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Item 9 (b, iii): Special Rapporteur on Human Rights Defenders in Africa: Ethiopia

Madame Chairperson, Honourable Commissioners,

In 2009 Ethiopia passed the Charities and Societies Proclamation which placed excessive restrictions on the work of human rights organisations. The law has had a devastating impact on human rights work, both in terms of the practical obstacles that human rights defenders face in doing their work; and also psychologically – in exacerbating the climate of fear in which human rights defenders operate.

Ethiopia had a small but strong human rights community before the law was passed. Now human rights organisations have largely been silenced and victims of violations are being deprived of assistance. Human rights defenders risk heavy fines or even terms of imprisonment for carrying out their essential and legitimate work.

The law explicitly places restrictions on human rights work in prohibiting organisations who work on these issues from receiving more than ten percent of their funding from foreign sources.

The potential does not exist in Ethiopia for significant domestic funding of human rights organisations. Therefore, as a result of the funding restrictions contained in the law, at least 17 organisations have changed their mandate to no longer work on human rights. This included some of the country's leading human rights organisations.

Those organisations who are attempting to continue working on human rights have been forced to significantly scale back their operations because of the funding restrictions. The Human Rights Council (HRCO) – Ethiopia's oldest human rights organisation – was forced to close 9 out of 12 branch offices and lost around 85 percent of their staff. The country's leading women's rights organisation – the Ethiopian Women Lawyers Association (EWLA) – was forced to lay off around 70 percent of their staff. In 2008, among their extensive human rights activities, EWLA provided free legal aid to over 17,000 women. In 2010 and 2011 EWLA had effectively ceased to function.

In a retroactive application of the law HRCO and EWLA also had their assets frozen by the Charities and Societies Agency, which amounted to over half a million US dollars each. Since that action was taken by the Agency in late 2009, both organisations have expended significant time and resources in challenging the asset freezing through the Agency and subsequently through the courts. The case is ongoing.

Organisations have reported that the provision of the law requiring them to spend not more than 30 percent of their budget on 'administrative costs' has been particularly problematic due to the lack of definition of administrative costs. This term has reportedly even been differently interpreted by Agency staff members. Organisations reported that they were forced to significantly self-censor when writing re-registration documents and organisational plans. The vagueness of the provision means it is open to misuse by officials wishing to silence or punish organisations.

Organisations have also reported that the prohibition placed on anonymous donations has acted as a significant deterrent to donors, in a climate where the authorities have shown clear hostility to human rights organisations.

The law grants the Charities and Societies Agency excessive powers of interference, surveillance and direct involvement in the management and operations of organisations, including the power to suspend licences and confiscate and transfer the assets of any organisation. Amnesty International is particularly concerned by the power of the Agency to demand any document in an organisation's possession, which could include the testimonies of victims of violations, contravening essential principles of confidentiality and potentially further endangering victims of violations.

During re-registration under the new law some organisations were forced to remove certain areas of work from their mandates including election monitoring. Some organisations were also forced to change their names as a condition of re-registration.

In placing restrictions on freedom of association, freedom of expression and other rights the law violates the Ethiopian Constitution and Ethiopia's international obligations.

Ethiopia's human rights defenders had been subjected to threats, attacks, and imprisonment for many years. The Charities and Societies Proclamation has institutionalised this hostility that the government has long shown towards human rights defenders. A number of human rights defenders fled the country as soon as the law was passed. Organisations now have trouble recruiting staff. Organisations are also now widely self-censoring due to fear of repercussions. The majority of human rights defenders are too scared to speak out or have the experiences of their organisation discussed or publicised.

It is clear that the intended effect of the law was to silence critical voices. In this respect the law does not stand in isolation, but with the Mass Media Proclamation and the Anti-Terrorism Proclamation, promulgated in 2008 and 2009 respectively. All three laws restrict Ethiopian individuals' ability to criticise their government, and limit the level of scrutiny and oversight the government is under. In this context the Ethiopian government continues to be responsible for widespread human rights violations. The law therefore jeopardises the observance and protection of the rights of every citizen of Ethiopia.

Amnesty International calls on the African Commission to

- Urge the government of Ethiopia to amend the Charities and Societies Proclamation to remove the significant restrictions placed on human rights work within its provisions;
- Seek an invitation from the government of Ethiopia for the Special Rapporteur on Human Rights Defenders to visit Ethiopia and assess the operating environment for human rights defenders, in terms of the legislative restrictions in place and the harassment and threats that they face in their work.