



Index: AFR 25/012/2012

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Ethiopia must improve its human rights record to be a credible candidate for election to the Human Rights Council

Written statement to the 21st Session of the UN Human Rights Council (10 – 28 September 2012)

Summary

Restrictions on freedom of expression and association in Ethiopia have severely limited Ethiopians' ability to scrutinise the human rights situation in the country and to report or comment on government policy and practice, including its compliance with its international human rights obligations. These restrictions have created a context in which silence and impunity are the norm in response to human rights violations. In this context, human rights violations including torture, arbitrary detention and forced evictions are widespread but seriously under-reported, accountability for perpetrators of violations is rare and victims of violations are deprived of assistance¹.

The resolution establishing the Council stipulates that its members must uphold the highest standards in the promotion and protection of human rights. As a candidate for membership of the Human Rights Council, Ethiopia must take immediate steps to address serious human rights concerns in the country. Amnesty International urges Ethiopia to submit concrete, credible and measurable pledges to address concerns expressed in this statement and to improve its contribution to the promotion and protection of human rights at the national and international levels.

Restrictions on freedom of association

Amnesty International has repeatedly expressed serious concern about the content and impact of the 2009 *Charities and Societies Proclamation* (hereafter the CSP) which places excessive restrictions on human rights work in Ethiopia. The law, along with associated implementing directives, *inter alia*, denies human rights organisations access to essential funding, endows a governmental Charities and Societies Agency with broad powers to intervene in and impede the work of human rights organisations, places onerous restrictions on domestic fundraising activities, further endangers victims of human rights violations by contravening principles of confidentiality, and, through its impact on human rights organisations, denies victims access to assistance and redress. The law therefore has the effect of restricting the promotion and protection of the rights of all Ethiopians.

¹ See also Amnesty International written statement to the 20th session of the Human Rights Council, *Ethiopia: The 2009 Charities and Societies Proclamation as a serious obstacle to the promotion and protection of human rights in Ethiopia*. AI Index: AFR 25/007/2012 at <http://www.amnesty.org/en/library/info/AFR25/007/2012/en> and UN document A/HRC/20/NGO/109.

The law has had a devastating impact on human rights organisations in Ethiopia. A number have changed their mandate and no longer work on human rights. Those organisations that continue to work on human rights have significantly scaled back their operations, closed offices and laid off staff.

The far-reaching consequences of the CSP are that there are now almost no domestic human rights organisations functioning to monitor and document human rights violations, to conduct human rights advocacy, to conduct prison visits or election monitoring (both of which areas of work are restricted under the law), or to carry out other work vital to safeguarding the rights of Ethiopians.

The law enforcement agencies are themselves regularly accused of human rights violations. The judiciary is severely lacking in independence. In this context, the impact of the CSP on human rights organisations means that human rights violations go largely unmonitored, unreported and un-remedied.

Restrictions on freedom of opinion and expression

Manifestations of curtailment of freedom of expression include severe restrictions on the independent media, which has been systematically targeted over many years, with journalists and editors harassed, arrested and prosecuted on criminal charges. Among other things, this situation has severely hampered the media's ability to criticise the government and to report or comment on human rights concerns in the country, particularly on the government's human rights record. While members of the independent media have long been targeted for prosecution, in 2011 and 2012 the pretext of counter-terrorism has particularly been used to silence dissenting voices in the media.

During 2011 and 2012, over 100 journalists and political opposition members were arrested and prosecuted on charges of terrorism and other offences, including treason, for exercising their rights to freedom of expression and freedom of association. The actions that were the basis for such charges and prosecutions included writing articles critical of the government, calling for peaceful protest and reporting on peaceful protests.

The Awramba Times, one of the few remaining independent media publications, was forced to shut down and its editor forced to flee the country in November 2011 after threats of arrest. In 2012, the newspaper *Feteh*, perhaps the only remaining independent publication, had its 20 July edition impounded by the authorities, and its editor was subsequently charged with crimes including 'provocation and preparation' to incite the youth to overthrow the government and 'attacks against the state' through defaming the government.

During July and August 2012 there were hundreds of arrests of Muslims involved in a movement protesting against alleged governmental restrictions on freedom of religion. While many of those arrested were subsequently released, many key figures of the movement remain in detention. These include members of a committee selected by the Muslim community to represent their concerns to the government and at least one journalist. They are being investigated under the *Anti Terrorism Proclamation*.

Torture and violations of pre-trial safeguards

Amnesty International regularly receives information about the use of torture in pre-trial and arbitrary detention in Ethiopia. Particularly notorious is the Maikelawi Federal Police detention centre in Addis Ababa, where political detainees, including the journalists, opposition members and Muslim activists referred to above, are held and subjected to pre-trial interrogation. In several recent cases, journalists and opposition members have complained in court about being tortured. In each case the court failed to order an investigation into the allegations of torture in Maikelawi. No independent national or international human rights

organisation or the International Committee of the Red Cross (ICRC) has access to monitor detention facilities in Ethiopia.

Detainees in Ethiopia are regularly denied access to legal representatives and family members, particularly in the initial stages of detention. This increases the risk that those individuals will be subjected to torture or other forms of ill-treatment. The use of unofficial and un-gazetted places of detention is also frequently reported, which similarly increases the risk that detainees will be subjected to torture or other forms of ill-treatment.

Arbitrary detention, particularly of actual or suspected political opponents, is reported to take place on a wide scale throughout Ethiopia. Disappearances of some arrested persons are reported.

Previous recommendations of UN human rights bodies

The CSP has been repeatedly criticised by various UN human rights bodies. The Human Rights Committee (HRC), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee against Torture (CAT), the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on Economic, Social and Cultural Rights (CESCR) have all recommended that the CSP be amended or repealed. During the consideration of Ethiopia under the Universal Periodic Review (UPR) in December 2009, numerous states expressed concern at the restrictions placed on civil society by the CSP, and some explicitly recommended that the law be amended.²

Many concerns were expressed during the UPR examination about restrictions on freedom of expression including on the independent media, and numerous related recommendations were made. The recommendations on upholding civil and political rights -- including by guaranteeing freedom of expression and freedom from arbitrary arrest and detention for political reasons -- that enjoyed the government's express support have yet to be implemented.

The HRC and the CAT have both expressed concerns about the *Anti-Terrorism Proclamation* and called for it to be brought into line with the government's obligations under the *International Covenant on Civil and Political Rights* and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.

The HRC, CAT and CEDAW have all expressed serious concern about the use of torture and regular violations of the rights of detainees in Ethiopia. They made recommendations to the government of Ethiopia to address those concerns.

Recommendations

A strong and vibrant human rights civil society, including a strong independent media, is essential to the realisation of the rights contained in the *Universal Declaration of Human Rights* and the fulfilment of Ethiopia's human rights obligations under international law. General Assembly resolution 60/251, which establishes the UN Human Rights Council, requires that members elected to the Council shall uphold the highest standards in the promotion and protection of human rights.

As a candidate for election to the Council, Amnesty International therefore urges the government of Ethiopia to act without delay to:

- amend the *Charities and Societies Proclamation* to allow human rights organisations to contribute widely and constructively to the respect of human rights in Ethiopia;

² Canada, the United Kingdom, the United States, and the Netherlands

- remove restrictions on freedom of the press in order that journalistic reporting and debate can contribute constructively to the furtherance of human rights protection in the country;
- respect and protect the rights of freedom of expression and freedom of association and peaceful assembly for all Ethiopians;
- amend the *Anti Terrorism Proclamation* to remove restrictions on freedom of expression, association and peaceful assembly;
- release all prisoners imprisoned for their peaceful criticism of or opposition to the government.

Amnesty International further urges the government of Ethiopia to prioritise the following much-needed steps to ensure safeguards against torture and respect for the rights of detainees:

- allow independent human rights organisations and the ICRC immediate access to all detention facilities in the country;
- ensure investigations take place into all allegations of torture;
- ensure that unofficial places of detention are never used in Ethiopia; and
- ensure that all procedural rights of detainees are respected at all stages of detention and trial.