

Turning the Page: Rebuilding Civil Society in Ethiopia

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DEFENDDEFENDERS

East and Horn of Africa Human Rights Defenders Project

**Turning the Page:
Rebuilding Civil Society in Ethiopia**

“People say that human rights are a western idea, but human rights are inherently African. These ideas exist in some form in almost every culture, but you have to teach it in a language people understand.”

- Ethiopian human rights defender, Jijiga, March 2019

“Ethiopia is a divided country: highlanders and lowlanders, agrarians and pastoralists, Muslims and Christians, Semitics and Kushitics. Most of the resources are in the lowlands, and the people there are historically marginalised. Now we can use laws and capable lawyers to represent the interests of indigenous communities.”

- Ethiopian human rights defender, Jijiga, March 2019

“This transformation is a push of the people, demanding for more participation in the progress of the country, on democracy, on human rights. It’s an act of the people, and they have paid for that sacrifice.”

- Ethiopian human rights defender, Addis Ababa, January 2019

“There is a need to change people’s mindset. People don’t think that they can get solutions for their problems. Stronger civil society organisations could defend their questions, people could come to them and gain trust in them. Once people start to know about their human rights, they can start defending them.”

- Ethiopian human rights defender, Hawasa, March 2019

“Under the previous regime, there was no space to speak about human rights issues, it was not possible at that time. Silence was better than torture. Nowadays there is freedom of speech. This freedom has created an environment where every man can discuss and debate his own rights.”

- Ethiopian human rights defender, Jijiga, March 2019

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Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
ATP	Anti-Terrorism Proclamation
AU	African Union
CBO	Community-based organisation
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CSO	Civil society organisation
EPRDF	Ethiopian People's Revolutionary Democratic Front
FGM	Female genital mutilation
HRD	Human rights defender
HRCO	Human Rights Council – Ethiopia
INGO	International non-governmental organisation
LGBT+	Lesbian, gay, bisexual, transgender, and other sexual minorities
MDR	Monitoring, documenting, and reporting
MP	Member of Parliament
NGO	Non-governmental organisation
OHCHR-EARO	Office of the United Nations High Commissioner of Human Rights East Africa Regional Office
SGBV	Sexual and gender-based violence
SoE	State of Emergency
ToT	Training of Trainers
TPLF	Tigray People's Liberation Front
UN HRC	United Nations Human Rights Council
WHRD	Women human rights defender



About DefendDefenders

Established in 2005, DefendDefenders (the East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of human rights defenders (HRDs) throughout the sub-region by reducing their vulnerability to the risk of persecution by enhancing their capacity to effectively defend human rights. DefendDefenders focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (with Somaliland), South Sudan, Sudan, Tanzania, and Uganda.

DefendDefenders serves as the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents hundreds of members consisting of individual HRDs, human rights organisations, and national coalitions that envision a sub-region in which the human rights of every citizen as stipulated in the Universal Declaration of Human Rights are respected and upheld.

DefendDefenders also serves as the secretariat of AfricanDefenders (the Pan-African Human Rights Defenders Network). AfricanDefenders aims to coordinate activities in the areas of protection, capacity building, and advocacy across the African continent, supporting the five sub-regional networks: the North Africa Human Rights Defenders Network (hosted by the Cairo Institute for Human Rights Studies in Tunis, Tunisia), the West African Human Rights Defenders Network (Lomé, Togo), the Southern Africa Human Rights Defenders Network (hosted by the International Commission of Jurists in Johannesburg, South Africa), the Central Africa Human Rights Defenders Network (Douala, Cameroon), and the East and Horn of Africa Human Rights Defenders Network (hosted by DefendDefenders in Kampala, Uganda).



Foreword

It is often said that great change occurs incrementally or within a single charged moment in history. Contemporary Ethiopia seems entirely willing to upend conventional wisdom at a crossroads of its own making, caught between the slow roll of time and a momentous reawakening, the momentum of which remains as unlikely as it was inevitable.

No more than a year ago, the country found itself at an impasse, with a so-called revolutionary government struggling to hold back the will of millions of people longing for unfulfilled human rights. Thousands found themselves in prison, yearning for freedom under the weight of a government willing to go to horrific lengths to maintain power. Voices were silenced, HRDs were violently oppressed, and yet, citizens struggled against all odds, many fleeing into exile rather than submitting to brutality.

Today, Ethiopia's potential seems boundless. With roughly 105 million citizens, untapped natural resources, and a strategic geopolitical importance in the Horn of Africa, the country seems poised to finally fulfil its role as the African prodigal son of sorts, making amends with long-time enemies and embracing a sense of modernity rooted deeply in tradition. But more than economic or cultural hegemony, Ethiopia could offer the sub-region true leadership as a steward of human rights and democratic values, embracing open civic space where civil society can thrive as an active partner rather than a pariah. As the seat of the African Union (AU), Ethiopia could combine its spirit of fierce independence with a unique blend of 21st century pan-Africanism where ethnic and religious differences take a backseat to new ideas of empowerment, positive cooperation, and universal human rights, in true spirit of new Africa.

At the centre of this national crossroads, Ethiopia finds itself caught between two sides of a road yet-unforged; the open unknown or return to arbitrary divisions and human rights violations that have led the country astray for decades. An Ethiopian friend is fond of describing his people as "prisoners of history," like Sisyphus pushing a boulder uphill only to find themselves endlessly, exhaustingly, back where they started. But I believe this particular moment offers Ethiopians a way to not only become something new, but to finally embrace who they have always been.





It is our intention that this report should not only highlight the many achievements of Ethiopia in the last year, but also acknowledge the uneasy road ahead and make concrete recommendations to mitigate potentially negative outcomes. I believe that the role of HRDs and civil society is prescient in ensuring that ideals of democracy and open civic space are not only achieved in Ethiopia, but offer a roadmap to other African countries of what can be achieved when good governance meets the will of a determined people who refuse to settle for any less than the full respect of their human rights.

To the people of Ethiopia, we offer our undying support and the knowledge that through these trying times, the determination of all HRDs can be a deciding factor in the triumph of human rights over oppression.

Yours in solidarity,



Hassan Shire
Executive Director, DefendDefenders
Chairperson, AfricanDefenders

Executive Summary

After Ethiopia's 2005 parliamentary election brought about a wave of violence, the government initiated a 13-year crackdown on civil society through the enactment of draconian legislation aiming at silencing dissenting voices and cementing the power of the ruling coalition, the Ethiopian People's Revolutionary Democratic Front (EPRDF). Country-wide protests broke out in 2016, with demonstrators demanding an end to ethnic and political marginalisation. In response, the government twice declared a national State of Emergency (SoE), granting sweeping powers to the military, which led to hundreds of killings and the arrest, arbitrary detention, and torture of thousands of peaceful protesters.

In April 2018, amid internal pressure, a new Prime Minister, Dr. Abiy Ahmed, was appointed by the ruling coalition and began a series of reforms aimed at opening political and civic space in the country. This has been accomplished by releasing thousands of political prisoners and granting them amnesty, and accepting previously banned groups back into the Ethiopian political mainstream, in addition to the appointment of several prominent women to positions of power within the government. However, concerns remain over the top-down nature of the reforms, as well as gaps in the economic, security, health, and legal sectors. This report also contains a detailed analysis of the new Civil Society Organisations (CSO) Proclamation, with commentary on the provisions that mark an improvement, as well as remaining concerns.

Questions over how to achieve accountability for past and ongoing human rights violations and abuses were raised by HRDs interviewed for this research, with differing opinions on full prosecution, blanket amnesty, or selective prosecution of those responsible for the most serious human rights violations committed since 1991. There are also concerns regarding civil society's lack of capacity to effectively support such endeavors, as well as the state's ability to constructively handle this process.

While the majority of the country's media remains state-owned, small publications and online outlets have flourished since the reform process began. While the ongoing liberalisation of the media sector is a welcome change, concerns remain over the rise of online hate speech spurred by ethnic nationalism. The opening of media space allows for potential collaboration between media organisations and CSOs on community-focused human rights sensitisation.

Women human rights defenders (WHRDs) remain at risk in the country, with rigid social norms often preventing their active participation in public life or human rights organisations. Women also often lack access to justice, especially in cases of female genital mutilation (FGM) and sexual and gender-based violence (SGBV), as well as access to positions of power in the government, despite some recent prominent female appointments at the federal level.



Lesbian, gay, bisexual, transgender, and other sexual minority (LGBT+) HRDs remain a critically unaddressed group within Ethiopia's burgeoning human rights movement, partially rooted in the country's religious and conservative value systems, in addition to lack of prior experience and sensitisation. Mainstreaming LGBT+ organisations into the wider rebuilding of Ethiopian civil society will be paramount to addressing these gaps.

Forthcoming elections scheduled for May 2020 offer a critical test for the proper rebuilding of civil society in the country. Questions arose over what role civil society will be ready to play ahead of, and during, a free and fair poll, and whether there is sufficient capacity to conduct effective democratic sensitisation campaigns and monitor elections.

Given these trends and gaps, there remain significant challenges for the country's fledgling civil society, especially as it attempts to rebuild amid the rapid reform process and the looming election. Many HRDs interviewed for this report lamented that the rights-based organisations currently operating do not have the capacity to keep pace with these developments. This report outlines several avenues donors and international organisations can use to help effectively rebuild civil society in Ethiopia, such as capacity-building activities, and areas of focus like psychosocial support.

Sources consulted for this report unanimously agreed that a properly functioning national coalition of HRDs is paramount to effectively rebuilding civil society amid the reforms. However, several key issues need to be seriously addressed from the outset, most prominently with regard to the weakening of ethnic divisions and the inclusion of previously marginalised groups in public life. If these efforts are successful, Addis Ababa also bears the potential to become an important Ubuntu Hub City¹ for HRDs from across Africa, with welcoming policies regarding migration, refugee rights, and institutional support from international organisations and diplomatic missions.

1 AfricanDefenders, "Ubuntu Hub Cities," <https://africandefenders.org/what-we-do/hub-cities/>, Accessed 16 April 2019.

Methodology

This report is the culmination of monitoring efforts, desk research, and in-depth interviews conducted in person with 58 respondents between January and March 2019 in Addis Ababa, Bahir Dar, Hawasa, and Jijiga. The respondents include human rights lawyers, journalists, CSOs, community-based organisations (CBOs), international non-governmental organisations (INGOs), diplomatic missions, and regional government representatives within Ethiopia.

While attempting to be as comprehensive as possible, this report has several key limitations that must be clarified for its conclusions and recommendations to be understood in context. The findings attempt to identify broader trends in Ethiopia; however, HRDs from only four areas were consulted, thereby not fully reflecting the national context. The choice of research locations was based on the prevalence of emerging CSOs and clustering of HRDs in urban centres, based against budgetary and logistical limitations. These findings are not exhaustive, and should be considered as baselines for other organisations looking to conduct more in-depth research as the country-specific situation evolves over time, especially in rural areas and other regions not covered in this report.

Claims not otherwise sourced are credited to the interviews conducted by DefendDefenders, making every effort to confirm information with multiple independent sources. The names and identifying markers of all sources have been omitted to ensure their safety, independence, and protection from reprisals in the form of legal and extra-legal harassment, acts of intimidation, threats, or attacks from a range of actors. We would like to express our heartfelt gratitude to all the individuals who contributed their testimonies, insights, and analyses for this report.

We wish to express our appreciation to the Office of the High Commissioner of Human Rights Regional Office for East Africa (OHCHR-EARO) in Addis Ababa, who largely contributed to the smooth conduct of this mission.



Background

In 1991, revolutionary forces overthrew the Marxist military Derg regime that had ruled Ethiopia for 17 years, offering the promise of a new democratic state based on principles of self-determination, power sharing, and democracy. The transitional government, led ideologically by the Tigray People's Liberation Front (TPLF), developed a new Constitution,² adopted in December 1994. The Constitution addressed the longstanding 'national question' by devolving power to nine new regional states demarcated by historically dominant ethnolinguistic groups "who have or share a large measure of a common culture, or similar customs, mutual intelligibility of language, belief in a common or related identities, and who predominantly inhabit an identifiable contiguous territory."³ This unique form of ethnic federalism defines Ethiopian society and politics to this day, with the ruling EPRDF as the country's dominant political coalition, made up of the TPLF, Amhara Democratic Party, Oromo Democratic Party, and Southern Ethiopian People's Democratic Movement. A May 1995 election in the absence of major opposition parties led to a resounding EPRDF victory, and on 24 August that year, the country was formally christened the Federal Democratic Republic of Ethiopia.

A fledgling civil society emerged in the 1990s, originally stemming from CBOs, trade unions, and faith-based community groups.⁴ National CSOs like the Human Rights Council – Ethiopia

(HRCO)⁵ and Ethiopian Women Lawyers' Association (EWLA) conducted human rights work throughout the country, establishing regional offices that employed hundreds of staff. The consolidation of EPRDF rule and the gradual withering of opposition voices left civil society struggling to operate and achieve its goals, especially with regard to human rights promotion and protection. By the early 2000s, independent media also struggled with professionalism, giving the government an excuse to crack down with fines, imprisonment of editors, and closure of newspapers, often on charges of "dissemination of false information," "inciting racial hatred," or "damaging the national interest."⁶ This outward antagonism on the part of the government towards dissenting voices would only be exacerbated in the decade to follow.

“'Revolution' and 'democracy' are not compatible – they are opposite ideologies. People don't love their country, they only love their own nationalities. After 27 years, this ideology must be changed. Ethnic federalism has created lots of clashes in Ethiopia – the Constitution itself is problematic.”⁷

The government claimed to rely on federal decentralisation, democratisation, and socio-economic development to reshape a country that had previously known only monarchy and dictatorship. Ethiopia has at least 80 ethnic groups and 70 recognised language groups of vastly different population sizes, each with their

2 Constitution of the Federal Democratic Republic of Ethiopia, <https://www.wipo.int/edocs/lexdocs/laws/en/et/et-007en.pdf>, Accessed 12 April 2019.

3 Article 39, Constitution of the Federal Democratic Republic of Ethiopia, <https://www.wipo.int/edocs/lexdocs/laws/en/et/et007en.pdf>, Accessed 12 April 2019.

4 Association for Human Rights in Ethiopia, "Ailing civic space in an authoritarian space," January 2018, <http://www.ethiotion.com/Pdf/01302018%20AilingCivicSpace.pdf>, Accessed 12 April 2019.

5 Human Rights Council - Ethiopia, <https://ehrc.org/?lang=en>, Accessed 16 April 2019.

6 Sarah Vaughan, "Federalism, Revolutionary Democracy, and the Developmental State, 1991-2012," in *Understanding Contemporary Ethiopia*, 2015. Hurst. Kindle Edition. (p. 300)

7 DefendDefenders interview, Bahir Dar, March 2019.

own constitutional rights to self-determination, cultural promotion, and equitable participation in central government.⁸ While ethnic federalism was meant to grant increased power to hitherto marginalised ethnic groups, it failed to adequately address longstanding grievances over land and legitimate political representation at the national level. The secession of Eritrea and the pyrrhic border war of 2001-2002 further embroiled the EPRDF in a series of small-scale clashes with ethnic political groups vying for additional autonomy from the political scheme, notably in the Oromo and Somali regions.

2005 Elections and Beyond

The controversial 2005 parliamentary election was a turning point in the government's interactions with HRDs and CSOs. The pre-election period, and the country's first genuinely contested election, saw intense public debates, with civil society playing an active role in the promotion of democratic values and voting rights. Despite losing ground to opposition parties, the EPRDF claimed a majority of seats in Parliament. Violence erupted over opposition claims of a national victory, as well as control of the capital, and elected opposition Members of Parliament (MPs) refused to take up their seats. Thousands were arrested as protests in Addis Ababa escalated into violence in June and November 2005. Several opposition leaders were arbitrarily arrested alongside non-governmental organisation (NGO) representatives and a number of journalists, with many found guilty of a series of crimes against the Constitution.⁹

Despite ultimately maintaining a comfortable majority, the post-electoral crisis over the credibility of the results led the EPRDF to revise its attitudes towards civil society, perceiving it as a

8 Article 39, Constitution of the Federal Democratic Republic of Ethiopia, <https://www.wipo.int/edocs/lexdocs/laws/en/et/et007en.pdf>, Accessed 12 April 2019.

9 Sarah Vaughan, "Federalism, Revolutionary Democracy, and the Developmental State, 1991-2012," in *Understanding Contemporary Ethiopia*, 2015. Hurst. Kindle Edition. (p. 304)

threat, and partially attributing significant losses to its role in ensuring that citizens exercised their right to political participation. Over the next four years, the Ethiopian government enacted three key pieces of legislation that largely restricted the space for HRDs, crippled opposition parties, curbed the activities of the media, and systematically weakened CSOs, in particular human rights NGOs.

The Freedom of the Mass Media and Access to Information Proclamation (2008)¹⁰ introduced restrictions on journalists through government-controlled licensing and registration systems for media houses, and powers to initiate criminal defamation suits and demand corrections in print publications, with harsh penalties. In response, groups like the Zone 9 collective turned to blogging and social media to defy restrictions on free expression, often with serious consequences such as arbitrary detention on terrorism charges, torture, and ill-treatment. This proclamation effectively destroyed all independent media in the country, leaving state media as the dominant voice. Social media gradually became one of the only ways for citizens to receive and impart independent information.

The Anti-Terrorism Proclamation (ATP) (2009)¹¹ created overly broad definitions of terrorism, and allowed the government to curb peaceful dissent under the guise of national security, leading to politically-motivated prosecutions, clear violations of due process and standards on the right to a fair trial, in particular criminal defense rights, and serious infringements on the rights to freedom of expression, association, and peaceful assembly.¹² Under the ATP, several

10 The Freedom of the Mass Media and Access to Information Proclamation, 2008, <https://www.legal-tools.org/doc/65e504/pdf/>, Accessed 15 April 2019

11 "The Anti-Terrorism Proclamation (ATP) (2009)," <https://www.refworld.org/docid/4ba799d32.html>, Accessed 15 April 2019,

12 Global Campaign For Free Expression, "Comment on Anti-terrorism proclamation 2009, of Ethiopia," March 2010, <https://www.article19.org/data/files/pdfs/analysis/ethiopia-comment-on-anti-terrorism-proclamation-2009.pdf>, Ac-



prominent opposition groups were listed as “terrorist organisations,” including the Oromo Liberation Front, Ogaden National Liberation Front, and Ginbot 7.

The Proclamation to Provide for the Registration and Regulation of Charities and Societies (CSO Proclamation) (2009)¹³ effectively targeted human rights work, setting foreign-funding restrictions on CSOs and strict standards for registration, without the possibility to challenge the regulating (government-controlled) agency’s decisions. At least 17 organisations, including some of Ethiopia’s leading human rights organisations, were forced to change their mandate, or stopped working on human rights altogether, as a result of this proclamation.¹⁴ Organisations such as HRCO and EWLA were forced to close the majority of their regional offices, vastly decreasing the scope and depth of their human rights work.

“Ethnic politics is linked to grievances in people’s lives. Once the central government can answer those grievances, then maybe our politics will rise up from ethnic politics to ideology.”¹⁵

Hundreds of HRDs, including journalists, lawyers, and political activists, fled into exile in the aftermath of the 2005 election and the subsequently enacted draconian legislation. The 2010 election left no space for independent voices as most structured opposition parties

ended 12 April 2019.

13 “Proclamation to Provide for the Registration and Regulation of Charities and Societies (CSO Proclamation) (2009),” http://www.icnl.org/research/library/files/Ethiopia/CSO_Law_0309.pdf, Accessed 15 April 2019.

14 Amnesty International, “Ethiopia: The 2009 Charities and Societies Proclamation as a Serious Obstacle to the Promotion and Protection of Human Rights in Ethiopia: Amnesty International’s Written Statement to the 20th Session of the UN Human Rights Council,” 11 June 2012, [https://www.amnesty.org/en/documents/afr25/007/2012/en/](https://www.amnesty.org/en/documents/afr25/007/2012/en/https://www.amnesty.org/en/documents/afr25/007/2012/en/), Accessed 6 April 2019.

15 DefendDefenders interview, Addis Ababa, January 2019.

had collapsed, and the ruling coalition won 99 percent of the seats.¹⁶ The 2015 election saw the EPRDF win all parliamentary seats, simultaneously cementing their authority and birthing a nationwide resistance movement.¹⁷

Soon after the hollow 2015 election, countrywide protests broke out in August 2016, largely led by members of the Oromo and Amhara communities, in response to continued government oppression, with civilians demanding political reforms and an end to widespread human rights violations. In response, the government began a brutal campaign of repression against dissidents, including Internet shutdowns,¹⁸ and the arrest of tens of thousands of peaceful demonstrators.¹⁹ Hundreds were killed as a result of the use of excessive and lethal force, including the firing of live ammunition, by security forces.²⁰

Amid escalating tensions, the government instituted a nationwide SoE in October 2016, granting the military sweeping powers to arrest and detain protesters outside of due process guarantees. In March 2017, Parliament voted to extend the SoE for another four months.²¹ Tens of

16 The Guardian, “Unease over extent of ruling party’s landslide in Ethiopia,” 26 May 2010, <https://www.theguardian.com/world/2010/may/26/ethiopia-election-result-meles-zenawi>, Accessed 15 April 2019.

17 Human Rights Watch, “Dispatches: Alarm Bells for Ethiopia’s 100% Election Victory,” 23 June 2015, <https://www.hrw.org/news/2015/06/23/dispatches-alarm-bells-ethiopia-as-100-election-victory>, Accessed 15 April 2019.

18 OONI, “Ethiopia: Internet Shutdown Amidst Recent Protests?,” 10 August 2016, <https://ooni.torproject.org/post/ethiopia-internet-shutdown-amidst-recent-protests/>, Accessed 10 April 2019.

19 Human Rights Watch, “Ethiopia: Protest crackdown killed hundreds,” 15 June 2018, <https://www.hrw.org/news/2016/06/15/ethiopia-protest-crackdown-killed-hundreds>, Accessed 10 April 2019.

20 Human Rights Watch, “Such a Brutal Crackdown: Killings and Arrests in Response to Ethiopia’s Oromo Protests,” 15 June 2016, <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopia-as-oromo-protests>, Accessed 14 April 2019.

21 Washington Post, “Despite outward calm, Ethiopia extends state of emergency,” 30 March 2018, <https://www.washingtonpost.com/world/despite-outward-calm-ethiopia-extends-state-of-emergency/2017/03/30/b5544098-1529-11e7->

thousands of HRDs, journalists, and opposition members and supporters were arrested during this period, alongside peaceful demonstrators. International organisations documented widespread human rights violations in prisons, including torture, forced confessions, other forms of ill-treatment, and inhumane conditions due to overcrowding, as well as denial of access to legal counsel or fair trial and other due process guarantees. Youth increasingly used social media and online platforms to organise and disseminate information on inhumane prison conditions²² and the brutal repression of dissenting voices.

The protest movement raised longstanding concerns over ethnic marginalisation, especially among the demographic majority Oromo and Amhara, who had previously played a subaltern political role in the country, even within the EPRDF. Unsurprisingly, the government's violent repression fuelled additional grievances over human rights violations, while the protest movements attracted international scrutiny.²³ The absence of an independent, strong civil society was also partially at the root of the protests, as there was no available platform for alternative voices to express themselves or seek redress for human rights violations.

Ethiopia found itself at an impasse as the government could no longer balance the faltering economy with increased international attention to its political and human rights situation. In February 2018, then Prime Minister Hailemariam Desalegn announced his resignation, and the government instituted a new SoE. In his place, on 2 April 2018, former

[ada0-1489b735b3a3_story.html?noredirect=on](#), Accessed 10 April 2019.

22 Association for Human Rights in Ethiopia, "Ethiopia: political prisoners and their accounts of torture," 26 November 2017, <https://ahrethio.org/2017/11/26/ethiopia-political-prisoners-and-their-accounts-of-torture-2/>, Accessed 6 April 2019.

23 OHCHR, "UN experts urge Ethiopia to halt violent crackdown on Oromia protesters, ensure accountability for abuses," 21 January 2016, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16977&>, Accessed 12 April 2019.

military intelligence officer Dr. Abiy Ahmed Ali was appointed as Prime Minister. He quickly initiated sweeping national reforms aimed at opening political and civic space, allowing for the rebirth of civil society. In April 2019, the former CSO Proclamation was replaced with a revised, much more rights-respecting version, further paving the way for an active civil society (see section below for a full analysis).²⁴

Over the course of 2018, thousands of political prisoners were released,²⁵ and exiled HRDs and opposition leaders returned with an invitation to play an active role in the country's future, including running for elections.²⁶ The country made peace with Eritrea, and signed conciliatory agreements with Somalia and Djibouti, establishing a new peaceful context in the Horn of Africa. In early June 2018, the government lifted the SoE imposed in February,²⁷ and has since promised the organisation of free and fair elections in 2020 and the start of a new political era.

"We were in darkness, then all of a sudden the reforms started when Dr. Abiy was appointed the Prime Minister by the EPRDF. We were expecting somebody from outside to liberate us; however the reform came from within the governing body."²⁸

24 Human Rights Watch, "Ethiopia: Abiy's First Year as Prime Minister, Review of Freedom of Association," 4 April 2019, <https://www.hrw.org/news/2019/04/04/ethiopia-abiy-first-year-prime-minister-review-freedom-association>, Accessed 6 April 2019.

25 Reuters, "Ethiopia offers amnesty to recently freed political prisoners" 20 July 2018, <https://www.reuters.com/article/us-ethiopia-prisoners/ethiopia-offers-amnesty-to-recently-freed-political-prisoners-idUSKBN1KAIU0>, Accessed 14 April 2019.

26 DefendDefenders, "Ethiopia: DefendDefenders meets stakeholders and HRDs in Addis Ababa," February 2018, <https://www.defenddefenders.org/2019/02/ethiopia-defend-defenders-meets-stakeholders-and-hrds-in-addis-ababa/>, Accessed 10 April 2019.

27 Al Jazeera, "Ethiopia lifts state of emergency imposed in February," 5 June 2018, <https://www.aljazeera.com/news/2018/06/ethiopia-lifts-state-emergency-imposedfebruary180605081810759.html>, Accessed 10 April 2019.

28 DefendDefenders interview, Addis Ababa, January 2019.



Reforms and Missing Pieces

In many ways, Prime Minister Abiy's appointment was the result of internal economic and social pressures that forced the ruling coalition to finally recognise years of legitimate public demands. It is worth noting that Prime Minister Abiy is the first leader from the Oromo community in decades, which signals the EPRDF's willingness to address accusations of marginalising majority ethnic groups.

"Since the reforms, we have freedom to move here and there without being afraid. We feel these freedoms now without being frightened. Now you can talk, you can ask your questions."²⁹

In his inaugural speech, the Prime Minister acknowledged popular grievances, apologised for the heavy-handed response to the protests, and promised to review laws and institutions in order to resolve systemic failures to respect and protect human rights.³⁰ This has so far been accomplished through granting amnesty to thousands of released political prisoners³¹ and the acceptance of previously banned groups back into the Ethiopian political mainstream.³²

29 DefendDefenders interview, Addis Ababa, March 2019.

30 Civicus Monitor, "Ethiopia: the need for comprehensive, speedy and inclusive reform," 2018, <https://www.civicus.org/index.php/re-imagining-democracy/stories-from-the-frontlines/3279-ethiopia-the-need-for-comprehensive-speedy-and-inclusive-reform>, Accessed 10 April 2019.

31 Reuters, "Ethiopia offers amnesty to recently freed political prisoners," 20 July 2018, <https://www.reuters.com/article/us-ethiopia-prisoners/ethiopia-offers-amnesty-to-recently-freed-political-prisoners-idUSKBN1KA1U0>, Accessed 10 April 2019.

32 Human Rights Watch, "Ethiopia: Abiy's First Year as Prime Minister, Review of Freedom of Association," 4 April 2019, <https://www.hrw.org/news/2019/04/04/ethiopia-abiy-first-year-prime-minister-review-freedom-association>, Ac-

cessed 10 April 2019.

The Prime Minister has also pledged to review the Mass Media Proclamation, though no draft was available at the time of writing,³³ and since 2018 Ethiopia has gone from being one of the leading jailors of journalists in Africa to having no journalists in prison, for the first time since 2004.³⁴

"The head is moving but the legs are not. Unless the whole body starts moving together, it will seriously affect the political reform."³⁵

In October 2018, lawmakers approved the Prime Minister's picks for a cabinet reshuffle, which included 50 percent women,³⁶ and the appointment of Sahle-Work Zewde as the country's first female President.³⁷ The November appointment of prominent HRD Meaza Ashenafi as the first woman Federal Supreme Court President,³⁸ and of former opposition leader Birtukan Mideksa as Chairperson of the National

cessed 10 April 2019.

33 Human Rights Watch, "Ethiopia: Abiy's First Year as Prime Minister, Review of Freedom of Association," 4 April 2019, <https://www.hrw.org/news/2019/04/03/ethiopia-abiy-first-year-prime-minister-review-freedom-expression>, Accessed 10 April 2019.

34 CPJ, "Hundreds of journalists jailed globally becomes the new normal," 13 December 2018, <https://cpj.org/reports/2018/12/journalists-jailed-imprisoned-turkey-china-egypt-saudi-arabia.php>, Accessed 10 April 2019.

35 DefendDefenders interview, Addis Ababa, January 2019.

36 VOA News, "Ethiopia's New Cabinet 50 Percent Women, Including Defense," 18 October 2018, <https://www.voanews.com/a/ethiopia-s-new-cabinet-50-percent-women-including-defense/4615501.html>, Accessed 10 April 2019.

37 BBC, "Sahle-Work Zewde becomes Ethiopia's first female president," 25 October 2018, <https://www.bbc.com/news/world-africa-45976620>, Accessed 10 April 2019.

38 VOA News, "Ethiopia's First Female Supreme Court Chief Hopes to Rebuild Trust," 2 November 2018, <https://www.voanews.com/a/ethiopia-s-first-female-supreme-court-chief-hopes-to-rebuild-trust/4639797.html> Accessed 10 April 2019.

Electoral Board of Ethiopia, further strengthened prospects for a free, fair, and inclusive election in 2020.³⁹ These appointments not only speak volumes to the government's commitment to democratic norms, they also reflect a welcome focus on gender equality through the inclusion of women in national politics.

“Gender balance is a critical issue in Ethiopia. The new cabinet is now balanced, but this does not extend to other areas of the country like academia or civil society.”⁴⁰

Among the many key reforms taking place in Ethiopia, changes have perhaps been most pronounced in the Somali Regional State. For the last four decades, this territory has been “characterised by chronic insecurity mainly due to fighting between the Ogaden National Liberation Front and the Ethiopian federal army, as well as sporadic intrusions from groups in Somalia [...] and the vast majority of Ethiopian Somalis have not been fully integrated into the Ethiopian national identity.”⁴¹ The federal and regional government military crackdown in the region from 2007 onward drew international criticism, specifically the actions of a local ethnic-Somali “special” Liyu police force, which oversaw a brutal campaign of civilian repression, including mass arbitrary detention,⁴² torture, rape, murder, and looting.⁴³ In August 2018,

39 Africa News, “Ethiopia parliament approves Birtukan Mideksa as elections boss,” 22 November 2018, <https://www.africanews.com/2018/11/22/ethiopia-parliament-approves-birtukan-mideksa-as-elections-boss/>, Accessed 10 April 2019.

40 DefendDefenders interview, Hawasa, March 2019.

41 Éloi Ficquet and Dereje Feyissa, “Ethiopians in the Twenty-First Century: The Structure and Transformation of the Population,” in *Understanding Contemporary Ethiopia*, 2015. Hurst. Kindle Edition. (p. 36-37).

42 Human Rights Watch, “We are Like the Dead” Torture and other Human Rights Abuses in Jail Ogaden, Somali Regional State, Ethiopia,” 4 July 2018, <https://www.hrw.org/report/2018/07/04/we-are-dead/torture-and-other-human-rights-abuses-jail-ogaden-somali-regional>, Accessed 10 April 2019.

43 Amnesty International, “Ethiopia: Police unit unlawfully killing people must be stopped,” 31 May 2018, <https://www.amnesty.org/en/latest/news/2018/05/ethiopia-po->

federal government forces arrested Somali Regional President Abdi Mohamed Omar on criminal charges and accusations of stoking deadly ethnic clashes in the region, and he is currently awaiting trial in Addis Ababa.⁴⁴ In his stead, formerly exiled HRD Mustafa Muhammed Omer was appointed as interim President, promising a series of reforms, including prioritising respect for human rights and creating space for dissenting voices. Despite these positive developments, serious concerns relating to insecurity, massive internal displacement, and accountability for past violations (including possible crimes against humanity) remain key challenges for the new regional government.⁴⁵

“The Somali Region is a crime scene. Everywhere you go, and in every sight you see, someone has been led to suffer, killed or raped, their property looted. Everywhere you go, you will find someone who is mentally sick because of what they've suffered. This is a traumatised community.”⁴⁶

While these developments have been immensely positive in restoring a sense of stability and trust in the federal government, stakeholders interviewed for this report raised a number of unaddressed concerns. Many noted that while recent reforms have changed the top tiers of the government, they have yet to effectively trickle down to lower levels of the political bureaucracy and materialise in tangible changes in the economy, health sector, judiciary, and security forces. The federal nature of the Ethiopian political system also means that

[lice-unit-unlawfully-killing-people-must-be-stopped/](https://www.aljazeera.com/news/2018/08/ethiopia-arrests-somali-region-head-rights-abuses-180827161340917.html), Accessed 14 April 2019.

44 Aljazeera, “Ethiopia arrests ex-Somali region head over rights abuses,” 27 August 2018, <https://www.aljazeera.com/news/2018/08/ethiopia-arrests-somali-region-head-rights-abuses-180827161340917.html>, Accessed 10 April 2019.

45 VOA News, “Ethiopia's Somali Region Hopes New Leader Will Bring Peace,” 25 August 2018, <https://www.voanews.com/a/ethiopia-s-somali-region-hopes-new-leader-will-bring-peace/4544239.html>, Accessed 10 April 2019.

46 DefendDefenders interview, Jijiga, March 2019.



national reforms may take time to be properly implemented in the regions, with one HRD noting that “the transformation is good, but it has not touched the low level yet – it only hangs on the top.”⁴⁷ The involvement of HRDs and CSOs will be paramount in ensuring that these reforms spread evenly throughout the country, and that human rights are properly ensured at local levels.

“We are swimming in two directions: we are observing bad things while also hoping for a brighter tomorrow. There is also a great fear: the structure is still there and the people are still there. Transformation has only occurred in the higher levels of the government.”⁴⁸

While the CSO Proclamation has been reviewed with input from civil society, the Mass Media Proclamation and the ATP still represent significant legal barriers to the full enjoyment of freedoms of expression, association, and peaceful assembly.

Addressing the country’s stagnant economy and mass unemployment was also cited as a major area of reform with implications for the overall security situation in the country, with one HRD noting that “people who have to go to work don’t block roads.”⁴⁹ Previous government policies aimed at development were not supported by democracy, human rights, or good governance, and equal access to economic opportunities needs to be seriously addressed for reforms to have any lasting effect.

Many HRDs also stressed the need for security sector reform, with one noting that police “are still in the old mind of brutality. They are politically affiliated and hired by the old regime. So at the lower levels, the system is still there.”⁵⁰

47 DefendDefenders interview, Hawasa, March 2019.

48 DefendDefenders interview, Hawasa, March 2019.

49 DefendDefenders interview, Addis Ababa, January 2019.

50 DefendDefenders interview, Addis Ababa, January 2019.

Police and judiciary need to be screened and retrained, and a vetting system needs to be put in place for agents responsible for grave violations. However, budget constraints may be a serious barrier to this endeavour.

Another area of reform remains as contentious as it is important, especially in light of looming elections. While nearly all sources interviewed for this report noted that the current constitutionally-sanctioned system of ethnic federalism was the root of much of the country’s instability, many disagreed on whether, or how, changes could be made in this regard. A number of HRDs suggested that for the reform process to be meaningful outside of the capital, a national refocus on civic, rather than ethnic, nationalism must be promoted to better consolidate citizens’ exercise of their right to political participation. The trouble lies in the fact that regional power is now intrinsically rooted in ethnic politics, with incumbent political parties unlikely to welcome the change. One HRD worried that should the government remove ethnic federalism from the Constitution, “all the regions would secede and Ethiopia will become the Yugoslavia of Africa.”⁵¹ Another HRD stressed that it was not the Constitution, but merely the interpretation of it, that fostered ethnic divisions.⁵² Regardless, the ethnic tensions entangled in the political system need to be addressed, and HRDs should support this endeavour through processes of human rights education, reconciliation, and peace building.

“Ethnic federalism is good, but ethnic administration is bad. The main problem is that administrators administer only for their own – they ignore and marginalise all others.”⁵³

51 DefendDefenders interview, Jijiga, March 2019.

52 DefendDefenders interview, Hawasa, March 2019.

53 DefendDefenders interview, Jijiga, March 2019.

Civil society should nonetheless seize these reforms as an opportunity to strengthen healthy relationships with the government. Current developments indicate the existence of a political willingness to meaningfully address many of these concerns.

“Violence starts from the Constitution, which disregards the majorities and gives power to minorities. If you have a system that separates people by ethnic groups, you will always have problems between these groups.”⁵⁴

The New CSO Proclamation: A Legal Analysis and Commentary⁵⁵

The publication of Ethiopia’s new CSO Proclamation no. 1113/2019 marked the end of a process of consultations on, and drafting of, a new piece of legislation providing a framework for CSOs’ existence and operations in the country. The new law replaces Proclamation no. 621/2009, which imposed draconian restrictions on civil society.⁵⁶

The new law marks a significant improvement on the former CSO Proclamation. The process that led to its adoption has been inclusive, in line with the African Commission on Human and Peoples’ Rights Guidelines on Freedom of Association and Assembly in Africa (ACHPR Guidelines).⁵⁷ Its general philosophy undoubtedly differs from Proclamation no. 621/2009. Its preamble sets out an objective to give “full effect” to

freedom of association⁵⁸ and the importance of civic space. Article 5(7) enshrines principles of CSOs’ self-regulation and self-administration, and Article 62(1) the principle of operational freedom.

“This new legislation needs to allow human rights organisations to work independently – this will be a great achievement for human rights in Ethiopia.”⁵⁹

Under the previous law, CSOs receiving 10 percent or more of their funding from outside Ethiopia were barred from working on human rights issues.⁶⁰ Constraints on funding have now been lifted and CSOs can freely apply for funding, in line with the ACHPR Guidelines and the UN Special Rapporteur’s “best practices” on freedom of association.⁶¹ Restrictions to CSO membership on the basis of citizenship have also been removed. The intrusive powers of the Charities and Societies Agency have been rescinded with the creation of a new CSO Agency, the exercise of whose powers is subjected to judicial oversight. The new law is much clearer, more transparent, and more rights-oriented. The list of documents required to register is in line with standards on freedom of association.⁶² Importantly, a process of appeal has been introduced for decisions pertaining to the registration of CSOs – in other words, CSOs can now challenge Agency

58 Article 31, Constitution of the Federal Democratic Republic of Ethiopia, <https://www.wipo.int/edocs/lexdocs/laws/en/et/et007en.pdf>, Accessed 12 April 2019.

59 DefendDefenders interview, Hawasa, March 2019.

60 DefendDefenders et al., “Federal Democratic Republic of Ethiopia: Joint Submission to the UN Universal Periodic Review,” September 2013, <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=813&file=CoverPage>, Accessed 29 March 2019.

61 Paras. 67-72. “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai,” A/HRC/20/27, 21 May 2012, <https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/AnnualReports.aspx>, Accessed 1 April 2019.

62 Para. 14. ACHPR, “Guidelines on Freedom of Association and Assembly in Africa,” <http://www.achpr.org/instruments/freedom-association-assembly/>, Accessed 1 April 2019.

54 DefendDefenders interview, Bahir Dar, March 2019.

55 The present analysis uses the version obtained by DefendDefenders and published in issue no. 33 (25th year) of the *Federal Negarit Gazette*, which contains an English translation of the new CSO Proclamation (no. 1113/2019).

56 DefendDefenders et al., “Federal Democratic Republic of Ethiopia: Joint Submission to the UN Universal Periodic Review; 33rd Session of the UPR Working Group,” 4 October 2018, <https://www.defenddefenders.org/submissions/ethiopia-defenddefenders-submits-joint-report-to-the-33rd-session-of-the-upr-working-group/>, Accessed 29 March 2019.

57 Para. 7, ACHPR, “Guidelines on Freedom of Association and Assembly in Africa,” <http://www.achpr.org/instruments/freedom-association-assembly/>, Accessed 1 April 2019.



decisions. Article 59 provides for permissible grounds for registration denial and a complaint mechanism. An applicant that is dissatisfied can file a complaint before the Board and, ultimately, a petition before the Federal High Court. A number of procedural guarantees also exist with regard to Agency investigations. Article 79 sets out a general principle of respect for the rights of the defence, which include precautionary measures, time limits, and the possibility of an appeal before the Board and the Federal High Court. Draconian penalties for violating the CSO law have been lifted, although concerns remain regarding potential criminal sanctions for engaging in informal CSO activities; for instance, before registration has been formally obtained.

“Ethnic politics is linked to grievances in people’s lives. Once the central government can answer those grievances, then maybe our politics will rise up from ethnic politics to ideology.”⁶³

While improvements on the former law are significant, a number of provisions of the new law give rise to concerns. In particular, a number of inflexible limitations may unreasonably hamper CSOs’ work.⁶⁴ The remnants of a “supervision culture” are also obvious.

One of the main issues is the fact that an “authorisation” regime has been retained for the legal and operational existence of CSOs, as opposed to a mere “notification” regime. This means that notification (through the submission of the documents required to constitute a CSO) is not sufficient to start the legal existence of a CSO.⁶⁵ The registration requirement and the

unduly long periods for registration and appeal constitute an impediment to the full enjoyment of freedom of association.⁶⁶ The law could in the future be amended to specify that CSOs start existing from the submission of required documents. Under Article 88(3), organisations that were previously deregistered are not automatically reinstated, and almost all existing CSOs are required to re-register. Additionally, Article 59(7), which sets out an extremely harsh penalty for fraud (dissolution of the association concerned⁶⁷), and Article 70, which outlines a “verification of existence” process, fail to provide for a range of situations and circumstances, and could result in disproportionate interferences in the right to free association. The sweeping rules of Article 65(1) (persons barred from serving as officer or board members because of previous criminal convictions) may also constitute an arbitrary interference with freedom of association insofar as the ban is absolute. Particular concern arises for civil society members who faced unwarranted criminal sanctions related to their human rights activities in the past.

Concerns also arise with regard to discretionary Agency powers, including investigation and suspension. Article 77 grants the Agency powers to conduct an investigation into a CSO’s activities and to suspend an organisation found to be in violation of the law. These provisions could be used to target human rights CSOs, as investigations can be launched and conducted without judicial oversight. It remains unclear whether asset freezes and closures are implied

the rights to freedom of peaceful assembly and of association, Maina Kiai,” A/HRC/20/27, 21 May 2012, <https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/AnnualReports.aspx>, Accessed 1 April 2019.

66 Paras. 11 and 13, ACHPR, “Guidelines on Freedom of Association and Assembly in Africa,” <http://www.achpr.org/instruments/freedom-association-assembly/>, Accessed 1 April 2019.

67 Para. 75, “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai,” A/HRC/20/27, 21 May 2012, <https://www.ohchr.org/EN/Issues/AssemblyAssociation/Pages/AnnualReports.aspx>, Accessed 1 April 2019.

63 DefendDefenders interview, Addis Ababa, January 2019.

64 DefendDefenders et al., “Joint civil society letter: Ethiopia – Address restrictions in draft CSO Proclamation and protect freedom of association,” 29 November 2018, <https://www.defenddefenders.org/statement/joint-civil-society-letter/>, Accessed 29 March 2019.

65 Paras. 56 and 58, “Report of the Special Rapporteur on

by the term “suspension” that is contained in the English translation of Article 77. Procedural safeguards do not appear to be sufficient, moreover, as it is the Agency itself which determines that it has “sufficient reason” to conduct an investigation.⁶⁸ This term may be too vague to constitute a strong procedural safeguard. Despite a number of safeguards, Article 78 also sets out administrative measures, including warning, suspension, and dissolution, which could be used to target CSOs.

“This is a poor country – how can any organisation seriously challenge the government if they cannot get funding from other sources outside the country? The government didn’t prohibit civil society; they just systematically removed them by restricting their funding.”⁶⁹

By setting a cap on CSOs’ administrative costs (at 20 percent of their income), Article 63(2) arbitrarily restricts organisational freedom. This requirement subverts the ability of CSOs to independently determine the range of activities they support and prioritise. Such an inflexible limitation may unreasonably hamper the work of many CSOs. A lack of clarity over, and consistent application of, “administrative” expenses could lead to abuses.⁷⁰ Although at face value the new law represents a decrease in the percentage allowed for administrative expenses (from 30 percent to 20 percent), “administrative expenses” are now better defined. Future interpretations of this provision should be liberal and conducted in light of the overarching principle of organisational freedom. For instance, “administrative

68 Paras. 34.b. and 58. ACHPR, “Guidelines on Freedom of Association and Assembly in Africa,” <http://www.achpr.org/instruments/freedom-association-assembly/>, Accessed 1 April 2019.

69 DefendDefenders interview, Jijiga, March 2019.

70 DefendDefenders et al., “Joint civil society letter: Ethiopia – Address restrictions in draft CSO Proclamation and protect freedom of association,” 29 November 2018, <https://www.defenddefenders.org/statement/joint-civil-society-letter/>, Accessed 29 March 2019.

employees” should be construed narrowly as meaning administration, human resource, and finance staff only. They should exclude project and programme staff. All communications, research, advocacy, reporting, and capacity-building activities should be excluded from the “administrative expenses” basket.

“It’s a new chapter. This is a huge chance for civil society because of the laws and government they work was totally crippled and paralysed, but there are many good signs that our presence is welcome like it wasn’t before. It’s a bright future for civil society as a result of these changes. The real challenge is now that there is no excuse to not do the work.”⁷¹

While the fact that Article 62(1) sets out a welcome general principle of operational freedom, Article 62(5), which bans foreign organisations, and local organisations established by foreign citizens, from engaging in “lobbying political parties,” is of concern. The term “lobbying” is vague and could open the door to overly broad interpretations that may be used to prevent legitimate activities such as trainings, capacity-building, research, or even public debate on political issues.

Investigation, Accountability, and Reconciliation

“Yes, we may forgive, yes we may give amnesty, but we deserve to know what happened. At least our children would know.”⁷²

In addition to the ongoing political reforms, the question of accountability for human rights violators is perhaps the most pressing issue in Ethiopia. HRDs interviewed offered vastly different opinions on how and to what

71 DefendDefenders interview, Addis Ababa, January 2019.

72 DefendDefenders interview, Jijiga, March 2019.



extent such a process should take place. This is especially complicated given that while the top tiers of the government have changed, many abusers remain in power, and may not support or enable any serious internal justice mechanisms, or have fled the country altogether.

“If there is reconciliation and amnesty, it needs to be transparent. People need to formally apologise, and request forgiveness, whether in media or any public forum. The problem is not a single person, but a complex network of people who are beyond the capability of the regional state to prosecute.”⁷³

Any form of transitional justice must begin with a proper investigation and preservation of evidence, however, there is a worry among many HRDs interviewed for this report that state authorities are currently unable, or unwilling, to conduct these activities effectively. This includes a lack of confidence in the national and regional judiciaries highlighted by many interviewees, with one noting that “no judiciary is capable of prosecuting thousands of people and securing due process at the same time.”⁷⁴ Many also worried that a lack of serious government attention into accountability could lead to vigilante justice, further exacerbated by community outcry and the ethnic dimension of many crimes. As one HRD noted: “this is a security threat to the region unless we can deal with this.”⁷⁵

“The lawyer in me wants accountability, but the rational me doesn’t think that we have the capacity to hold people accountable. It will not be a neat process. Will that bring the healing that we need in society?”⁷⁶

73 DefendDefenders interview, Jijiga, March 2019.

74 DefendDefenders interview, Addis Ababa, January 2019.

75 DefendDefenders interview, Jijiga, March 2019.

76 DefendDefenders interview, Addis Ababa, January

Three main options seem currently available, with varying levels of effectiveness and feasibility: prosecution of all human rights violators, blanket amnesty, or “selective” prosecution. Full prosecution would likely be a lengthy and financially costly endeavour on an already overburdened justice system, in addition to the appearance of ‘victor’s justice’ and the possibility of politically motivated prosecutions. A blanket amnesty would attempt to clear a clean slate for the country’s future, but would ultimately not satisfy the need for community justice, spurring the potential for mob justice and retaliatory attacks, as well as depriving victims, survivors, and the Ethiopian population of guarantees of non-recurrence. “Selective” prosecution – understood as prosecution of the most serious violations, or violations above a certain threshold of gravity – offers a compromise between the aforementioned options, by punishing the most serious offenders and taking into account capacity limitations and prospects for truth-telling and reconciliation. This path however raises serious questions about clear standards for prosecution, evidentiary requirements, and standards of proof to be used, and how truth-telling and national reconciliation will factor into an election likely to straddle the process. Any such process should be coupled with efforts from the National Reconciliation Commission, officially established by Parliament in December 2018,⁷⁷ which currently includes religious leaders, legal experts, and other prominent Ethiopian figures.⁷⁸ Regardless, any such process must be inclusive, public, thorough, and transparent. Regardless of the course of action, civil society and human rights actors should play an active role through concentrated advocacy, monitoring, and evaluation of the process.

2019.

77 Borkena, “Ethiopia gets National Reconciliation Commission legislation,” 25 December 2018, <https://borkena.com/2018/12/25/national-reconciliation-commission-legislation/>, Accessed 16 April 2019.

78 Borkena, “Ethiopia named members of National Reconciliation Commission,” 5 February 2019, <https://borkena.com/2019/02/05/ethiopia-named-members-of-national-reconciliation-commission/>, Accessed 16 April 2019.

“There are so many victims demanding justice. You cannot charge everyone, but there are individuals or groups in the government structure that must be held accountable.”⁷⁹

Currently, civil society opinions on the subject are numerous. It is worth noting that there was a higher prevalence among HRDs who had fled into exile to consider the merits of amnesty measures, while those who remained in the country expressed a greater interest in supporting far-reaching prosecutions.

Several new CSOs in the country are currently engaged in documenting and evaluating the many human rights violations that occurred under the SoE periods, including enforced disappearances, arbitrary detentions, acts of torture and other cruel, inhuman or degrading treatment, including atrocities such as dismemberment, castration, and summary executions. For instance, one such organisation in Bahir Dar relies primarily on volunteer work, and the evidence collected may not necessarily be admissible in courts of law based on current collection procedures – clearly indicating the need for a more structured approach.

Regardless of how the question of accountability will be tackled, the full rehabilitation of, and psychosocial support to, victims and survivors of human rights violations must form a foundational pillar of any path forward. Rehabilitation is key in preventing revenge killings, with one HRD stressing that the “cycle of violence needs to be stopped.”⁸⁰ While victims will likely not be financially compensated for the human rights violations suffered, trauma, or lost income, specific programs aimed at economic rehabilitation, like job training, need to be an area of focus. This should go hand in hand with other forms of reparations and rehabilitation, including public apologies and their recognition

by the state, and society at large, as victims and survivors. Civil society could help fill these gaps within the transition period.

Independent Media: The New Messengers

Previously, the space for journalists and independent media in Ethiopia was extremely limited, with the Mass Media Proclamation significantly restricting the ability of reporters to exercise their profession and rights, including to free expression. Many journalists, including members of the Zone 9 blogging collective, were also charged under the ATP, which led to widespread self-censorship as well as the closure of many media outlets. While the majority of the country’s media remains state-owned, small publications and online outlets have flourished since the reform process began in April 2018. The ongoing liberalisation of the media sector has been a welcome change; nonetheless, this opens the door to unintended consequences such as the rise of online hate speech, spurred by ethnic nationalism.⁸¹ The government is currently drafting a bill aimed at curbing hate speech and incitement, though human rights organisations have raised concerns over vaguely-worded language that could lead to infringements on freedom of expression, in breach of international and regional human rights standards.⁸² While Prime Minister Abiy has promised to amend the Mass Media Proclamation and the ATP, both remain significant barriers to freedom of expression. Additionally, the Ethiopian Broadcasting Authority continues to regulate and unduly monitor media activity throughout the country. Reporting that falls short of professional standards, or merely aims at sensationalism, may lead to incitement of hatred, discrimination, or violence. This is especially noteworthy in

79 DefendDefenders interview, Addis Ababa, January 2019.

80 DefendDefenders interview, Bahir Dar, March 2019.

81 Human Rights Watch, “Tackling hate speech in Ethiopia,” 3 December 2018, <https://www.hrw.org/news/2018/12/03/tackling-hate-speech-ethiopia>, Accessed 10 April 2019.

82 Africa News, “Human Rights Watch cautions Ethiopia on hate speech law,” 4 December 2018, <https://www.africanews.com/2018/12/04/human-rights-watch-cautions-ethiopia-on-hate-speech-law/>, Accessed 10 April 2019.



Ethiopia, where burgeoning non-state media, often published or broadcast in regional languages, are openly affiliated with political parties that are constituted along ethnic lines. As one journalist noted: “each media creates their own country. The media can provide a bullet for the public with their reporting.”⁸³

“The ethnic issue is a time bomb, and ethnic issues can blow up at any moment through hate speech. It depends on how journalists handle this burning issue.”⁸⁴

One journalist based in Addis Ababa raised that while the security situation in the capital remains more open, they fear direct reporting from regional states due to the uncertain security situation regarding non-state actors and ethnic interest groups, noting that they had been threatened online by anonymous sources.⁸⁵

“It is almost safer to fight with the government – at least you know who they are. If they attack you, the community will know about it. But other threats can come from anywhere.”⁸⁶

Much like civil society, Ethiopian media is rebuilding largely from scratch, redefining its capacity, structure, and role, as the space for independent media gradually increases in the country. This is especially important if journalists cover election monitoring or observation. Additionally, a reinvigorated media has the potential to shed light on the plight of marginalised groups, like women, landless minority groups, internally displaced people, or the LGBT+ community. However, at present, there appears to be a lack of institutional and professional capacity in this regard, especially when it comes to human rights awareness.

The opening of media space allows for potential

83 DefendDefenders interview, Bahir Dar, March 2019.

84 DefendDefenders interview, Bahir Dar, March 2019.

85 DefendDefenders interview, Addis Ababa, March 2019.

86 DefendDefenders interview, Addis Ababa, March 2019.

collaboration between media organisations and CSOs. This could be achieved through community radio broadcasts aimed at human rights sensitisation, especially geared towards rural dwellers. It is crucial for civil society to support these forms of engagement in order to expand existing fields of coverage and provide a backbone for more human rights content.

Women: Multifaceted Perils and Untapped Potential

The complexity of WHRDs’ vulnerabilities are deeply rooted in gender perceptions, discriminatory stereotypes, and unequal power relationships, which are intertwined with traditions and social norms, with one activist noting that “it is going to take a cultural revolution to solve this issue.”⁸⁷ WHRDs, along with Ethiopian women and girls, face challenges including SGBV, FGM, child, early and forced marriage, lack of sexual and reproductive health and rights, restrictions to freedom of expression and association, land tenure insecurity, and lack of access to legal representation.

A number of legal actions have been taken to promote and protect women’s rights and gender equality in Ethiopia. Relevant legal and policy texts include the Constitution, National Policy on Women (1993),⁸⁸ Revised Family Code (2000),⁸⁹ and the 2005 Criminal Code,⁹⁰ which prohibits rape, FGM, abduction, and child, early and forced marriage. Ethiopia has also ratified a number of regional and international instruments in relation to women’s and girls’ rights, including the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol,

87 DefendDefenders interview, Bahir Dar, March 2019.

88 Addis Ababa, Ethiopia, Womens' Affairs Sector, “National Policy on Women (1993),” September 1993, <https://www.poline.org/node/337078>, Accessed 16 April 2019.

89 Refworld, “The Revised Family Code (2000),” 4 July 2000, <https://www.refworld.org/pdfid/4c0ccc052.pdf>, Accessed 16 April 2019.

90 Articles 565-566, “The Criminal Code of the Federal Democratic Republic of Ethiopia,” 9 May 2005, <https://wipo.int/en/legislation/details/11359>, Accessed 16 April 2019.

2003),⁹¹ the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979),⁹² and the Convention on the Rights of the Child (CRC) (1990).⁹³

While new reforms and high-level government appointments pave the way for potentially more concerted action regarding women's and girls' rights, their participation is still not favoured in public spheres.⁹⁴ As a WHRD declared: "men will carry our bag, that's how we are respected – but when it comes to public speech, they prefer men."⁹⁵ The media continues to be gender-biased, with little attention given to women's issues. Several human rights organisations have faced direct threats from the authorities as a result of protecting and promoting women's rights, especially when dealing with SGBV.⁹⁶

The cultural stigma linked to SGBV impedes WHRDs from speaking up about rape and sexual abuse, augmenting survivors' vulnerability and lack of access to justice. This is further amplified as women survivors are often already in vulnerable positions, being illiterate, economically dependent, or unemployed. A WHRD working with SGBV survivors in Hawasa stressed that girls below 18 years old are the most affected group, with girls as young as five years old also affected.⁹⁷ SGBV prevalently takes place in the domestic sphere. One WHRD stressed that in the majority of the SGBV cases, the perpetrator is the survivor's husband,

father, brother, neighbour, or close relative.⁹⁸ In addition to the high occurrences of SGBV and widespread impunity, survivors of rape are often forced to marry their rapist, which also occurs in cases of abduction.⁹⁹ A WHRD stated that "a man can take a girl and make her his wife."¹⁰⁰

"The violence against women is increasing; rape, murder, early marriage, abduction, threats, physical, and mental attacks – it is all increasing."¹⁰¹

Another culturally embedded human rights abuse is FGM,¹⁰² prohibited under the Criminal Code, and the Ethiopian Civil Code (1960).¹⁰³ Further, a National Strategy on women and children, including a FGM strategy, has been developed,¹⁰⁴ as well as committing themselves to eradicate FGM by 2025.¹⁰⁵ Among the safeguards, the government banned medicalised FGM in 2017.¹⁰⁶

91 ACHPR, "Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol, 2003), http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf, Accessed 16 April 2019.

92 OHCHR, "Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979)," <https://www.ohchr.org/documents/professionalinterest/cedaw.pdf>, Accessed 16 April 2019.

93 OHCHR, "Convention on the Rights of the Child (CRC) (1990)," <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>, Accessed 16 April 2019.

94 DefendDefenders interview, Hawasa, March 2019.

95 DefendDefenders interview, Hawasa, March 2019.

96 DefendDefenders interview, Bahir Dar, March 2019.

97 DefendDefenders interview, Hawasa, March 2019.

98 DefendDefenders interview, Hawasa, March 2019.

99 DefendDefenders interview, Hawasa, March 2019.

100 DefendDefenders interview, Hawasa, March 2019.

101 DefendDefenders interview, Hawasa, March 2019.

102 World Health Organization defines FGM as "all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons", 31 January 2018, <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>, Accessed 16 April 2019.

103 "Ethiopia Civil Code 1960," 5 May 1960, <https://wipolex.wipo.int/en/legislation/details/16003>, Accessed 16 April 2019.

104 Federal Democratic Republic of Ethiopia Ministry of Women, Children and Youth Affairs (MoWCYA) (2013) National Strategy and Action Plan on Harmful Traditional Practices (HTPs) against Women and Children in Ethiopia, http://www.africanchildinfo.net/clr/policy%20per%20country/2015%20Update/Ethiopia/ethiopia_htp_2013_en.pdf, Accessed 15 April 2019.

105 Thomson Reuters Foundation, "Ethiopia: The Law and FGM," 2018, [https://www.28toomany.org/static/media/uploads/Law%20Reports/ethiopia_law_report_\(july_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/ethiopia_law_report_(july_2018).pdf), Accessed 6 April 2019.

106 World Health Organization, "Ethiopia bans medicalization of female genital mutilation (FGM)," <https://www.afro.who.int/news/ethiopia-bans-medicalization-female-genital-mutilation-fgm>, Accessed 16 April 2019.



“Women accept the cultural abuse they face here. They accept their lower status in society from a young age.”¹⁰⁷

However, the practice remains widespread because of a lack of comprehensive legal framework on FGM, including vague legal definitions, and weak implementation of existing safeguards.¹⁰⁸ According to a study, 65.2 percent of women aged 15-49 are victims of the practice.¹⁰⁹ It remains particularly prevalent in the Afar and Somali regions, where up to 98 percent of girls and women are affected, while other areas have a lower prevalence due to different cultural and religious norms.¹¹⁰ According to the Criminal Code, the person initiating or committing the procedure will only be jailed for a minimum of three months, or pay a small fine.¹¹¹ In addition, the practice is often carried out by female circumcisers well-known to the victim, which makes it difficult for girls to report them to the local authorities.¹¹²

Women’s lack of access to effective legal remedy, protection mechanisms, and legal representation is exacerbated by low human rights awareness at all levels of society, even among government officials. Lawyers are often reluctant, or even refuse, to handle women’s cases, especially if related to SGBV. If a woman reports a case of SGBV, medical and legal support systems are slow and inadequate.¹¹³ Cases are

often closed due to lack of evidence, which raises issues with regard to both the investigative and judicial means deployed (including protection of witnesses), and evidentiary requirements. One WHRD stressed that “we do not agree with the decision, but we just have to accept it.”

“Every governmental department, every school, every health office, needs to talk about gender in their planning.”¹¹⁴

Lawyers interviewed reported receiving threats from perpetrators, with one WHRD saying that she knows women lawyers who were physically assaulted while defending SGBV survivors.¹¹⁵ Two HRDs also stressed that due to women’s vulnerable financial position, they are often unable to afford an attorney, relying instead on overburdened pro bono law offices focusing on human rights.^{116 117}

There remains a disproportionately low number of women in formal employment, including high-level positions. Furthermore, there are clear salary gaps, as women often earn less than their male counterparts, in addition to having less access to credit.¹¹⁸ Several WHRDs noted that there are too few platforms and paid jobs available for women to conduct human rights work.

Bringing LGBT+ HRDs In From the Cold

The issue of LGBT+ HRDs in Ethiopia remains important, yet critically unaddressed within the country’s burgeoning human rights movement. This marginalisation is partially rooted in the country’s religious and culturally conservative value systems, which do not provide open spaces for discussions on LGBT+ issues. A lack

107 DefendDefenders interview, Hawasa, March 2019.

108 Thomson Reuters Foundation, “Ethiopia: The Law and FGM,” 2018, [https://www.28toomany.org/static/media/uploads/Law%20Reports/ethiopia_law_report_\(july_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/ethiopia_law_report_(july_2018).pdf), Accessed 6 April 2019.

109 Thomson Reuters Foundation, “Ethiopia: The Law and FGM,” 2018, [https://www.28toomany.org/static/media/uploads/Law%20Reports/ethiopia_law_report_\(july_2018\).pdf](https://www.28toomany.org/static/media/uploads/Law%20Reports/ethiopia_law_report_(july_2018).pdf), Accessed 6 April 2019.

110 UNICEF Ethiopia, “UNICEF commits to speed up its efforts to end the violent practice of Female Genital Mutilation/Cutting (FGM/C),” February 2017, <https://unicefethiopia.org/tag/fgm/>, Accessed 5 April 2019.

111 Article 565, “The Criminal Code of the Federal Democratic Republic of Ethiopia,” 9 May 2005, <https://wipolex.wipo.int/en/legislation/details/11359>, Accessed 16 April 2019.

112 DefendDefenders interview, Hawasa, March 2019.

113 DefendDefenders interview, Hawasa, March 2019.

114 DefendDefenders interview, Bahir Dar, March 2019.

115 DefendDefenders interview, Hawasa, March 2019.

116 DefendDefenders interview, Hawasa, March 2019.

117 DefendDefenders interview, Hawasa, March 2019.

118 USAID, “Gender Equality and Women’s Empowerment,” 4 April 2019, <https://www.usaid.gov/ethiopia/gender-equality-and-womens-empowerment>, Accessed 14 April 2019.

of prior experience and sensitisation in these areas may also play a role.¹¹⁹ Article 629 of the Criminal Code prohibits both male and female same-sex sexual activity,¹²⁰ and a study of Ethiopian Orthodox Christians concluded that 95 percent believed that homosexual conduct is “morally wrong.”¹²¹

“Ethiopia adopted Christianity thousands of years ago, so you can’t separate it from the culture. Whenever we have a debate about this online, someone will attack us with a verse from the Bible or Qur’an.”¹²²

Currently, at least two LGBT+ groups operate in Addis Ababa, focusing on psychological well-being, health, and small-scale awareness. However, they rely on volunteers, significantly reducing their capacity. These groups have largely used online networking on social media as a primary means of organisation and awareness raising, yet they expressed fears that their online activities could be monitored and used against them for blackmail. In the past, several vocal activists were outed online and subsequently subjected to harassment and threats from anonymous sources, forcing some to leave the country or self-censor.

At present, there seems to be no tangible political will on the part of the government to bring these HRDs in from the cold, and their plight seems lost amid larger efforts at political and democratic reform. The lack of will also seems prominent

119 ILGA, “Ethiopia LGBT community wants rights,” 14 August 2012, <https://ilga.org/ethiopia-lgbt-community-wants-rights>, Accessed 10 April 2019.

120 The Criminal Code of the Federal Democratic Republic of Ethiopia, 9 May 2005, <https://www.refworld.org/docid/49216b572.html>, Accessed 14 April 2019.

121 Pew Research, “Most Ethiopian Orthodox Christians say homosexual behavior, prostitution and divorce are morally wrong,” 28 November 2017, https://www.pewresearch.org/fact-tank/2017/11/28/ethiopia-is-an-outlier-in-the-orthodox-christian-world/ft_17-11-28_ethiopia_mostethiopian/, Accessed 10 April 2019.

122 DefendDefenders interview, Addis Ababa, March 2019.

in the human rights community itself. Several HRDs and CSOs interviewed for this report also described how they feared engaging in advocacy or support for LGBT+ HRDs, and some did not consider this as a fundamental human rights concern to be addressed. One prominent HRD openly voiced that he would not engage in protection or advocacy for LGBT+ HRDs due to his religious beliefs, a declaration indicative of many stakeholders interviewed for this report. Several human rights lawyers also noted that they feared being disbarred or deregistered if they represent LGBT+ people in court. As one lawyer noted: “in many parts of society, they do not consider them as humans. So it is hard to discuss these issues on a human rights level.”¹²³ The country’s media also often ignore the issue, or reinforce negative narratives and stereotypes. As one journalist interviewed for this report noted: “I never touch these issues, because the society will eat me.”¹²⁴

“If reforms affect the LGBT+ community, it will be quietly. I know we’re at constant risk, I know that if they decide to have a crackdown, they can at any moment.”¹²⁵

While the few existing LGBT+ groups are committed to expanding their activities, their physical presence seems limited to Addis Ababa and a few other large urban centres. Official registration with the CSO Agency also remains a significant barrier limiting access to funding. The lack of psychosocial support for LGBT+ HRDs was also raised by several respondents, with one noting: “we’re losing people left and right for physical and mental issues.”¹²⁶ The challenges in effectively incorporating these HRDs into a broader national network of civil society will be addressed in further sections, yet it must

123 DefendDefenders interview, Hawasa, March 2019.

124 DefendDefenders interview, Addis Ababa, March 2019.

125 DefendDefenders interview, Addis Ababa, March 2019.

126 DefendDefenders interview, Addis Ababa, March 2019.



be stressed that their inclusion is paramount in building a comprehensive and inclusive human rights movement in the country.

2020 Elections

“The 2020 elections will be the real test for this country; unfortunately, we have a history of backsliding after reforms. No matter how democratic or well-organised the election is, there will always be groups that will use it as an excuse for violence.”¹²⁷

The promise of a free, transparent, fair, and democratic election is key to Prime Minister Abiy’s reform agenda, and offers a critical test for the proper rebuilding of civil society and consolidation of stability in the country. The question of what role civil society could, and should play, is of paramount importance. It should be noted however, that while this election is currently scheduled for May 2020, the government has hinted at potentially postponing the vote to a further date to allow fledgling political parties a chance to prepare. Transparency is key to this process, with one HRD remarking that “systematically managing the upcoming election will be a good step towards development and universal human rights.”¹²⁸

Freedom of association is essential to the election process. All parties should be allowed to freely organise, campaign, and promote themselves within the political sphere – as one HRD noted, “if that doesn’t happen, there’s no need for an election.”¹²⁹ Independent media have an important role to play in creating forums for open and inclusive political debate, while striving to combat hate speech.

Several sources interviewed for this report highlighted the potentially divisive nature of the upcoming election, noting that the rapid

opening of political space has emboldened nationalist groups, especially in marginalised areas of the country. As new political parties enter the arena, some of which were previously armed secessionist movements, two major camps appear to be forming: those who wish to move away from ethnic politics, and those who have organised themselves around ethnic-based constituencies. Many HRDs interviewed for this report expressed fear that divergent interpretations of the Constitution may lead to pre- or post-election violence if left unchecked, especially in more volatile regions of the country, with one noting: “if we don’t have rule of law, how are people going to accept the result of an election, even if it’s fair and democratic?”¹³⁰

Whenever the election occurs, civil society should be ready to conduct democratic sensitisation campaigns across the country, investigate human rights violations committed in relation to the campaign, and observe and monitor the voting process. Under the new CSO Proclamation, CSOs will be allowed to monitor the election, a crucial role they have been prevented from fulfilling since 2005. A major challenge will be to conduct these tasks while avoiding being branded opposition agents. Civil society should be able to rise above ethnic politics by facilitating the enjoyment of the rights to freedom of expression, peaceful assembly, and association, and by facilitating forums where political parties can openly debate. The call for civil society to act as election observers is paramount, yet there is currently a need for training in this regard, as HRDs operating in election contexts often face compounded threats and vulnerabilities.¹³¹

127 DefendDefenders interview, Addis Ababa, January 2019.

128 DefendDefenders interview, Jijiga, March 2019.

129 DefendDefenders interview, Hawasa, March 2019.

130 DefendDefenders interview, Jijiga, March 2019.

131 DefendDefenders, “Caught up in Bitter Contests: Human Rights Defenders Working in the Context of Elections in Sudan, Ethiopia, Burundi, and Uganda,” September 2015, <https://www.defenddefenders.org/wp-content/uploads/2017/08/Caught-in-bitter-contests.pdf>, Accessed 16 April 2019.



Forging a Path Forward

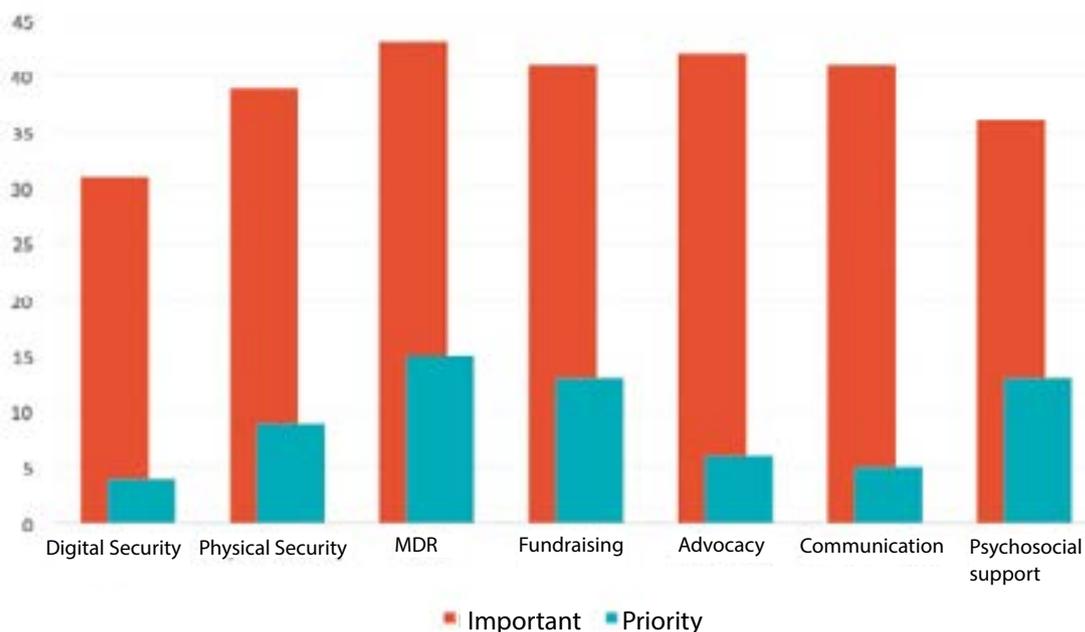
Challenges and Needs

Significant challenges remain for the country's fledgling civil society, especially as it attempts to rebuild itself amid the rapid reform process and looming election. Many HRDs interviewed for this report lamented that rights-based organisations do not have the capacity to keep pace with the reforms, highlighting several key needs and focus areas that should be addressed. An initial focus for civil society should be towards strengthening existing protection mechanisms for Ethiopian HRDs, which have so far been lacking from both national and international organisations. For example, of the 27 respondents who described receiving threats, intimidation, or violence as a result of their work, 74 percent said they did not receive the support they needed. HRDs returning from exile, or seeking to do so, also need significant logistical support and coordinated reintegration efforts to capitalise on their unique skills and perspective.

It must be stressed that while some CSOs did manage to survive waves of repression, civil society must be largely rebuilt from the ground up, allowing for significant cooperation with regional and international actors through capacity-building, technical advice, joint projects, and collaboration to access and influence international and regional bodies and mechanisms such as the United Nations Human Rights Council (UN HRC) and the ACHPR. However, of respondents who highlighted the need for advocacy training, only 14.3 percent considered it an immediate priority area.

Funding remains the most prevalent challenge for national CSOs, who are still operating on shoestring budgets with high volunteer turnover rates and a lack of institutional knowledge of donor relations. While new regulations remove foreign funding caps, it still leaves a significant disconnect between CSOs and donors, and raises the risk of organisations competing for funding.

Training Requests from Ethiopian HRDs



A coordinated effort among donors is essential for streamlined access to funding, effective fundraising strategies, and to ensure that efforts are not duplicated. Among HRDs who highlighted the need for trainings in fundraising capacity, 31.7 percent identified it as a priority area.

A lack of institutional capacity among CSOs is another significant challenge, as new organisations may not have the tools to effectively manage an organisation, in addition to gaps they already face in budgeting and project management. This institutional capacity is necessary to effectively monitor the human rights situation across the country. To this effect, of respondents who identified the need for training in monitoring, documenting, and reporting (MDR), 34.9 percent identified it as a high priority area.

“Civil society lost most of its experience and staff, so it’s difficult for them to instantly be strong and influential. But with this opportunity and the right effort to work together, there is room for improvement to make a longstanding impact with these changes.”

General human rights education for HRDs is necessary, either as a refresher or baseline knowledge, in order to re-energise local advocacy efforts, with a focus on empowering grassroots activists through training and awareness building. This would make documenting and reporting on violations easier. Human rights awareness also needs to include a focus on marginalised groups to ensure that indigenous communities, LGBT+, and women are adequately represented. Such an effort could also extend to high schools and universities, where one respondent suggested establishing human rights clubs to mainstream issues for students who often lack a platform for expression.

“We have been held back for so long, so in order to start again, we need help. We need trainings, funds. We have activists, but many are involved in ethnic politics – our activists don’t know the meaning of what it means to be a human rights activist. More than funds, we need education.”¹³²

State and regional security forces, prosecutors, judges, and other government officials should also receive human rights training as part of a comprehensive strategy to ensure greater human rights compliance, including through security sector reform and vetting. An essential matter for HRDs, especially at-risk groups, is increased access to justice and effective remedies, as identified by several HRDs. However, these reforms require political will not only at the federal level, but also at the regional, municipal, and community levels.

Some HRDs in urban centres also raised digital security concerns linked to a lack of access to resources and digital security tools. Enhanced knowledge of digital equipment such as laptops and cameras, as well as digital security tools like encryption, secure communication methods, and secure data storage, would thus be important. However, HRDs in more rural settings had little to no access to digital equipment due to financial constraints, as well as low Internet connectivity. Of the HRDs who highlighted the need for digital security training, only 12.9 percent identified it as a priority, the lowest of any training option.

“For me, it’s starting from scratch. First, CSOs need to exist to really engage in real activities. Once they exist, we can strategise on how to engage, to figure out how we use this opportunity of transition.”¹³³

132 DefendDefenders interview, Hawasa, March 2019.

133 DefendDefenders interview, Addis Ababa, January 2019. (Zone 9)

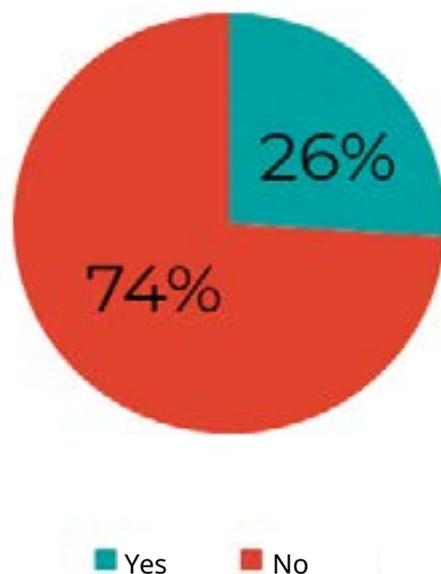
An overall lack of psychosocial support for HRDs and survivors of human rights violations was also highlighted as a significant challenge that needs to be addressed. HRDs must be given adequate psychosocial support to deal with past traumatic experiences such as detention, torture, or exile, which may have led them to develop post-traumatic stress disorder. Human rights organisations also need to develop their capacity to directly provide psychosocial support to survivors of violations and trauma, as part of rehabilitation services. This gap has previously not been filled and should be an element of international support to Ethiopian HRDs. Indeed, among HRDs who highlighted the need for psychosocial support training as an area of concern, 36.1 percent identified it as a priority area.

Given Ethiopia’s large population and cultural diversity, any trainings or sensitisation campaigns need to be tailored to community contexts, while focused on the key values of justice, equality, and human dignity that are central to human rights.

This is especially noteworthy if new CSOs and CBOs are to build trust among communities. Training of Trainers (ToTs) could be a method to alleviate language barriers by exponentially raising the capacity of many HRDs across the country – however, this process requires significant funding and follow-up to be effective.

As reforms continue to broaden civic space in Ethiopia, it is vital that strategic actions ensuring women’s rights and WHRDs’ civil society participation take place at the local, regional, and national levels. Incorporating short-term actions to raise the capacity of WHRDs and women’s organisations, as well as long-term initiatives to address and eradicate discriminatory practices, are essential. Several sources interviewed for this report also noted that ethno-political divisions exist within the human rights movement itself, which poses a serious challenge. These must be combatted, or at the very least professionally mitigated.

Did you receive the support you needed when you experienced threats, intimidation, and/or violence?



Building a National Coalition of HRDs

Sources consulted for this report unanimously agreed that a properly functioning coalition of HRDs is paramount to effectively rebuilding civil society.

National coalitions, like those that currently exist in seven countries in the East and Horn of Africa sub-region, legitimise human rights promotion at the national level, and help shield vulnerable HRDs when they are being targeted. It should be noted that while several existing networks in Ethiopia fulfill parts of this role, none currently fill the potential mandate of a national coalition, as they work in reduced capacity or only in certain regions. Currently there exists a tangible eagerness for civil society to rebuild itself through networking and joint advocacy, and this momentum should not be wasted. However, several key issues need to be seriously addressed from the outset, most prominently with regard to the dissolution of ethnic divisions and the inclusion of marginalised groups. As one HRD noted: “in Ethiopia the problem is structure; this is what holds back our potential.”¹³⁴

According to HRDs interviewed for this report, a national coalition of HRDs could engage in the following activities.

- Bringing together Ethiopian human rights organisations;
- Engaging citizens in sensitisation campaigns focused on their fundamental rights;
- Coordinating protection efforts for at-risk HRDs;
- Providing a platform for human rights advocacy towards the regional and national government(s), and the Ethiopian Human Rights Commission;
- Providing a harmonised advocacy platform for HRDs at the international level;
- Monitoring, documenting, and reporting on human rights violations through a network of focal points, allowing information and

data to circulate across the country;

- Sharing of best practices, information, and skills through trainings;
- Working with students through research, internships, and workshops; and
- Engaging with other national coalitions and regional networks to promote cross-border capacity and networking.

Several HRDs consulted for this report highlighted a lack of broader awareness among activists with regard to other groups within society, especially given the country’s ethnic, cultural, and political fragmentation. Fundamentally, a national coalition of HRDs, as a forum, should help overcome ethnic and other divisions by sensitising HRDs to the universality of their struggles. If the nation as a whole is to overcome ethnic, religious, and political divisions, these must first be erased within civil society itself.

“People don’t understand the value of human rights unless they have been attacked themselves. People only fight for their own rights.”¹³⁵

A national coalition should strive to ensure equal representation by including HRDs from various regions and thematic groups, “otherwise it will be dominated by one ethnicity and it will be influenced by their own ideology – there needs to be different points of view,”¹³⁶ as one HRD stressed. A properly functioning HRD coalition should thereby be inclusive irrespective of ethnicity, sexual orientation, or religious affiliation, with a focus on the inclusion of marginalised groups. Furthermore, the coalition could collaborate, or propose merging with several smaller, ad hoc networks that have recently formed among fledgling CSOs. Moreover, a national coalition would be able to help reintegrate formerly exiled HRDs back into the mainstream, as they may otherwise lack contacts or support.

134 DefendDefenders interview, Hawasa, March 2019.

135 DefendDefenders interview, Hawasa, March 2019.

136 DefendDefenders interview, Jijiga, March 2019.

“Many so-called HRDs are also politicians – there is a struggle for power and control. No one is just fighting for human rights. One group fighting for their own rights will not support another group having that same right violated. We need people to fight for the human rights of everyone, regardless of religion or ethnic affiliation.”¹³⁷

Incorporating the voices of WHRDs into a broader national conversation also offers another significant challenge to coalition building that must be addressed from the outset. Throughout the course of this research, the lack of female voices, also in CSOs, became obvious. However, given their marginalisation within Ethiopian society, their henceforth inclusion should be seen as a positive move, and CSOs should strive to employ and include more women as a necessary step in rebuilding themselves.

“For civil society, this is the time to reverse course. For the last 10 years, we have been dead with regards to human rights and legal reforms. But now, we need to work and help our communities strive for their human rights and say ‘this is my right.’”¹³⁸

Among marginalised groups, the inclusion of LGBT+ HRDs into a national coalition may prove to be the most challenging issue. Several actors expressed worries that a coalition that includes LGBT+ organisations would run the risk of alienation from society. LGBT+ HRDs interviewed for this report stressed that they wish to be included in foundational coalition building and networking. This primary inclusion would grant them a permanent seat at the table, rather than shoehorning them in later as an afterthought. This would not only solidify their representation at the national level, but also allow them formal

networking opportunities with like-minded organisations outside of Ethiopia. However, this inclusion must be conducted strategically, with sensitisation occurring bottom-up within the human rights movement.

Addis Ababa: a Ubuntu Hub City for African HRDs?

Addis Ababa, the seat of the AU, is often regarded as the diplomatic, political, and pan-African capital of the continent. In addition, the city hosts the headquarters and regional offices of key international organisations and UN agencies. In the context of ongoing reforms and opening of the country’s civic space, Addis Ababa bears the potential to become an important hub for at-risk African HRDs.

AfricanDefenders (the Pan-African Human Rights Defenders Network), whose secretariat is hosted by DefendDefenders, has already identified six cities where African HRDs at risk can thrive. These cities (Abidjan, Cape Town, Johannesburg, Kampala, Pretoria, and Tunis) are part of AfricanDefenders’ “Ubuntu Hub Cities” initiative – an African-based relocation mechanism for HRDs at risk.¹³⁹ Through the Ubuntu Hub Cities initiative, HRDs who have had to leave their country of origin as a last resort to avoid threats and reprisals as a consequence of their work, can find refuge in one of these Hub Cities and continue their activism.

Addis Ababa has the potential to become an Ubuntu Hub City for at-risk HRDs. Firstly, Addis Ababa is a multicultural city, which favours the integration of people from different African countries. Indeed, Ethiopia has a long history of hosting refugees from neighbouring countries, such as Eritrea, Somalia, Sudan, and South Sudan, and it is the African country with the second largest refugee population, currently estimated at about 900,000.¹⁴⁰

139 AfricanDefenders, “Ubuntu Hub Cities,” <https://africandefenders.org/what-we-do/hub-cities/>, accessed 20 March 2019.

140 UNHCR, “Ethiopia”, updated March 2018, <https://>

137 DefendDefenders interview, Hawasa, March 2019.

138 DefendDefenders interview, Hawasa, March 2019.



Secondly, the presence of the AU headquarters and the offices of other international organisations make Addis Ababa a key space for human rights advocacy, as HRDs would have the opportunity to directly engage with decision-makers at the sub-regional and continental levels. Addis Ababa's interconnectedness in the continent, with frequent flight connections to other African capitals, would also allow HRDs to be mobile for advocacy missions and other activities in third countries. Moreover, diplomatic representations of nearly all African countries in the city could ease relocated HRDs' access to administrative procedures from their country of origin.

Thirdly, Addis Ababa has reputable academic institutions, with a long history of student engagement in public life and social movements, such as Addis Ababa University, which includes a Centre for Human Rights.¹⁴¹ Addis Ababa University was also the first university in Africa to host a campus of the Right Livelihood College, a capacity building initiative that brings together academics, civil society, local communities, and inspiring activists for human and environmental rights, peace, and social justice.¹⁴² This vibrant academic environment could be an important platform for exiled African HRDs to engage with local actors, learn, exchange ideas, and conduct research on relevant human rights issues.¹⁴³ Despite these positive factors, Addis Ababa could not be considered an Ubuntu Hub City

www.unhcr.org/ethiopia.html, accessed 18 March 2019, Also see: UNHCR, "Global Focus - Ethiopia", <http://reporting.unhcr.org/node/5738#>, Accessed 18 March 2019.

141 Legesse Lemma, "The Ethiopian student movement 1960-1974: a challenge to the monarchy and imperialism in Ethiopia", *Northeast African Studies*, Vol. 1, No. 2 (1979), pp. 31-46, <https://www.jstor.org/stable/43660011>. More information about Addis Ababa University's Centre for Human Rights can be found at: <http://www.aau.edu.et/clgs/center-for-human-rights/> Accessed 10 April 2019.

142 The Right Livelihood Award, "The Right Livelihood College", <https://www.rightlivelihoodaward.org/educate/right-livelihood-college/>, Accessed 19 March 2019.

143 AfricanDefenders, "How universities can strengthen civic space", 4 December 2018, <https://africandefenders.org/how-universities-can-strengthen-civic-space/>, Accessed 19 March 2019.

for African HRDs without recent efforts to transform the legal framework of the country and to broaden the civic space. The new CSO Proclamation, despite remaining issues, could bring about the formation of a rich landscape of CSOs in the country. Along with the return of Ethiopian HRDs from exile, this could create a fertile ground for exchange between HRDs and CSOs from across the continent. The return of Ethiopian HRDs from exile could further enrich the picture, as returning HRDs could share with newly exiled African HRDs the resilience strategies they have built over years of repression and exile. HRDs relocated to Addis Ababa could contribute their valuable experience and expertise to the rebuilding of Ethiopian civil society. With fewer restrictions on freedoms of expression, peaceful assembly, and association, journalists, artists, and university faculties would be able to further engage on human rights issues and social justice, creating a space for discussion and joint action.

Recent policy changes have also resulted in a more favourable immigration framework for African citizens, offering viable options for both short- and long-term relocation. In November 2018, Prime Minister Abiy's government officially allowed citizens of all AU member states to receive a visa on arrival in Addis Ababa.¹⁴⁴ This accessibility is crucial for HRDs at imminent risk who need to be relocated urgently. Moreover, in cases where relocated HRDs are unable to safely return to their country of origin for a protracted period of time, Ethiopia offers an "open-door" asylum policy, which has been recently reformed to allow refugees to transition towards self-reliance and integration.¹⁴⁵ While in the past, refugees were confined to camps with full

144 The East African, "Ethiopia launches visa-on-arrival for Africa", 4 November 2018, <https://www.theeast-african.co.ke/news/africa/Ethiopian-visa-plan-for-Africa/4552902-4836168-13gsxb7/index.html>, Accessed 18 March 2019.

145 The East African, "Ethiopia launches visa-on-arrival for Africa", 4 November 2018, <https://www.theeast-african.co.ke/news/africa/Ethiopian-visa-plan-for-Africa/4552902-4836168-13gsxb7/index.html>, Accessed 18 March 2019.



dependency of humanitarian aid, on 17 January 2019, the Abiy government adopted a new refugee proclamation, which allows refugees to live outside camps, work, travel across the country, attend public schools, and access administrative and financial services.¹⁴⁶ The successful implementation of this policy would allow refugees to settle in urban centres, where HRDs in protracted exile tend to reside to be better connected with other HRDs and access opportunities for human rights activism.¹⁴⁷

Ultimately, Addis Ababa seems to have the most important ingredients to become an Ubuntu Hub City for HRDs, and the acceptance by relevant authorities of such an initiative would provide further evidence in support of their stated commitment to human rights and desire to play a positive role in their advancement in the region. Nevertheless, it is only with the continuation and consolidation of recent reforms into strong institutions that the city will be able to fulfil its potential as a new sanctuary for exiled HRDs.



146 Reuters, “Ethiopia allows almost 1 million refugees to leave camps and work”, 18 January 2019, <https://www.reuters.com/article/us-ethiopia-refugees-rights/ethiopia-allows-almost-1-million-refugees-to-leave-camps-and-work-idUSKCN-1PB2QH>, Accessed 18 March 2019.

147 DefendDefenders, “Exile and in Limbo: Support mechanisms for human rights defenders in exile in Kenya, Uganda, and Rwanda”, June 2016, <https://www.defenddefenders.org/wp-content/uploads/2017/09/ExiledandinLimboSept2017.pdf>, Accessed 7 April 2019.



Conclusion

While Ethiopia has made great strides since April 2018, the potential for backslide amid continued insecurity and uncertainty over the timing of the next parliamentary election remains critical. Ethiopian federal government policies remain dominated by the interests and perspectives of a highlander ruling class, and the country still faces deep-seated problems in incorporating its diverse peoples into an inclusive political system. These issues are compounded by a stagnant economy, and a political system predicated on ethnic nationalism - both of which have the potential to hinder the spread of reforms. In the midst of a paradigm shift, a political will exists to provide a space in which civil society can operate free from hindrance and insecurity, hence the need to capitalise on this momentum.

Human rights are a fundamental pillar of broader economic and social development. Given Ethiopia's geopolitical importance in the East and Horn of Africa sub-region, its stability is key to maintaining peace in the region, and its influence as a patron of human rights organisations could produce a cascading effect. Thus, while encouraging positive developments, international actors should keep a watchful eye on the country and provide support during the transition period. Most importantly, INGOs and international human rights organisations should play an active role in Ethiopia's transformation.

Ultimately, Ethiopian civil society should take this opportunity to reinvent themselves by bringing formerly marginalised groups into the fold and rebuilding civil society through inclusion and a shared desire to move the country forward. Only through the active participation of a robust and unified civil society can Ethiopia shed the weight of its past. While by no means the end of this story, this moment offers Ethiopia a chance to turn the page on a complicated past and move towards a brighter future, the boundaries of which remain obscured in equal measures of hope and apprehension.

Recommendations

To the Government of Ethiopia:

- Amend the Criminal Code and Freedom of the Mass Media and Access to Information Proclamation to abolish criminal defamation, insult, and false publication provisions;
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces while monitoring protests, and ensure perpetrators face justice;
- Amend the Anti-Terrorism Proclamation in accordance with the International Covenant on Civil and Political Rights;
- Sign and ratify the Rome Statute of the International Criminal Court;
- Extend a standing invitation to all United Nations special procedures and regional mechanisms to visit Ethiopia, including the Special Rapporteur on human rights defenders;
- Accept pending visit requests of United Nations special procedures as a matter of priority, to swiftly set a date for the visit of the United Nations Special Rapporteurs on freedom of peaceful assembly and association, freedom of opinion and expression, and torture and other cruel, inhuman or degrading treatment or punishment, as well as the Working Group on arbitrary detention;
- Adopt legislation to guarantee protection of human rights defenders, highlighting the protection of marginalised human rights defenders;
- Strengthen national institutions to ensure the protection of girls and women;
- Implement relevant decisions and recommendations of United Nations human rights bodies and mechanisms, including special procedures;
- Ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) to address internal displacement;
- Ratify the Optional Protocol to the Convention on Elimination of all forms of Discrimination Against Women;
- Conduct human rights education for law enforcement officials at local, regional, and national levels; and
- Implement all provisions of Proclamation no. 1113/2019 in light of the overarching principles of organisational and operational freedoms, in particular the proclamations' provisions on registration of civil society organisations, investigation into their activities, CSO Agency's administrative measures, sanctions, caps on administrative costs, and "lobbying of political parties" activities.

To Ethiopian Civil Society Organisations:

- Mainstream gender-sensitive approaches to all aspects of human rights work, and highlight and advocate for the protection of marginalised human rights defenders by reporting and recognising their work; and
- Establish a national coalition of human rights defenders, ensuring regional and thematic representation to meet the protection needs of all human rights defenders.



To the Office of the United Nations High Commissioner for Human Rights:

- Provide Ethiopia with technical assistance and capacity building to develop and amend the legal and policy framework in line with international human right standards; and
- In parallel, pursue its human rights monitoring and reporting work with a view to informing domestic and international stakeholders of relevant developments in the country.

To the African Commission on Human and Peoples' Rights:

- Conduct a fact finding mission to Ethiopia, with a focus on the Somali Regional State, to investigate human rights violations committed and identify the perpetrators; and
- The Special Rapporteurs on human rights defenders, women's rights, and freedom of opinion and expression should request visits to Ethiopia to assess the situation relevant to their thematic areas and propose recommendations to strengthen the reform process.

To Donors:

- Support Ethiopian civil society by providing technical assistance and funding to facilitate the growth of a strong civil society movement.





"We need a political party that governs by consensus, with unity, and doesn't split us by religion, ethnicity, or colour. We don't want leaders that come by appointment or war; we want leaders that come from the vote. This is my hope – this is the hope of Ethiopia."

- Ethiopian human rights defender,
Jijiga, March 2019



“Civil society will play a big role in capacity building, and raising awareness in human rights systems so the government is kept accountable for their actions. Awareness building is key. If people are aware of the government system, they won’t accept illogical things.”

- Ethiopian human rights defender,
Addis Ababa, January 2019

DefendDefenders (the East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of human rights defenders throughout the sub-region by reducing their vulnerability to risks of persecution and by enhancing their capacity to effectively defend human rights.

DefendDefenders is the secretariat of EHAHRD-Net, a network of more than 100 human rights organisations in the eleven countries of the East and Horn of Africa sub-region: Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania, and Uganda.

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