

Catherine Ashton  
High Representative of the Union for  
Foreign Affairs and Security Policy  
Vice President of the European Commission

**AMNESTY  
INTERNATIONAL**



**European Institutions Office**

Brussels, 5 April 2012

Our ref: B1169

Dear Baroness Ashton,

### **EU MUST SUPPORT ETHIOPIAN CIVIL SOCIETY BY CALLING FOR AMENDMENT OF REPRESSIVE LAWS**

Amnesty International's report 'Stifling human rights work: The impact of civil society legislation in Ethiopia' (enclosed and available [here](#)) documents how human rights organisations in the country have been silenced through repressive legislation. The Charities and Societies Proclamation (CSP, 2009) places significant restrictions on funding for human rights work, grants the government excessive powers of interference in the running of organisations, and jeopardises the security of victims of human rights violations. The law affects the promotion and protection of the rights of all Ethiopian people. The long-standing climate of fear in which human rights defenders and others operate is further exacerbated by the wide scope of the Anti-Terrorism law<sup>1</sup> and recent waves of arrests of opposition politicians and journalists on spurious terrorism-related charges.

Human rights defenders (HRDs) risk imprisonment for violating the vaguely worded provisions of these two pieces of repressive legislation. Many HRDs fled the country after the CSP was passed. A large majority of those who stayed are too afraid to speak out, or have changed their organisation's mandate to cease working on human rights. Organisations still working on human rights have been forced to significantly scale down their activities owing to funding restrictions. The Human Rights Council (HRCO), Ethiopia's oldest civil society organisation and one of the most outspoken, had to close nine of its twelve offices and cut 85% of staff after its accounts were frozen by the Charities and Societies Agency in 2009.

We welcome efforts by the EU, including those of the European Commission Directorate General for Development and Cooperation, to support Ethiopian civil society under the given circumstances. While Ethiopia agreed to consider the EU Civil Society Fund (CSF) as a "domestic source" in April 2010, the EU's compliance with the restrictive system not only protracts, but in reality condones Ethiopia's violations of its obligations related to freedoms of expression and association. Further, in practice, human rights organisations have faced significant obstacles in accessing the EU financial support through the CSF. The EU's attempts to raise concerns through diplomatic channels have not yielded results, and we therefore urge the EU to speak out more robustly.

In view of the above and in line with the EU Guidelines on Human Rights Defenders, we call on the EU to:

- Publicly call on the Ethiopian authorities to amend all dispositions of its legislation, including the Charities and Societies Proclamation and the Anti-Terrorism Proclamation, which restrict freedom of expression and freedom of peaceful assembly
- Provide practical support and continued assistance to human rights defenders in Ethiopia, particularly those at risk
- Raise concerns with the Ethiopian authorities on the restrictions to funding existing in practice

We look forward to your response and stand ready to provide any further information you may require.

Yours sincerely,

Dr Nicolas J Beger  
Director

<sup>1</sup> See AI report "Dismantling Dissent: Intensified crackdown on free speech in Ethiopia", December 2011, available [here](#).

Cc:

Jeremy Lester, EEAS Head of Horn of Africa Unit

Jose Costa Pereira, EEAS Pan-African Affairs Unit

Xavier Marchal, Head of EU Delegation to Ethiopia

Olof Skoog, Chairperson of the Political and Security Committee

Fiona Lunny, Chairperson of the Council Working Group on Africa

## **Annex – Summary of concerns related to freedom of expression and association in Ethiopia**

Human rights organisations in Ethiopia have been largely silenced by the impact of legislation restricting their work. The Charities and Societies Proclamation, passed in January 2009, placed significant restrictions on funding for human rights work, granted the government excessive powers of interference in the running of organisations, jeopardised the security of victims of human rights violations, and allowed for the imprisonment of human rights defenders. As a result, the proclamation has adversely affected the promotion and protection of the rights of the Ethiopian people.

Since the law was passed, human rights organisations have decreased in number, many have changed the focus of their mandate, and those human rights organisations who have 'survived' have significantly scaled down their activities due to the major impact of funding restrictions. Offices have been closed, and large numbers of staff have lost their jobs. Development organisations have abandoned the 'rights-based approach' to development.

A number of human rights defenders fled the country as soon as the law was passed. Organisations now significantly self-censor in their activities for fear of violating the law's provisions. The significant majority of human rights defenders are too scared to speak out, or to have the experiences of their organisation discussed or publicised.

### Financial impact of the law

The Charities and Societies Proclamation prohibits organisations which receive more than ten per cent of their funding from foreign sources from working on a number of human rights issues. The law requires organisations to be registered as one of three categories: Ethiopian Charities or Societies; Ethiopian Residents Charities or Societies; or Foreign Charities.

Only Ethiopian Charities and Societies may work on human rights issues, but may receive not more than ten percent of their funds from foreign sources. Ethiopian Residents Charities and Societies and international organisations are prohibited altogether from working on human rights issues in Ethiopia. When registering under the Charities and Societies Agency, human rights organisations have had to make the decision whether to register as an 'Ethiopian Charity' and attempt to survive with 90 percent of their budget coming from local sources, or whether to register as an 'Ethiopian Residents Charity', receive funding from abroad, but renounce work on human rights. Development agencies may choose to be fully funded from foreign sources, provided that their work contains no human rights elements.

### Freezing of the bank accounts of EWLA and HRCO

The Charities and Societies Proclamation has considerably affected the work of the two main human rights organisations in Ethiopia: the Ethiopian Human Rights Council (now the Human Rights Council - HRCO) and the Ethiopian Women Lawyers Association (EWLA).

EWLA, established in 1995, was the only major organisation focussing exclusively on women's rights advocacy at national level. It conducted vital work in the field of women and justice, advocating gender equity in draft national legislation, providing free legal aid for women, and research and publication on issues of law and gender. After the adoption of the Charities and Societies Proclamation, EWLA have cut 70 per cent of their staff and had effectively ceased to function during 2010 and 2011, with the exception of a small amount of free legal aid being provided to women by volunteers.

Before the law was passed, HRCO, the country's oldest human rights organisation, was undertaking high quality monitoring and documentation of violations through twelve branch offices across the country. In December 2009, HRCO has had all its assets, including its private bank accounts and reserve funds, frozen by the Charities and Societies Agency (CSA). HRCO has been forced to close nine of its twelve

branch offices and has cut 85 per cent of its staff (around 50 people). In 2008 HRCO had an annual budget of 6 million Ethiopian Birr (US \$351,000). In 2011, the organisation's budget for the year was 450,000 Birr (US \$26,300).

Both HRCO and EWLA were told by CSA officials that under the new law they could not keep operating with funds previously collected from abroad, signifying a retroactive application of the law to funds received before the law was passed. HRCO and EWLA both appealed the freezing of their funds to the Supreme Court.

#### Fundraising in the context of the Charities and Societies Proclamation

Efforts have been made by those organisations that re-registered as human rights organisations to collect funds locally, with limited success, raising minimal amounts of money. Organizations must have written approval from the CSA for all income-generating activities they undertake, and must gain a permit from the Agency to conduct public collections. Some efforts to obtain such written permission have met with significant and un-explained delays, causing the cancellation of planned fund-raising events and opportunities being missed by human rights organizations.

Furthermore, all accounting records, including full details of donations received, must be disclosed and explained at any time upon request by the CSA. In conjunction with the hostility which the government has illustrated towards human rights organisations, this creates a significant risk that people will hesitate to make donations to a human rights organisation, due to fear of repercussions.

During 2011, EWLA and HRCO, as well as two other organisations, signed an agreement with the National Human Rights Commission (NHRC) to receive funding for legal aid work only. However the NHRC appear reluctant to grant HRCO any funds in practise. HRCO has been told by the NHRC to make five different sets of changes to their funding proposal, incurring months of delays.

#### Excessive powers of the Charities and Societies Agency (CSA)

The Charities and Societies Agency (CSA) established under the law is vested with broad discretionary powers over non-governmental organizations, including surveillance and direct involvement in the management and operations of organizations, which could amount to undue interference. The law enables the CSA to demand the disclosure, at any time, of any information or documents in a charity or society's possession. This violates the right to privacy and contravenes the principle of confidentiality, which is essential to the conduct of most human rights work to protect the security of victims and witnesses of human rights violations.

The Agency also has the power to suspend or cancel the licence of an organization, and further has the power to order that all assets belonging to the organization are confiscated and transferred to a charity or society "with a similar purpose".

In addition, the CSA has the power to "carry out such other activities necessary for the attainment of its objectives." The broadness of this provision enables the Agency to adopt the widest possible interpretation of its powers – that it is legally sanctioned to take any measure it devises or chooses. The provision is therefore open to significant misuse, including targeting, silencing or punishing organizations.

#### Restrictions to the activities of human rights organisations

##### *Election monitoring*

The 2010 EU Election Observation Mission raised concerns about the impact of the CSP in both its impact on the participation of citizens in the democratic process, and on the participation of civil society in monitoring the democratic process. During HRCO's re-registration process, the CSA removed election

observation and voter education programmes from its statute. The organization had conducted significant work around previous elections, including voter education and observing elections. The removal of election observation from HRCO's mandate left a void, as no major national human rights organization is now engaged in election monitoring and work on associated human rights issues. The law states that "Ethiopian mass-based organizations may actively participate in the process of strengthening democratization and election, particularly in the process of conducting educational seminars on current affairs, understanding the platforms of candidates, observing the electoral process and co-operating with electoral organs." The wording of this provision suggests that other entities may not engage in those areas of work. It is further cause for concern as the main 'mass-based organizations' in the country - the youth federation, the women's federation, leading trade unions, including the Ethiopian Teachers' Association, and others - are closely aligned with the ruling party.

#### *International human rights reporting*

In 2009 five prominent human rights organizations formed the Ethiopian CSO Coalition on Human Rights Reporting, with the intention of submitting parallel reports to the UN Human Rights Council's Universal Periodic Review process and to UN human rights treaty bodies. After the coalition presented their submission to the UPR, and also because of their other activities, the organizations were subjected to harassment, threats and warnings by government agents. Several of the directors were forced to flee the country, and four of the organisations withdrew from the reporting coalition, leaving EHRCO alone to submit the parallel report to the UN Committee for the Elimination of Racial Discrimination (CERD) in August 2009. In response to continued threats and harassment, the Secretary General of EHRCO also fled the country. As a result, no parallel reports by Ethiopian NGOs were submitted for Ethiopia's consideration under several of the UN treaty bodies. Parallel reports by domestic civil society organizations are an essential component in a state's consideration by the UN human rights instruments. The Ethiopian government's professed commitment to cooperation with these instruments is belied by the heavy obstacles it has placed on civil society organizations' participation in the process.

#### Diminishing political space in Ethiopia

Provisions of the Charities and Societies Proclamation violate rights guaranteed in Ethiopian law and violate Ethiopia's obligations under international law, including article 31 of the Ethiopian Constitution and under article 22 of the International Covenant on Civil and Political Rights (ICCPR) on the right to freedom of association; article 22 of the ICCPR on the obligation to create an enabling environment for non-governmental organisations; or article 19(2) of the ICCPR and article 29 of the Ethiopian Constitution on the right to freedom of expression.

The Charities and Societies Proclamation is just one in a series of laws passed since 2008 to give legal grounding to restrictions on freedom of expression and freedom of association. The Anti-Terrorism Proclamation law of 2009, for example, defines terrorist activities so broadly that they can be used to criminalise freedom of expression and peaceful assembly. Since March 2011, at least 108 opposition members and six journalists have been arrested for alleged involvement with terrorist groups. By November, 107 of the detainees had been charged with various offences under the Anti-Terrorism Proclamation and Criminal Code. Six more journalists, two opposition members and one human rights defender - all in exile - were charged in absentia. It appears that all were prosecuted because of their peaceful and legitimate activities.