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H.E. Berhane Gebre-Christos
Acting Minister for Foreign Affairs
Minilik Avenue
PO Box 393
Addis Ababa
Ethiopia

1 November 2012

Dear Minister,

OPEN LETTER: ETHIOPIA'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 12 November 2012.

When electing members of the Council, Member States take into account the contribution of candidates to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.¹ As you know, it is well-established practice for candidate States to submit voluntary human rights pledges in advance of Council elections to help ensure the election of States that are firmly committed to human rights. Based on information available to Amnesty International, it appears that Ethiopia has not submitted any such voluntary pledges. We very much regret this and urge you to submit your pledges without further delay, as also requested in our earlier letter of 2 October 2012.

We recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² On the occasion of Ethiopia's candidacy, we take the opportunity to urge your government to commit to a number of actions, expressed as election pledges and commitments to promote and protect human rights at the national and international levels. In doing so, we refer to the guidance of the Office of the High Commissioner for Human Rights on presenting voluntary human rights pledges and commitments, including that such pledges and commitments should be specific, measurable and verifiable.³

Commitments at the international level

Ratification of international human rights instruments

We take this opportunity to encourage you to ratify the international human rights instruments that are still outstanding, in particular the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance. The ratification of these two instruments would not only signal political will to address these human rights violations but also provide an important framework

¹ A/RES/60/251, para 8.

² A/RES/60/251, para 9.

³ Office of the High Commissioner for Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

for addressing the prevalence of enforced disappearance and torture and other ill-treatment in detention in Ethiopia.

Cooperation with the Special Procedures

All Members of the Council are requested to fully cooperate with the Special Procedures. We note that nine Special Procedures are currently requesting permission to visit Ethiopia, and we urge your government to facilitate these visits without delay. In particular, we encourage you to extend invitations, as a matter of priority, to the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. We further encourage you to extend a standing invitation to all Special Procedures.

Cooperation with the treaty monitoring bodies

We urge your government to implement fully all recommendations made by the Treaty Bodies in the context of their reviews of past state reports, including the 2011 recommendations by the Human Rights Committee and the Committee on the Elimination of Discrimination against Women. We also call on your government to submit, without further delay, the information due to the Human Rights Committee regarding Ethiopia's implementation of the recommendations that the Committee identified as priorities for the purpose of its follow-up procedure. In particular, we urge your government to promptly provide information on the implementation of the recommendation concerning reports of widespread use of torture and other ill-treatment against detainees,⁴ as well as the recommendation to revise legislation that impedes the work of human rights NGOs and the realisation of freedom of association and assembly.⁵

Engagement with the Universal Periodic Review

We note that during your first Universal Periodic Review in December 2009, you accepted recommendations to strengthen the National Human Rights Commission in line with the Paris Principles;⁶ to guarantee the safety, freedom from harassment and ability to function of human rights defenders;⁷ to adopt measures to provide for free and independent media that reflect a plurality of opinions, political and minority views;⁸ and to ensure that no one is detained for political reasons.⁹ In implementing these recommendations, we encourage you to issue clear instructions to the security services to end the harassment of local human rights defenders and to remove the barriers to the work of international human rights defenders and journalists in Ethiopia. We similarly encourage you to end the practice of arresting members of the independent media and the withholding of licences from them, and we encourage you to remove the state printer's refusal to print independent publications. Furthermore, we call on you to immediately release all those who remain in detention for political reasons, including members of political opposition parties, journalists, peaceful protestors, and people arrested based on their imputed political opinion. We acknowledge the opening of regional offices of the Ethiopian Human Rights Commission, but we note that significant progress is still required to bring the Commission in line with the Paris Principles.

We urge you to ensure the prompt and full implementation of these recommendations and to provide regular updates on such efforts to the Council.

⁴ Concluding observations of the Human Rights Committee, Ethiopia, 19 August 2011 (CCPR/C/ETH/CO/1), para 17.

⁵ CCPR/C/ETH/CO/1, para 25.

⁶ Report of the Working Group on the Universal Periodic Review, Ethiopia, 4 January 2010 (A/HRC/13/17), recommendations 97.3 (Canada), 97.4 (India), and 97.5 (Ghana).

⁷ A/HRC/13/17, recommendations 97.51 (Netherlands), 97.52 (Brazil), 97.53 (Sweden), 97.54 (Ireland), 97.55 (Norway), 97.56 (Ireland), 97.57 (Finland), and 97.58 (Norway).

⁸ A/HRC/13/17, recommendation 97.60 (Germany).

⁹ A/HRC/13/17, recommendation 97.63 (Netherlands).

Participation in the deliberations of the Human Rights Council

We urge your government to work with delegations from all regions to ensure that the Council addresses situations of human rights violations, including gross and systematic violations and human rights emergencies, without selectivity or double-standards. We also urge your government to support efforts to ensure that all credible allegations of reprisals or intimidation against persons and groups who have engaged or have sought to engage with the UN human rights machinery are brought to the urgent attention of the Council; that the Council demands the government concerned to ensure that any alleged reprisals are investigated in a prompt, impartial, transparent and effective manner and that perpetrators are held to account; and that the Council requests the government concerned to inform it of measures taken in this regard.

Commitments at the national level

We call on you to release all individuals detained on account of the peaceful expression of their views, their association with political opposition parties or their association with peaceful protest movements. In this regard, we call on you to amend the Anti-Terrorism Proclamation to remove provisions that can be used to criminalise freedom of expression and association, as guaranteed in the Constitution and international law. We also urge you to address the widespread use of arbitrary detention and the use of enforced disappearance in Ethiopia. We urge you to ensure that all detentions are subject to prompt and independent judicial review, and that all detainees are fully informed of the reason for their detention and provided with prompt access to legal representatives and family members, in line with international law and standards.

We further call on you to take concrete measures to eradicate the use of torture in Ethiopia, including ensuring that all allegations of torture of detainees are thoroughly, effectively and impartially investigated; ensuring that detainees are never held in unofficial places of detention; allowing access to detention centres for independent human rights organisations; and banning disciplinary measures in prison that constitute torture or other ill-treatment.

Finally, we call upon your government to amend the Charities and Societies Proclamation to remove provisions that restrict human rights activities by local and international organizations and that prohibit and criminalise the work of human rights defenders.

We encourage your government to make voluntary human rights pledges including in relation to the issues listed above. We also encourage your government to regularly inform the General Assembly and the Human Rights Council of progress in implementing these commitments. This could be done, for example, in the form of an oral or written statement to these bodies.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

Audrey Gaughran
Programme Director
Africa Programme
Amnesty International