



UPR pre-session on the Federal Democratic Republic of Ethiopia

Geneva, 2 April 2019

Statement delivered by the Association for Human Rights in Ethiopia (AHRE) with the support of DefendDefenders

1. Presentation of the organizations

This statement is delivered on behalf of AHRE and DefendDefenders on the basis of a report written by eight not-for-profit, independent, non-partisan, research and advocacy organizations who submitted a joint UPR submission on Ethiopia. Most of these organizations participated in the 1st and 2nd UPR cycles at the national and international levels. The organizations are: CIVICUS, the Association for Human Rights in Ethiopia (AHRE), the Committee to Protect Journalists (CPJ), DefendDefenders (the East and Horn of Africa Human Rights Defenders Project), PEN International, ARTICLE 19, the Consortium of Ethiopian Rights Organizations (CERO), and Access Now.

2. National consultations for the drafting of the national report

In January 2019, the Federal Attorney General published the draft report of Ethiopia's UPR and made a call, for the first time, to the general public and stakeholders to gather their feedback and additional comments with a view to consolidating the document. This is a significant step that has been taken by the Government of Ethiopia (GoE), who for the first time invited external party review of its human rights record and the public's comments on human rights matters. The process also included consultations with local CSOs and other stakeholders. A coalition of local CSOs participated in the process by developing a practical monitoring framework that allows them to monitor the implementation of UPR recommendations and to track progress. The GoE allows the effective involvement of civil society in the preparation of law and policy, including the National Human Rights Action Plan and the Growth and Transformation Plan. CSOs were included in the UPR process before finalizing and submitting the national report and consulting with civil society on the implementation of the UPR, including by holding comprehensive consultations with a diverse range of CSOs.

3. Plan of the statement

In our joint submission, we examine the GoE's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyze the GoE's fulfilment of the rights to freedom of association, peaceful assembly and expression, as well as restrictions on human rights defenders (HRDs). To this end, we assess Ethiopia's implementation of recommendations received during the 2nd UPR

cycle relating to these issues and provide a number of specific, action-oriented follow-up recommendations.

During the 2nd UPR cycle, the GoE received 49 recommendations relating to the space for civil society (or civic space). Of these recommendations, 26 were accepted and 23 were noted. Our assessment is that the GoE has fully implemented only one recommendation relating to civic space, partially implemented 13, and has failed to implement 35. While the government recently committed to amending the restrictive legislative framework alongside releasing large numbers of political prisoners, these recommendations were documented as ‘partially implemented’ because at the time of writing, the restrictive legal framework remained in place. Acute implementation gaps were found regarding civic space and issues relating to the rights to the freedom of association and peaceful assembly (FoAA).

This statement addresses the following issues:

- (1) The rights to freedom of association, peaceful assembly, and expression; and
- (2) Creating a conducive environment for, and taking concrete steps towards, free and fair elections.

4. Substantive issues

4.1. The rights to freedom of association, peaceful assembly, and expression

a. Follow up to the 2nd UPR review

During Ethiopia’s examination under the 2nd UPR cycle, the government received 21 recommendations on the right to the freedoms of association and peaceful assembly, and on creating and maintaining an enabling environment for civil society organizations (CSOs). Of the recommendations received, the government accepted nine and noted 12. It received also 10 recommendations relating to freedom of expression, the independence of the press, and access to information. The government accepted six of these recommendations and noted four. Among other recommendations, the government committed to ensuring the realization of the right to the freedom of association and providing an environment conducive to the growth and development of charities and societies.

b. Positive developments

Since the country started the ongoing political reforms, one year ago, many positive developments have been observed. The current administration has been able to take measures to realize many of these recommendations. In April 2018, Prime Minister Abiy Ahmed pledged to review all restrictive legislation, including the Charities and Societies Proclamation 2009 (CSO Proclamation) and the Anti-Terrorism Proclamation. On 29 June 2018, Dr. Abiy established a Legal and Justice Advisory Council and held public consultations on the laws under review.

One of the first positive measures taken so far is the adoption of the revised CSO Proclamation. On February 5th, 2019, the House of Parliament adopted Proclamation no. 1113/2019, which repeals the CSO Proclamation 2009 (no. 621/2009). The law was adopted after an inclusive process of consultation which took into consideration CSOs’ inputs on the previous versions. The new CSO Proclamation grants greater freedom for CSOs to exercise their right to free association. The law also lifts funding restrictions that were imposed on rights-based CSOs who work on human rights, good governance, anti-corruption, elections, and conflict resolution.

This will allow local organizations to (re-)build their capacity. It also gives hope to international human rights NGOs to resume regular operations in Ethiopia.

We hope that this positive progress on the implementation of transparent and inclusive mechanisms of public consultations on the issues mentioned above including on the revision of legislation will continue as a good practice. Discussions around the Anti-Terrorism Proclamation and Media Law have started in March 2019, with the established Legal and Justice Advisory Council drafting new laws to replace the draconian existing ones.

c. Recommendations

- Fully implement the ACHPR’s fundamental principles to guarantee the fundamental rights of freedom of association and assembly (“ACHPR Guidelines on Freedom of Association and Assembly in Africa”);
- The GoE should take further steps towards respecting the fundamental right to have access to information by speeding up the process of reviewing and revising the Mass Media Law and reducing the State’s control over the industry, and by amending the Computer Crimes Proclamation in accordance with the ICCPR and the UN Declaration on Human Rights Defenders;
- Immediately reinstate all CSOs that have been arbitrarily and deregistered or otherwise unduly sanctioned under the former CSO Proclamation; and
- Speed up the reviewing process of the existing Anti-Terrorism Proclamation and clearly define the different terms to avoid uncertainty and possible arbitrary application.

4.2. Creating a conducive environment for, and take concrete steps towards, free and fair elections

a. Follow up to the 2nd UPR review

During the 2nd UPR cycle, the government received 10 recommendations to create a conducive political environment and conduct free and fair elections in 2015. It was recommended to the GoE to take all necessary measures to enable all citizens to fully take part in the democratic process, including by allowing open and inclusive electoral debate, civic and voter education, election monitoring, and active engagement of CSOs and independent media, and by granting all political parties unfettered access to the print and electronic media, making the election more representative and participatory than before, and by putting in place appropriate mechanisms for addressing grievances during the election process.

Despite recommendations encouraging the government to open up the democratic space ahead of the 2015 elections, the process was marred by restrictions and repressive tactics targeting the political opposition, the media, and civil society. These tactics compounded the restrictive legal framework in place and severely curtailed public participation. The 2015 elections saw the ruling Ethiopian People’s Revolutionary Democratic Front (EPRDF) win all seats in Parliament.

This marked the beginning of another dark day that led the country to a political, economic and social crisis and ended with the resignation of the former Prime Minister Hailemariam Dessalegn in February 2018. In the last four years Ethiopia underwent a political crisis that resulted in economic stagnation and turmoil. Massive protests started in Oromia region in November 2015 and spread into the rest of the country, claiming the lives of thousands. Tens of thousands were arbitrarily arrested and tortured. The State of Emergency (SoE) was imposed between October 2016 and August 2017, and again from February to June 2018, exacerbating

existing restrictions on freedoms of association, peaceful assembly and expression. The SoE directives gave sweeping powers to the Command Post, a military task force entrusted with enforcing the directives, and unwarrantedly restricted people's communications with foreign governments and CSOs and the right to disseminate information through the media. During the two State of Emergency (SoE) periods, widespread violations of civic freedoms took place, as detailed in our submission.

b. Positive developments

In late March 2018, the EPRDF elected Dr. Abiy Ahmed as its new chairperson. Dr. Abiy has pledged to push through a raft of reforms. His election came after three years of unrest, during which mass protest movements developed in Amhara, Oromia and southern States, and the authorities killed over a thousand protesters and arrested more than 26,000.

After his appointment, the new Prime Minister ordered the release of more than 26,000 political prisoners. In April 2018, the government lifted a three-month Internet shutdown in parts of Ethiopia. In June 2018, it restored access to 264 websites, including the sites of diaspora media outlets the Ethiopian Satellite Television and Oromia Media Network (OMN). The list of sites was not made public but subsequent research by the Open Observatory on Network Interference found that, with the exception of one site which had yet to be tested as of September 2018, all sites previously found to be blocked had been unblocked. Terror charges against journalists, human rights defenders and political activists were lifted by the Attorney General in May 2018, which paves the way for exile-based media like ESAT and OMN to set up offices in Ethiopia.

As part of his democratic roadmap, Dr. Abiy took drastic measures to conduct major democratic reforms, including reforming independent institutions like the judiciary, electoral board, the national human rights commission, forming a gender-balanced cabinet, the revision of repressive laws including the CSOs and lifting restrictions under these legislations, a historical reconciliation with Eritrea after decades of conflict over a border dispute, and started constructive dialogue with CSOs, political opposition groups and media.

c. Recommendations

- The Government of Ethiopia should encourage independent and transparent elections in conformity with international standards and create a conducive environment for independent civil society to conduct civic and voter education, monitor elections and organize election debates, by lifting all undue restrictions on activities and funding. This will be facilitated by implementing the new CSO Proclamation; and
- Take necessary measures to enable all citizens to fully take part in the democratic process in advance of the 2020 elections, including allowing open and inclusive electoral debate, civic and voter education, election monitoring and the active engagement of civil society organizations and independent media.

More detailed recommendations are available in our joint report, with the caveats indicated today as positive developments have taken place since the submission was written, in October 2018.

Thank you very much for your attention.