



The Chairperson  
African Commission on Human and Peoples' Rights  
50<sup>th</sup> Ordinary Session  
Banjul  
Gambia

27 October 2011

ORAL STATEMENT BY AMNESTY INTERNATIONAL

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

Madame Chairperson, Honourable Commissioners,

In 2009 the government of Ethiopia passed the Charities and Societies Proclamation to regulate civil society. Two years after the law was passed, it has had a devastating impact on human rights defenders in Ethiopia.

The law places excessive restrictions on the work of human rights organisations. The law significantly restricts foreign funding for work on human rights issues, specified as: the advancement of human and democratic rights, the promotion of equality of nations, nationalities and peoples and that of gender and religion, the promotion of the rights of the disabled and children's rights, the promotion of conflict resolution or reconciliation, and the promotion of the efficiency of the justice and law enforcement services. Organisations which receive more than 10 percent of their funding from foreign sources are prohibited from working on these issues. The law also puts restrictions on how organisations may dispense their budgets. Under the International Covenant on Civil and Political Rights, the Ethiopian government is obliged to create an enabling environment for non-governmental organisations. Instead, the Charities and Societies Proclamation places a direct legislative impediment on their work.

The Charities and Societies Agency established by the law has excessive powers of interference in the administration and running of human rights organisations. Among other concerns, the Agency has the power to demand any information or document in an organisation's possession, endangering the confidentiality of the testimonies of victims of violations, which could also put those victims at further risk. The Agency also has the power to dissolve any organisation and to transfer its assets to another organisation selected by the Agency.

Infringements of the law could lead to heavy fines or terms of imprisonment for human rights defenders. Because of this threat, human rights defenders are forced to adopt a very conservative interpretation of the vague definitions in the law, causing human rights organisations to self-censor in their activities under threat of repercussions.

Earlier in this session of the Commission the delegate from Ethiopia justified the funding restrictions on human rights work as the prevention of foreign interference in "internal political affairs". The ability to work unhindered on human rights, equality between peoples, gender equality, children's rights, is a fundamental element of people's right to participate in public affairs. The funding restrictions are therefore an illegitimate restriction of this right.

In practise, the law has significantly reduced and obstructed the vital work of human rights defenders in Ethiopia. Since the passing of the law, human rights organisations have decreased in number. At least 17 organisations have changed the focus of their mandate from human rights to development, including some of the most prominent human rights organisations in the country. Those human rights organisations who have survived the passing of the law have significantly scaled down their activities due to the impact of funding restrictions, offices have closed, large numbers of staff have lost their jobs. Development organisations have had to abandon a rights-based approach to development.

Organisations which three years ago were internationally admired for their independent and reliable work, and who were conducting high quality monitoring and documenting of human rights violations, advocacy, promotion of women's rights and other essential human rights work, are now struggling to survive. For example, the Human Rights Council, the country's oldest human rights organisation, conducting high quality field investigations of violations throughout the country for 20 years, has been forced to close 9 out of 12 offices, and lose over 80 percent of its staff. The Ethiopian Women Lawyers Association, the country's leading women's rights advocacy organisation, has lost 70 percent of its staff.

The underlying impact of the Charities and Societies Proclamation has been to entrench still further, and even to institutionalise, the climate of fear pervading the work of human rights defenders in Ethiopia. A number of human rights defenders fled the country after the passing of the law. Organisations now self-censor in their activities. The majority of human rights defenders are now too afraid to speak out, or to have the experiences of their organisation discussed. It is notable, for example, that no Ethiopian non-governmental organisations have made a statement to this session.

In his report to this session of the Commission the delegate from the government of Ethiopia spoke of human rights education and capacity building activities and a national action plan on human rights. These actions are to be welcomed. However, these are only some of the components essential to human rights work. Monitoring and documenting of human rights violations, providing assistance to victims of violations in accessing redress, advocacy on restrictive laws, and holding perpetrators to account for human rights violations are also essential components of the protection of human rights, and civil society plays a vital role in this work. These crucial functions of human rights defenders have been eviscerated by the Charities and Societies Proclamation.

In restricting human rights organisations from doing their legitimate and essential work, the law has significantly affected the promotion and protection of all the rights of the Ethiopian people.

These restrictions are particularly concerning at a time when the government's record on the respect of human rights continues to deteriorate.

The UN Human Rights Committee, the UN Committee on the Elimination of Discrimination against Women, the UN Committee Against Torture, the UN Committee on the Elimination of Racial Discrimination and the UN Universal Periodic Review process have all recommended that the Charities and Societies Proclamation should be amended or repealed.

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;
- Request 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.