

Universal Periodic Review

Second Cycle Recommendations and New Developments

Joint Submission¹

❖ Opening

- I would like to express my gratitude and appreciation for the opportunity to present a perspective of Civil Society, the recommending states for giving due attention and looking into the Human Rights situation and analyzing the priorities and the Government of the Federal Democratic Republic of Ethiopia for the recent efforts to involve and recognize Civil Societies as stakeholders and last but not least partners like the UN Office of the High for Human Rights in Ethiopia, Lutheran World Federation and their partners for all the support they extended.

❖ Introduction

- It is recalled that Ethiopia was reviewed under the second cycle Universal Periodic Review (UPR) in 2014 from which the government has accepted 188 out of 252 recommendations. By doing so the government agreed to put the necessary legislative, institutional and administrative measures to implement the recommendations.
- The context, today as we speak ‘a reform’ that involves rectifying restrictive legislations, holding perpetrators of some of the grave offences accountable, creating an inclusive political environment and more importantly holding the country together than ethnic division and working for regional integration and peace are being lead by the incumbent Prime Minister, His Excellency Dr. Abiy Ahmed. The coming into office of the Prime Minister was also part of the changes my country is undergoing. These changes were triggered by, simply put, two isolated incidents of violations and non observance of Human Rights by State Authorities reaching inconsolable levels. Three years and four months ago, in one of the incidents, what was an issue of parceling out of the football field of a Primary School by the Mayor of town in a locality called Ginchi lead to further protest taking up wider regional and ethnic interest (141th HRCO Special Report).² The other incident, barely two months later relating to a request for recognition of the separate identity or separate ethnic

¹ Human Rights Council (HRCO); Vision Ethiopian Congress for Democracy (VECOD); Transparency Ethiopia; Consortium of Ethiopian Rights Organizations (CERO); Ethiopian Young Lawyers Association (EYLA), Ethiopian Women Lawyers Association; Ethiopian Lawyers Association (ELA), Network of Ethiopian Women’s Association (NEWA); Ethiopian National Association for the Blind (ENAB), Sara Justice from All; and Advocates Ethiopia

² “Stop immediately the extra-judicial killings, illegal detentions, beatings, intimidation and harrasment committed by government security forces!!!” 140th Special Report, Human Rights Council HRCO, (March 14, 2016) P.5

- affiliation also led to wider protest and further ethnic tensions.³ As these issues involved the two major ethnic groups of the country, the ensuing protests grew wider and violent leading to declarations of State of Emergencies, first as of October 9, 2016 to lasting for 10 months and then as of February 16, 2018 lasting for 6 months. This is 16 months out of a three years period until the incumbent Prime Minister took office and lifted the State Emergency. Hence, the context during the second cycle review was a period where reports of violation of rights or restrictions were prevalent.
- While we as a Civil Society working on Human Rights are concerned about the handling of all Human Rights, be it Civil and Political, Socio-Economic or Solidarity rights for the interest of time I will highlight rights related to Election and Political Participation.
 - Since the adoption of the current FDRE Constitution in 1995, Ethiopia organized five national and local elections (in 1995, 2000, 2005, 2010 and 2015) and is looking forward to the upcoming sixth national election in 2020. The ruling party claimed victory in all the previous election, the latest being the 2015 election in which the ruling party claimed victory of all seats in the federal House of Peoples' Representatives. Currently, opposition political parties have no presence in the federal parliament neither in the regional state councils. Unfortunately, all these rounds of elections hardly contributed to genuine multiparty competition. And the sad reality is that none of the elections were accepted as free and fair by opposition political groups and in a number of instances by international observers. The post-election environment with no exception was characterized by questions on fairness of the election. The electoral practice over the last two decades, as positive practice it may be to have regular elections, was compounded by multiple problems.
 - State-party fusion in the political practice in Ethiopia which developed over the last quarter of a century has been a major stumbling block for free and fair election. That was further exacerbated by absence of free media accessible to all sides of the electoral competition, absence of independent judiciary and seriously questioned neutrality of the electoral board. Owing to that election is being perceived only as exercise by the incumbent for gaining legitimacy. A survey by Afro barometer in 2016 concluded that only half of Africans trust the electoral bodies in their respective

³ "Special Report Stop the Violation of the Human Rights of Citizens Voicing Identity-related Demands!" 140th Special Report, Human Rights Council HRCO, (June 1, 2016)

- countries⁴. That also is the case in Ethiopia and reforming the electoral system has always been at the top of negotiations between the ruling party and opposition politicians.
- Lack of a national independent oversight is one of the major gaps. The EHRC has, since 2010, been striving to issue election observation report and to monitor compatibility of the electoral process to the standards for free and fair election. It is appropriate to acknowledge that the report issued by the Commission in 2011, though a good start, focused on minor inconsistencies⁵. Unfortunately, the experience of in 2015 did not see any report by the Commission. Election observation of the EHRC remained unreported though election results in have been contested for lack of free and fair process. It is also important to note that civil society organizations engaged in voter's education are prohibited from election observation which adds to the lack of oversight by national actors.
 - The independence of the Electoral Board has also remained questionable starting from appointment of members to its operation and accountability. There is no participatory process in the election of Electoral Board members and membership plurality was lacking, having all the orchestration monopolized by the ruling party.
 - The 2018 National Human Rights Action plan performance report of the Ethiopian National Electoral Board reports that, the Board, with the aim to support the practice of free and fair election in the upcoming sixth national election has implemented a series of preparatory activities. As described in the report the activities were mainly focused on trainings to regional and national election officers on electoral laws, election code of ethics, electoral dispute resolution skills, and regulations and election management.
 - Though it remains to be supported by more concrete legislative and administrative measures, political developments brought hope for inclusive political practice in Ethiopia. In 2017 the government and opposition political parties' representatives agreed on some possible changes to the existing electoral system. This includes

⁴ . afrobarometer.org/blogs/African-citizens-have-very-low-level-trust-how-elections-are-run, African citizens have very low level of trust in how elections are run, 16 October 2018

⁵ . Ethiopian Human Rights Commission, Monitoring Report of the Fourth National Election of the Federal Democratic Republic of Ethiopia of May 2010, September 2011

amendments to the existing electoral framework by which 20% of the seats in the federal parliament would be filled by proportional consideration of votes casted and agreed to explore possibilities for introducing a mixed system in regional and city level legislatures. For these proposals to enter into force and to translate the promise into reality, the ruling side needs to show unfailing commitment by introducing immediate initiatives for legal and institutional reform in the electoral system.

- The Justice Reform Council recently constituted by the Office of the Attorney General is one step in the right direction. The Council already constituted an expert group tasked to advise on reforming the electoral system. The lifting of proscriptions imposed on opposition political groups and pardons granted to opposition politicians are opening an unprecedented new horizon for inclusive political process. Yet, these are only the beginning of a long journey, and require meticulous review and reform of the existing legal and institutional framework. To translate these steps into practice the government needs to enter into specific and concrete negotiation and agreement with all sides before commencement of the sixth national election due to take place in 2020.

❖ Recommendation

- a. Expedite the justice and legal reform initiative launched in June 2018 which include reforming the electoral system(
 - During Pre-Election, taking clear stand whether elections will be held or not and announcing accordingly,
 - Create awareness on steps taken in reforming Electoral Laws,
 - Resolve Administrative Boundary issues, identity and Autonomy questions to enable voter registration and decide on Polling Station
 - Ensuring Rule and building trust on State Institutions by primarily preventing Mob justice.
- b. Ensure meticulous review of the existing legal and institutional framework of the electoral system through an inclusive process
 - Amend or repeal all legal restrictions prohibiting Civil Societies to actively participate in all three Election Cycles.

- Amend or repeal all regulations preventing the Media from covering Elections or causing Self-censorship.
- c. Remove the prohibition imposed on civil society organizations involved in voter's education from election observation;
 - Amend or repeal all Electoral and Civil Society laws particularly restricting Civil Societies to conduct Voter Education and also later Election Observation.