



# General Assembly

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## Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

### **Joint written statement\* submitted by CIVICUS - World Alliance for Citizen Participation, a non-governmental organization in general consultative status, the East and Horn of Africa Human Rights Defenders Projects, a non-governmental organizations 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.

[24 August 2012]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Ethiopia's new leadership should respect international human rights commitments**

Following the announcement on 21 August 2012 of Prime Minister Meles Zenawi's death, Ethiopia's new leadership should recommit the State to the full respect of its population's human rights. The Human Rights Council and Ethiopia's international partners should equally take the opportunity to call for a number of pressing reforms to re-establish respect for the freedoms of association, assembly and expression as a matter of priority during this time of transition.

Since the adoption of the Charities and Societies Proclamation in 2009, independent human rights activity has almost completely ceased in Ethiopia. The Proclamation places severe restrictions on the operations of human rights organisations in the country. Only national non-governmental organisations are permitted to work in the field of human rights, and these NGOs may only receive a maximum of 10% of their funding from external sources. While the remaining 90% must be raised domestically, permission must be sought and granted by the Charities and Societies Agency (ChSA) before any fundraising event may be held in the country. The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) and CIVICUS: World Alliance for Citizen Participation are aware of several occasions where such authorisation was only granted after the date of the proposed events had already passed and at least one case where permission was rejected outright.

The effect of these restrictions on the level of human rights work being carried out in Ethiopia has been clearly demonstrated.<sup>1</sup> The Human Rights Council (formerly the Ethiopian Human Rights Council, HRCO) and the Ethiopian Women Lawyers Association (EWLA) – two of the most prominent NGOs in the country – have been forced to drastically reduce their activities. Both organisations have had bank accounts frozen on order of the Charities and Societies Agency (ChSA). Having initially challenged this decision with the Agency, HRCO's appeal against its accounts freezing has now reached the Ethiopian Supreme Court, which represents the final avenue for a domestic remedy. Hearings in the case have been repeatedly delayed – most recently, the Court was expected to render a decision on 27 July 2012, but the hearing was again postponed until 3<sup>rd</sup> October.

In parallel with the stifling of civil society space through the implementation of the Charities and Societies Proclamation, the Ethiopian authorities have used draconian anti-terrorism legislation – also adopted in 2009 – to clamp down on all forms of dissent within the country. Independent journalists have especially been targeted. Since 2011, 11 journalists and 4 opposition party members have been convicted under the Anti-terrorism Proclamation.<sup>2</sup> On 13 July 2012, blogger and International PEN prize winner Eskinder Nega Fenta was sentenced to 18 years in prison, under the vague provisions of the Anti-Terrorism Proclamation. Five journalists in exile were also sentenced in absentia to prison terms of 8 and 15 years. Following the sentencing, the UN High Commissioner for Human Rights, expressed serious alarm about the "climate of intimidation" against human rights

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<sup>1</sup> See Human Rights Council (HRCO), "The Impact of the CSO Proclamation on the Human Rights Council," July 2011, <http://www.ehrco.org/images/impact.pdf>; Amnesty International, "Stifling human rights work: The impact of civil society legislation in Ethiopia," March 2012, <http://www.amnesty.org/en/library/info/AFR25/002/2012/en>.

<sup>2</sup> See Human Rights Watch, "Ethiopia: Terrorism Law Used to Crush Free Speech", June 2012, <http://www.hrw.org/news/2012/06/27/ethiopia-terrorism-law-used-crush-free-speech>.

defenders and journalists in the country.<sup>3</sup> Ms Pillay urged the Government to review these two pieces of legislation to ensure conformity with international human rights standards and offered technical support from the UN Human Rights office to that end. While the government has not yet responded to any visit requests by eight special procedures since 2006,<sup>4</sup> and a number of communications from other special procedures remain unanswered, the new leadership in Ethiopia should cooperate with OHCHR on such a review as a matter of urgency.

On a more positive note, the Federal Supreme Court reduced the jail sentence of journalist Reyot Alemu from 14 to 5 years on 3 August 2012 after her conviction on charges of receiving money from illegal sources and conspiring and possessing material for a terrorist act was overturned. However her conviction of helping to promote or communicate it was upheld. EHAHRDP and CIVICUS believe that this remaining conviction, as with those of many other journalists remaining in prison on similar charges, should be overturned.

Distribution of the popular Feteh newspaper was blocked on 20 July 2012 under orders of the Ministry of Justice in connection with articles on the state of Prime Minister Meles Zenawi's health. At the time of writing, the newspaper had not published an edition since. On 1 August 2012, Feteh's editor Temesgen Desalegn was summoned for questioning over articles critical of the late Prime Minister's administration. He is currently being detained while facing trial on charges of "outrages against the constitution or the constitutional order" and defaming the state. Feteh's publisher is also facing charges.

### Recommendations

EHAHRDP and CIVICUS therefore urge HRC member and observer states to call upon the Ethiopian Authorities to:

- Amend the 2009 Ethiopian Charities and Societies Proclamation to remove restrictions on human rights organizations and bring the Proclamation in line with the Ethiopian Constitution and international human rights obligations, including the UN Declaration on Human Rights Defenders.<sup>5</sup>
- Remove or clarify all provisions of the 2009 Anti-terrorism Proclamation which contain overly broad and vague definitions to protect against arbitrary and partisan application of the law.

<sup>3</sup> See "Climate of intimidation of rights defenders and journalists in Ethiopia – Pillay," OHCHR news release, 18 July 2012,

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12365&LangID=E>.

<sup>4</sup> The Government of Ethiopia failed to respond to the visit request addressed by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the right to education, the Working Group on Arbitrary Detention, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Independent Expert on the effects of foreign debt, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the right to food, and the Special Rapporteur on extrajudicial, summary or arbitrary executions.

<sup>5</sup> In its 2 May 2012 "Resolution on the Human Rights Situation in Ethiopia" at its 51<sup>st</sup> Ordinary Session held in Banjul, The Gambia, the African Commission on Human and Peoples' Rights called on the Government of Ethiopia *inter alia* to: "[a]mend the Charities and Civil Societies Proclamation in accordance with the UN Declaration on Human Rights Defenders; [and r]emove restrictions on freedom of expression imposed on the Mass Media by the Access to Information Proclamation (2008) and the Anti-terrorism Proclamation (2009) that do not conform to rights of freedom of expression provided in international human rights law."

- Cooperate with the Office of the High Commissioner for Human Rights to review the Charities and Societies Proclamation (2009) and the Anti-terrorism Proclamation (2009).
  - Overturn the convictions of all human rights defenders, activists, journalists and opposition party members for exercising their legitimate rights to freedom of expression and association and ensure their expeditious release.
  - Respond positively to the pending requests for visits by UN Special Procedures and provide substantive replies to their unanswered communications.
  - Withdraw its candidacy for membership to the UN Human Rights Council until it can be shown “to uphold the highest standards in the promotion and protection of human rights” as specified by General Assembly resolution 60/251 establishing the Council.
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