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Human rights situations that require the Council's attention

Written statement* submitted by CIVICUS – The World Alliance for Citizen Participation, a non-governmental organization in general consultative status

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

[4 June 2012]

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

The critical human rights situation in Ethiopia requires the Human Rights Council's further attention**

As the lengthy and on-going cycle of repression continues in Ethiopia, it is vital that the restrictions on Ethiopian civil society and the increasing repression are not overlooked by the international community. Given the silencing of voices of dissent within Ethiopia, external diplomatic pressure and dialogue remains one of the few avenues to protect democratic freedoms.

Unfortunately, the capacity of civil society to challenge restrictive laws and policies of the government has been severely depleted. Most independent civil society groups have either been paralyzed or forced to abandon their mission to advocate for human rights and social justice. Furthermore, surveillance, harassment and persecution of dissidents have created a pervasive climate of fear and prevented any meaningful challenge to the status quo.

Ethiopia remains one of the most restrictive countries as far as democratic freedoms are concerned, with an extremely hostile environment for civil society activists, journalists and dissidents. A common refrain among activists is, "Earlier you used guns to silence us, now you use the law." Various legal and extra legal barriers have been erected which impose severe impediments to independent civil society groups, independent media and civic participation. A number of factors have come together to stifle civil society space and the freedoms of expression, association and assembly.

First, CSOs that work on good governance and human rights issues are prevented from accessing international funding due to the restrictive provisions of the 2009 Ethiopian Charities and Societies Proclamation. This has resulted in advocacy organisations being forced to limit the scope or change the nature of their work. Second, pervasive official surveillance and control over most aspects of civil society activities has created a fearful and disabling environment for organisations to operate and has led to a number of committed human rights defenders having to leave Ethiopia. Third, broad and catch-all provisions of the 2009 Anti-terrorism Proclamation are frequently invoked to imprison journalists and members of the political opposition on the grounds of inciting terrorism simply for criticising official policies. This has severely limited freedom of speech and the ability to discuss official policies without fear of negative consequences.

Choking of funding

The 2009 Charities and Societies Proclamation mandates that organisations that receive more than 10% of their funding from sources outside Ethiopia cannot work on a broad spectrum of human rights activities including, inter alia, human and democratic rights, promotion of gender and religion, the rights of children and people with disabilities, conflict resolution or reconciliation and the promotion of the efficiency of justice and law enforcement agencies.¹

Essentially, this means that groups that carry out advocacy on critical areas of governance cannot access much needed funds from international sources. The scarcity of domestic sources of funding as an alternative has resulted in at least seventeen organisations discontinuing their advocacy work while all others have had to reduce the scope of their

** The East and Horn of Africa Human Rights Defenders Project (EHAHRDP), an NGO without consultative status, also shares the views expressed in this statement.

¹ Section 14 (5) Charities and Societies Proclamation 2009.

work or change the nature of their activities to comply with the requirements of the law. For instance, the Human Rights Council (HRCO), the first and only remaining organization engaged in human rights monitoring, has been badly affected by the new legislation. Prior to the passing of the law, HRCO had 58 staff in 12 branches. At the time of writing, HRCO is left with eleven staff operating out of three branches.²

Additionally, a serious impediment is also placed on collecting funds from domestic sources by the requirement to disclose the identity of all donors. In a country where dissidents and government critics are frequently jailed for association with dissident groups, the requirement that all NGOs disclose their benefactors greatly deters Ethiopians from supporting human rights organizations. Further, organizations wishing to hold a fundraising event need a permit in order to do so. No time limit is prescribed within which the permission must be granted and officials are empowered to seek further information from the organization and make inquiries.³ This provision is a source of harassment, as there have been instances where permission has not been granted in time for an event to be held.⁴

Harassment through red tape and overt and covert acts of intimidation

Among many other intrusive provisions, the Charities and Societies Proclamation requires that CSOs give the Charities and Societies Agency at least seven days notice before organising a general assembly and permits the Agency to confiscate original documents of any CSO without a court ordered warrant. These provisions ensure that organisations are constantly aware that they are on the official radar.

Further, Ethiopia's net of secret services maintains a constant vigil on the activities of human rights defenders, keeping them in a state of fear of being arrested or worse. Civil society activists are mindful of the threat of phone tapping and interception of their communications. There have also been instances of members of human rights organisations being threatened with consequences by security officials in plain clothes if they continue with their work. A representative of an anti-corruption organization stated, "We have to be very careful not to openly challenge the government. Our engagement with officials is done diplomatically to avoid reprisals."

Overt and covert acts of intimidation have led a number of activists and investigative journalists to flee Ethiopia. A number of Ethiopian human rights defenders remain in exile as conditions are not conducive for them to carry out their work, depriving the people of Ethiopia of a pool of talented and committed individuals who could be making a valuable contribution to national life.

Imprisonment of activists, journalists and opposition party members under the 2009 Anti-terrorism Proclamation

Being a critic of government policies in Ethiopia can bring dangerous consequences. Arrests and detentions are frequent, and there are allegations of torture and ill-treatment by the security forces. The country's jails already held political prisoners before the passing of the Anti-Terrorism Proclamation in 2009, and since its introduction, the very broad ambit of the law has made it easy to silence dissenting voices.

² See Impact of the CSO Proclamation on the Human Rights Council (Ethiopian) Human Rights Council, July 2011. <<http://www.ehrco.org/images/impact.pdf>>.

³ Section 98 (1) Charities and Societies Proclamation 2009.

⁴ Section 99 (1) Charities and Societies Proclamation 2009.

A terrorist act is defined in catch all terms which can be broadly construed to label a large range of the activities as acts of terrorism. Moreover, the Proclamation places strict controls on the freedom of speech stating that, “publication of a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other inducement to them to the commission or preparation or instigation of an act of terrorism” is punishable by between 10 and 20 years imprisonment.⁵

From 2011-2012, nearly 200 individuals, including opposition party members and journalists, have been arrested under the anti-terrorism law. The following three recent cases illustrate the extent of the fear and repression being experienced. On 19 January 2012, three journalists, an opposition leader and another individual were convicted under the anti-terrorism law for writing online articles critical of the government and for having telephone conversations discussing peaceful protest actions.⁶

On 3 December 2011, two Swedish journalists were convicted of rendering support to terrorism and entering Ethiopia illegally after they were arrested by security forces in the Ogaden region where they had been preparing a story on the outlawed Ogaden National Liberation Front.⁷ Those observing the trial, including Swedish Government officials, expressed their apprehension about the lack of credible evidence presented at the trial in support of the government assertion that the duo had entered the country to indulge in subversive activities.

Finally, in September 2011, three prominent critics of the government including a well-known actor, a respected journalist and blogger and the leader of the opposition coalition were arrested, along with three other opposition political activists, for alleged links with a banned political movement.⁸

Recommendations

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

- Amend the 2009 Ethiopian Charities and Societies Proclamation to remove restrictions to human rights organizations and bring the Proclamation in line with the Ethiopian Constitution and international human rights obligations.
- 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.
- Immediately conclude all trials of activists, journalists and opposition party members for exercising their legitimate rights to freedom of expression and association and ensure their expeditious release.

⁵ Section 3 of the Anti-Terrorism Proclamation 2009 contains a lengthy and broad description of terrorist acts.

⁶ See Amnesty International Report, “Dismantling Dissent: Intensified Crackdown on Free Speech in Ethiopia.” <<http://www.amnesty.org/en/library/asset/AFR25/011/2011/en/368804d9-61cb-417a-842e-bbd246761903/af250112011en.pdf>>.

⁷ Ibid, Amnesty

⁸ <<http://www.hrw.org/news/2011/12/21/ethiopia-journalists-convicted-under-unfair-law>>.