misinformation is not just a cover for restricting personal and civil and political rights.

- 1- Cipesa, Charting the Link Between Disinformation, Disruptions, Diseases and the Diaspora in Cameroon and DR Congo <https://bit.ly/361dLL2>
- 2- African Arguments, Ethiopian journalists are taking a stand for press freedom in 2022 <https://bit.ly/3ws4J2J>
- 3- CPJ, Ethiopian journalist Gobeze Sisay held for more than a week, interrogated about reporting <https://bit.ly/3PnVLvW>
- 4- Addiszebybe, Tamrat Negera: A journalist still jailed for more than three months without charges <https://bit.ly/3ws89T6>
- 5- Addisstandard, Latest update: Journalist Tamerat Negera released on bail <https://bit.ly/3LhkEq7>
- 6- CPJ, Ethiopian journalists Dessu Dulla and Bikila Amenu face death penalty on anti-state charges <https://bit.ly/38nc6AH>
- 7- CFR, Facebook's Content Moderation Failures in Ethiopia <https://on.cfr.org/3l81Y1g>
- 8- Businesstechm, South Africa has introduced new internet censorship laws – what you should know <https://bit.ly/3lcAebV>
- 9- Itweb, 'Internet Censorship Act' a legal instrument of suffocation, says DA, <https://bit.ly/3PpunOo>
- 10- Inews, Controversial 'Kill the Boer' song causes hate speech row in South Africa <https://bit.ly/3sDQ4jT>
- 11- FT, Brutal murder highlights rise of South Africa's xenophobic vigilantes <https://on.ft.com/3MfKJqI>
- 12- DW, South Africa: New campaign reignites xenophobic rhetoric <https://bit.ly/39ZMv1b>