

In its last Universal Periodic Review in December 2009 Ethiopia received four recommendations specific to human rights defenders (HRDs), committing to guarantee their security and freedom. However, while Ethiopia accepted general calls to ensure its laws do not infringe upon freedom of speech and association, it rejected six explicit proposals to reform or repeal the 2009 Charities and Societies Proclamation, three recommendations to allow the UN Special Rapporteur on freedom of opinion and expression to visit, and one to reform the Anti-Terrorism Proclamation. Four years on, official restrictions remain the greatest threat to the activities of HRDs.

1. Risks facing human rights defenders

- Ethiopia is characterised by the use of State legislation and apparatus to severely restrict freedom of expression and assembly as well as independent human rights monitoring and promotion.
- Frontline has documented that Ethiopia's repressive laws provoke fear and self-censorship among HRDs and that HRDs in the country frequently face threats, acts of intimidation, judicial harassment and arbitrary arrest.¹
- The Observatory for the Protection of Human Rights Defenders has documented surveillance and official restrictions on the movement of HRDs and, in October 2011, reported that 'While several human rights defenders had no other options than to restrict their activities or to flee the country in 2009 and early 2010, the few who stayed continued to face constant threats'.²

2. Official restrictions on the space for human rights defenders

- Two repressive laws adopted in 2009 – the Charities and Societies Proclamation (CSO law) and the Anti-Terrorism Proclamation (anti-terror law) – have severely undermined civil society and independent media.
- [The CSO law](#) prohibits organisations that receive more than 10 per cent of their funding from foreign sources from carrying out activities relating to human rights, promotion of equality, conflict resolution and justice reform. Tight Government monitoring and modification of charity activities, is used to restrict their reach, whilst organisations may only spend 30 per cent of their budget on 'administrative costs', broadly defined by the Government to encompass core activities.
- According to the East and Horn of Africa Human Rights Defenders Project, 'Since the adoption of the Charities and Societies Proclamation three years ago, independent human rights activity has almost completely ceased in Ethiopia'.³
- The International Center for non-for-Profit Law has documented cases of the State Charities and Societies Agency (ChSA) creating obstacles for NGOs, denying some registration and reforming mandates of others.⁴
- In October 2012 the Supreme Court upheld a 2010 ChSA decision to freeze US\$1 million in assets of two respected human rights NGOs: the Human Rights Council and the Ethiopian Women Lawyers Association.
- In August 2012 the ChSA used the CSO Proclamation to prohibit fundraising activities by the Human Rights Council, Ethiopia's oldest human rights organisation. In February 2013, it banned three other NGOs.⁵
- Amnesty International reported that in 2012 the ChSA 'began enforcing a provision in the law requiring NGO work to be overseen by a relevant government body', severely compromising NGO independence.⁶
- The African Commission on Human and Peoples' Rights has called explicitly upon Ethiopia to review this law.⁷
- In February 2012, five UN Special Rapporteurs issued a joint communication to express their concern at the persistent misuse of [the anti-terror law](#) to curb freedom of expression in Ethiopia.⁸
- The Special Rapporteur on the situation of human rights defenders has since expressed her concern for the possibly 'overbroad definition of terrorism' used.⁹ The law criminalises any reporting deemed to 'encourage' or 'provide moral support' to causes the government labels as 'terrorist'.¹⁰
- Human Rights Watch states that 'few, if any independent organizations are able to investigate sensitive human rights violations or speak critically on Ethiopia's human rights record from within the country', whilst 'thirty-four people, including 11 journalists and at least 4 opposition supporters, are known to have been sentenced under the [anti-terrorism] law since late 2011 in what appear to be politically motivated trials'.¹¹
- In September 2013, the UN Human Rights Council adopted [Resolution A/HRC/RES/24/21 on 'Civil society space'](#), expressing its deep concern that 'in some instances, domestic legal and administrative provisions, such as national security and counter-terrorism legislation, and... provisions on funding to civil society, have

sought to or have been misused to hinder the work and endanger the safety of civil society in a manner contrary to international law'. The resolution also recognised the 'urgent need to prevent and stop the use of such provisions'.¹²

3. Intimidation and reprisals against defenders accessing international human rights mechanisms

- There is little information available on this point. However, it is probable that fear and official restrictions prevent HRDs from engaging in international mechanisms.

4. Human rights defenders facing particular risks

- Defenders of LGBTI rights in Ethiopia operate in a particularly hostile environment, with organised anti-homosexuality organisations calling upon the Government to close spaces for the LGBTI rights movement and tighten 'anti-gay' legislation, punishing 'homosexual acts' with the death penalty.
- LGBTI organisations have been consistently accused of being Western proxies seeking to subvert Ethiopian cultural values. Many clerical leaders have made statements against sexual diversity in a country where 'homosexual acts' are punishable with one to fifteen years imprisonment pursuant to Articles 629 and 630 of Ethiopia's Criminal Code.¹³
- Muslim activists are particularly vulnerable to harassment, assault and abuse of anti-terrorism legislation.¹⁴

5. The response of the State regarding the protection of human rights defenders

- There is no evidence that the Government of Ethiopia has taken steps to guarantee the freedom and security of HRDs as per their promises during the past UPR. On the contrary, there exists a consensus of concern among human rights NGOs and UN mandate holders that the current anti-terrorism and NGO laws are being increasingly used to restrict the space for independent human rights activities.

6. Recommendations to the Government of Ethiopia

- Issue a standing invitation to the Human Rights Council's special procedures and accept visits by the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on human rights defenders.
- Repeal the Charities and Societies Proclamation and the Anti-Terrorism Proclamation and develop legislation which conforms to the standards set out in Human Rights Council Resolution 22/6 on Protecting Human Rights Defenders, including by guaranteeing freedom of speech and assembly and promoting the existence of an independent civil society.¹⁵
- Guarantee that existing legislation is not misused for the monitoring and restriction of HRDs.
- Investigate and prosecute crimes against HRDs and implement protective measures for the victims.
- Make high-level statements and declarations which recognise the importance of an independent civil society in a democratic Ethiopia, underline the importance of the work of human rights defenders and commit to their protection, whatever their religion, ethnicity, gender or sexual orientation.

One year from Ethiopian elections, time is running out for the current Government to demonstrate a commitment to human rights and freedom of expression. The CSO and anti-terrorism laws, together with restrictions upon independent civil society, are incompatible with a democratic future for Ethiopia.

¹ <http://www.frontlinedefenders.org/ethiopia>

² http://www.omct.org/files/2011/10/21443/obs_2011_uk_afriqsub.pdf

³ <http://www.defenddefenders.org/2012/09/ethiopia-amend-laws-that-repress-civil-society-and-media/>

⁴ <http://www.icnl.org/research/monitor/ethiopia.html>

⁵ One Euro, the Islamic Cultural and Research Centre, and the Gohe Child, Youth and Women Development Organisation: see <http://www.defenddefenders.org/country-profiles/ethiopia/>

⁶ <http://www.amnesty.org/en/region/ethiopia/report-2013>

⁷ http://www.achpr.org/files/sessions/47th/conc-obs/1st-to-4th-1998-2007/achpr47_conc_staterep1234_ethiopia_2010_eng.pdf

⁸ The Special Rapporteurs on the situation of human rights defenders, freedom of opinion and expression, counter-terrorism and human rights, the rights to freedom of peaceful assembly and of association, and the independence of judges and lawyers:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11793&LangID=E>

⁹ http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-47-Add-4_EFS.pdf

¹⁰ <https://cpi.org/blog/2011/06/in-ethiopia-anti-terrorism-law-chills-reporting-on.php>

¹¹ <http://www.hrw.org/news/2013/11/14/ethiopia-upr-submission-september-2013>

¹² http://protectionline.org/files/2013/09/A_HRC_24_L24.pdf

¹³ A range of sources related to the Ethiopian LGBTI movement can be found at <http://ilga.org/ilga/en/countries/ETHIOPIA/Articles/>

¹⁴ <http://www.defenddefenders.org/country-profiles/ethiopia/>

¹⁵ http://ap.ohchr.org/Documents/E/HRC/d_res_dec/A_HRC_22_L13.doc