

## **Executive Summary**

This report mainly focuses on human rights issues in Ethiopia particularly that have occurred in the past four years (2009-2013), which is since the human rights situation in the country was reviewed by the Sixth Session of the Working Group on the UPR in 2009 by the United Nations Human Rights Council. The assessments done by the Sixth Session of the Working Group on the UPR in November/December 2009 based on the human rights reports from the Ethiopian Government, the UN independent investigators, and the civil society organizations indicated that the human rights situation in Ethiopia was bleak, and that the government should take necessary measures to bring about some improvements in this regard in the country. The working group on the UPR of 2009 concluded its assessment by providing 142 recommendations to be considered by the government of Ethiopia. *Ethiopia's responses to the recommendations as of 01/04/2010 showed that the Ethiopian government rejected 43 of them.* The government accepted 99 recommendations in principle and presumably will work towards their implementation. However, the reality on the ground shows that the human rights situation in Ethiopia rather deteriorated from year to year after the UPR 2009. Two years after the UPR review, in July 2011, Ethiopia was reviewed by the UN Human Rights Committee. Although the Human Rights Committee was not reviewing the implementation of the UPR recommendations, many of the same concerns were identified and so the discussion and the Committee's Concluding Observations can reasonably be drawn on to form an assessment of the progress towards implementing the recommendations made during the UPR. At the end of that review, the Human Rights Committee issued its recommendations. Three topics were selected for the follow-up procedure, under which Ethiopia was asked to provide information on the measures taken to implement the Human Rights Committee's recommendations one year after the review: Independent investigation of serious human rights violations in the Somali Regional State of Ethiopia, measures to prevent future violations and humanitarian access to this region; Investigations into allegations of torture and training of law enforcement and prison personnel to decrease the use of torture as well as other preventative measures; Restrictions on freedom of association and assembly, particularly the impact on civil society of the Proclamation on Charities and Societies No. 621/2009. Each of these topics was also the subject of recommendations during the UPR of Ethiopia in 2009. As of the submission of this report Ethiopia has not submitted a follow-up report to the Human Rights Committee and, as far as can be ascertained, these recommendations have not been implemented.

## **Methodology**

The information in this report mainly comes from the HRLHA's human rights researches, press releases, and urgent actions on human rights violations in Ethiopia that reflect on the Agency's work of monitoring, investigating and reporting on human rights violations done from 2007 to the present. The second part of the report, concerning cooperation with the UN Human Rights Committee and the implementation of the three recommendations selected for its follow-up procedure was compiled by the Centre for Civil and Political

Rights on the basis of its work with HRLHA and the African Rights Monitor (ARM) around the preparation of civil society follow-up reports to be submitted to the UN Human Rights Committee.

## **Introduction**

1. International, regional and domestic civil society organizations expected a profound change in the human rights situation in Ethiopia after the working group of UPR in 2009 came up with remarkable recommendations designed to improve the poor human rights situation in the country. Unfortunately, no changes were seen, and instead gross human rights violations continue unabated.
2. Government critics, journalists, human rights activists and political leaders of different stripes continue- by the ruling political party- to be subjected to harassment, arrest, and even torture under the repressive anti-terrorist law passed in 2009. The government uses this anti-terrorist law to make most forms of human rights monitoring and political activism impossible. The law is so broad that it could be used to make a serious crime out of peaceful protests, political activities and others. Demanding basic freedoms like the freedom to protest, freedom of association, freedom of independent media and others can turn citizens into terrorists. Members of opposition political organizations, human rights activists, journalists and individuals criticizing the government are systematically eliminated from their activities through labeling them as terrorists under the 2009 anti-terrorist proclamation.

## **Civil Society and Freedom of Expression in Ethiopia**

3. Basic freedoms and fundamental rights are the pillars of democracy. Democracy stands upon the principles of all that humans are entitled to, entitlements that include the right to life and liberty, freedom of thought and expression, and equality before the law. However, the Ethiopian government, which claims democracy as its core principle of development, has never respected the implementation, protection and promotion of the elements of democracy.
4. Today, its intolerance for civil society critiques of government actions at all levels has been growing, especially in the area of independent media and human rights.
5. Press freedom in Ethiopia is said to be regulated by the vaguely defined Press Proclamation NO. 590/2008, “ A Proclamation to provide for freedom of the mass media and access to information<sup>1</sup>”, which government officials abuse to the maximum by subordinating it to the Ethiopian Terrorism Proclamation of 2009<sup>2</sup> in order to intimidate and harass journalists as well as publishers. Media practitioners in Ethiopia still face charges such as treason and terrorism simply because they put pen to paper to allow

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1 Proclamation No.590/2008, A Proclamation to provide for freedom of the Mass Media and Access to Information, <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan043814.pdf>

2 PROCLAMATION NO. 652/2009 , A PROCLAMATION ON ANTI-TERRORISM, <http://chilot.files.wordpress.com/2011/01/anti-terrorism.pdf>

ordinary citizens to exercise their freedom of expression. Many journalists and publishers have been subjected to repeated long-term imprisonment and prohibitive fines. For example, **Eskindir Nega**, a prominent free press journalist, was sentenced to 18 years in prison in 2012 because he tried to exercise his right of expression. Journalists **Reeyot Alemu and Wubshet Taye** were each sentenced in the same year to 14 years in prison by the Ethiopian high court for the reports they made in their newspaper.

6. In some cases journalists are given huge fines, which in most cases cannot be afforded. Financial punishments are specifically aimed at weakening the independent media and pushing them out of existence. Harassing and intimidating the media practitioners are other forms of punishment. As a result, dozens of independent newspapers and magazines have already stopped publishing, and from 2001 to 2013 more than 79 journalists have fled the country. Those who stay in the country live under a constant atmosphere of fear and insecurity – an atmosphere that is very unfriendly to a free press and critical journalism, a climate that is against the promotion of democracy, openness, transparency and political accountability.
7. Internet connections in Ethiopia are among the weakest in the world. Most of the connected are members of international and diplomatic communities, and members of the politically privileged groups. This is not because Ethiopians cannot afford the connection fees. It is rather part of the denial of access to any source of information by the government-controlled Ethiopian Telecommunications Authority, the only Internet service provider that has been allowed to exist.
8. Ethiopia in 2012 banned - by law - Skype and other Voice-over-internet Protocol (VoIP) services that offer audio-related communications. Breaking this law is punishable by 15 years in prison. Ethiopian citizens are losing in this regard not only politically, but also socially and economically. In order to limit Ethiopians from the 21<sup>st</sup> century information technology access, recently the Ethiopian government signed an agreement with several Chinese companies to block websites and electronic media transmissions such as the Voice of America Amharic Service, Deutsche Welle Amharic Service, ESAT (Ethiopian Satellite TV and Radio) and their Websites as well all political opposition radios.

## **Democratic Rights and Political repressions**

9. International and regional instruments, as well as the Ethiopian Constitution of 1995 article 30 (1 & 2) and 31(1 & 2)<sup>3</sup> protect a number of key rights relating to freedom of association and assembly. Freedom of association and movement, rights of assembly, demonstration and petition are also internationally accepted democratic rights.
10. However, in today's Ethiopia the government has no tolerance for accommodating peaceful demonstrations, expressions of freedom of opinion and assemblies of any kind. In the past five years, peaceful demands by Oromo University students for improving learning and teaching environments on different campuses ended up in the imprisonment of thousands of students, with hundreds dismissed

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<sup>3</sup> Constitution of the Federal Democratic Republic of Ethiopia 1995, [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=193667](http://www.wipo.int/wipolex/en/text.jsp?file_id=193667)

from their university education<sup>4</sup>. Among those students who were given academic dismissals and suspensions in March 2013 were students from Addis Ababa University Science facility. Their names are: Tadele Tarekegn (M) Earth science 3<sup>rd</sup> year, Abebe Tuji Chala (M) Biology 3<sup>rd</sup> year, Gemechu Geleto Dafo (M) Science 4<sup>th</sup> year, Melkamu Mulugeta Kefyalew (M) Physics 4<sup>th</sup> year, Fekadu Mererra (M) Chemistry 3<sup>rd</sup> year, Addis Getera Yadessa (F) Mathematics 4<sup>th</sup> year, Bekalu Siyume Teshale (M) Mathematics 4<sup>th</sup> year, Kajela Adimassu Deressa (M) Biology 3<sup>rd</sup> year, Isayas Itana (M) Geology 2<sup>nd</sup> year and Ararsa Waktola Wakjira (M) Earth Science 4<sup>th</sup> year. They were given dismissal papers upon their return to the University to resume their studies after three months in prison.

11. From what we have witnessed so far in Ethiopia, we could undoubtedly say that even being perceived as a sympathizer of an opposition group makes an individual vulnerable to incremental persecution, up to and including loss of jobs (in the case of civil servants), denial of the right to work, extra-judicial arrests and long periods of detention with or without trial, torture, and even disappearances and extrajudicial killings, etc. Most Ethiopians have learned that attempts at freely, openly, and peacefully opposing the ruling EPRDF party are a life-threatening undertaking. Even members of the legally operating political parties and organizations have been and are facing the same fates for engaging in politics and expressing their political beliefs. Many opposition political leaders have been sentenced under Ethiopian terrorist law in the past two years. Among them are **Bekele Gerba**, the vice chair of the Oromo Federalist Movement, **Olbana Lelissa**, the Secretary of the Oromo People Congress party, **Andualem Arage** the Medirk party leader (life in prison).

## **Denial of Religious Freedom**

12. Ethiopian Muslims continue to be punished for practising a religion other than that the government controls or recognizes. In the past two years, Ethiopian police and security services have harassed, assaulted, and arbitrarily arrested hundreds of Muslims in different parts of the country including in the capital Addis Ababa for the simple reason they staged demonstrations to protest the interference of the government in their religious affairs. As part of a brutal crackdown on Muslim protesters in the capital city between 19 – 21 July 2012, seventeen prominent Muslims- among which seven were committee members who were arrested along with other leaders, activists and journalists. The Muslim leaders and committee members were held in pre-trial detention at the notorious Federal Police Crime Investigation Department, known as Maekelawi prison in Addis Ababa, for more than a month without appearing in court. They have been held incommunicado with no access to legal counsel or, in several cases, to their relatives.

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4 Academic Institutions Are Meant to Teach; Not to Serve As Political Tools  
HRLHA Appeal and Urgent Action, March 2, 2013

<http://humanrightsleague.com/2013/03/ethiopia-academic-institutions-are-meant-to-teach-not-to-serve-as-political-tools/>

13. Among the detainees, twenty-nine Ethiopian Muslims were charged with plotting acts of "terrorism" in October 2012. The group were accused of "intending to advance a political, religious or ideological cause" by force and the "planning, preparation, conspiracy, incitement and attempt of terrorist acts."
14. The demonstration by the Ethiopian Muslim community was begun in January by Muslims who accuse the government of trying to impose on it the moderate Al Ahbash Sufi branch of Islam, a Lebanese import mostly alien to Ethiopia. By doing that, the Ethiopian Government has breached the fundamental rights of its citizens to believe in any religion of their choice, as enshrined in the Ethiopian constitution of 1995- Article 11(3) separation of State and Religion, which states *"The state shall not interfere in religious matters and religion shall not interfere in state affairs"*.
15. The religious unrest in the country intensified as the government mercilessly attacked, killing seven peaceful protestors in Asasa residence in the town of Asasa, Arsi Zone, Oromia Region who refused to accept the indoctrination of the Ahbash sect on April 27 2012, and in Gerba town, in south Wollo zone of Amhara region, in October 2012.
16. In the recent clash between armed security forces and Muslim protestors that happened on the 3<sup>rd</sup> of August, 2013 in the Kofele region of Arsi Zone in Central Oromia, **twenty- five were killed** and hundreds were injured and taken to Asela and Shashamane Hospitals. In another incident on the 8<sup>th</sup> of August, 2013 (*which was the Ed-Al-Fitir Holiday*) in Addis Ababa/Finfinne, **a pregnant woman** and a **six-year old boy** were beaten to death by the police in separate areas while thousands were reportedly taken to different concentration camps around the city after being detained for hours at the national stadium where they were gathered early in the morning for Id-Al-Fitir prayer that marks the end of the fasting month of Ramadan. The arrests include two journalists – **Mr. Darsemo Sori and Mr. Kalid Mohammed** – who have been working for a radio station known as "Radio Bilal".
17. Though a number of international and regional human rights organization urged the government of Ethiopia to release the arrested Muslim leaders and other protestors and settle the dispute in a peaceful way.

### **Land Grabbing, a gross human rights violation**

18. *"The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange"*. (The 1995 Constitution of the Federal Democratic Republic of Ethiopia<sup>5</sup> article 40 (3).)
19. Though the Ethiopian constitution of 1995 confirmed that land is not subject to sale, a contrary Ethiopian Investment policy proclamation which was issued by the Ministry of Agriculture and Rural

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<sup>5</sup> Constitution of the Federal Democratic Republic of Ethiopia/ 1995 ,  
[http://www.wipo.int/wipolex/en/text.jsp?file\\_id=193667](http://www.wipo.int/wipolex/en/text.jsp?file_id=193667)

Development (MOARD) in 2008<sup>6</sup> enabled the government to lease large numbers of acres of agricultural land in rural Ethiopia to domestic and Transnational Corporations at low cost.

20. This policy has compromised the needs of the Ethiopian people and has brought conflicts between the people and investors on the one hand, and between the people and the government on the other. Ethiopians want a real economic development which could be achieved if the government facilitated investors who came in to help the people to be more self-reliant and independent from foreign intervention in the economy and politics of the country.
21. The people want to participate in the decision- making and protect their culture and life styles. But the Ethiopian government has chosen to weaken the culture and identity of the indigenous people of Southern Ethiopia, in Omo region (Gambela, Suri, Surma and other groups), Benshangul and Oromia region, by uprooting them from their heritage land and property and exposing them to acute poverty and starvation. In doing this, the Ethiopian Government is committing gross human rights violations against these indigenous people. The Ethiopian government is collaborating with exploiter companies and putting wealth and power before the interests and needs of these people.
22. The UN Declaration on the Rights of Indigenous Peoples, which Ethiopia signed in 2007, making it a legally binding document, clearly states in Article 26(1 & 2): **26(1):** Indigenous peoples have the right to the lands, territories and resources, which they have traditionally owned, occupied or otherwise used or acquired. *And paragraph 26(2):* Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
23. These articles make clear that without the consent of indigenous people, leasing their land and evicting them from their homes is a violation of their rights. Implementation and respect for the articles is required, and should be demanded of the ruling EPRDF government of Ethiopia, investors and by the donor countries. Another international document, the Universal Declaration of Human Rights (UNDH) Article 17(1&2)<sup>7</sup> and the UN Declaration on the right of indigenous people Article 10<sup>8</sup>, explain the rights of the Indigenous people are not to be removed forcefully from their lands.
24. The Ethiopian government has ignored its obligations and cheaply transferred millions of hectares of land from Gambela, Oromia, Metekel and Benshangul to foreign companies by evicting indigenous people forcefully; some investors have called this process “*the best deal of the century*” Today, using this opportunity (“*the best deal of the century*”), companies from Asia (India, China, and Pakistan) and the Middle East are exhausting the resources of Ethiopia at breakneck speed. This is being done in collaboration with the multinational and international financial institutions. This has led to them being in control of resources on which the indigenous people in Ethiopia have depended for a living for centuries.

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6 Ministry of Agriculture and Rural Development (MOARD) 2008, Agricultural Investment Potential of Ethiopia, Addis Ababa, November 2008 ([www.moard.gov.et](http://www.moard.gov.et))

7 UNDH, <http://www.un.org/en/documents/udhr/index.shtml>

8 United Nations Declaration on the rights of indigenous Peoples, [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

If the resource exploitation by the above mentioned Transnational Corporations continues at the current rate of speed, it can only lead to the complete exhaustion of resources- which will adversely affect the lives of millions of Ethiopians already living a subsistence level existence. The Ethiopian government and the Chinese, Indian, Pakistani and other Transnational Companies that are operating on farmland and running manufacturing industries in Ethiopia are committing flagrant human rights violations against local people for not adhering to the UN foreign corporation's investment policies (The UN Global Compact and Transnational Corporations 1999)<sup>9</sup>. The UN Global compact and Transnational Corporations UN consist of substantive rules of engagement for transnational corporations (TNCs) within the global economy. Its guidelines urge good corporate conduct:

25. **“Human Rights:** *Business should support and respect the protection of international human rights; and make sure they are not complicit in human rights abuses,*
26. **Labor Rights:** *Business should uphold the freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced and compulsory labor; the effective abolition of child labor; and the elimination of discrimination in respect of employment and occupation,*
27. **Environment:** *Business should support a precautionary approach to environmental challenges; undertake initiatives to promote greater environmental responsibility; and encourage the development and diffusion of environmentally friendly technologies.*
28. **Anti- corruption:** *Business should work against all forms of corruption, including extortion and bribery” It is mandatory for all Transnational Corporations to comply with the UN standard regulations to operate in a society.*
29. Transnational Corporations that fail to abide by the above mentioned obligations of UN documents are subject to criminal penalties according to the UN Social Responsibility of Transnational Corporations 1999<sup>10</sup> which states: *“Compliance with legal requirements constitutes a mandatory minimum standard for corporate conduct. Corporate entities are legal persons granted the right to exist and operate within a society, subject to the laws of that society. Violations of the law will subject the firms to civil or criminal penalties and can result in revocation of the corporation's license to operate”*<sup>11</sup>. Although legal codes of conduct are in place, none of the Transnational Corporations currently operating in Ethiopia respect the human rights and the labor rights of the indigenous citizens or comply with the International code of conduct to preserve the environment from pollution. For example, Chinese and Indian (Karutur Agro Products Plc. Ethiopia) companies that invested in farming or manufacturing industries are importing workers from their countries instead of hiring Ethiopians, thereby infringing the

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9 The United Nations and Transnational Corporations (How the UN Global Compact Has Changed the Debate.), [http://www.sagepub.com/upm-data/47439\\_chp\\_3.pdf](http://www.sagepub.com/upm-data/47439_chp_3.pdf)

10 United Nations Conference on Trade and Development, Division on Investment, Technology and Enterprise Development, TRANSNATIONAL CORPORATIONS, VOLUME 8 NUMBER 1 APRIL 1999, [http://unctad.org/en/Docs/iteiit12v8n1\\_en.pdf#page=151](http://unctad.org/en/Docs/iteiit12v8n1_en.pdf#page=151)

11 THE SOCIAL RESPONSIBILITY OF TRANSNATIONAL CORPORATIONS 1999, [http://unctad.org/en/Docs/poiteiitm21\\_en.pdf](http://unctad.org/en/Docs/poiteiitm21_en.pdf)

UN Code of Conduct for Transnational Corporations. These companies rob and suck away the surplus resources of the country to feed the economies of their countries while millions of Ethiopians are suffering from acute starvation, hunger and diseases, because their land has been taken away by the government recklessly and given to foreigners with no concern being taken for their lives.

30. Flower- growing companies in central Showa around Bakko, Ziway and West Showa around Ambo and Midrock Gold Mining Company in Adola , Oromia are dumping hazardous and banned toxic chemicals into the rivers which the local people are using for drinking water. Thousands of their cattle have died and the health of many citizens has been affected.
31. It is very clear that dispossessing people from their land and evicting the indigenous people from their land is a human rights violation.

### **Cooperation with the UN Human Rights Committee**

32. In July 2009, shortly before it was reviewed for the first time under the UPR, Ethiopia submitted its initial report under the International Covenant on Civil and Political Rights (ICCPR). In July 2011 this report was considered by the Human Rights Committee in a constructive dialogue with the State party. As the Human Rights Committee noted in its Concluding Observations, this initial review was 17 years overdue. However, the submission of the report and the State's participation in the review are welcome evidence of its willingness to engage with the Treaty Bodies in a constructive manner. It is to be hoped that the State will continue to improve its cooperation with the Treaty Bodies, including by submitting its second periodic report in July 2014 as requested by the Human Rights Committee.
33. However, an integral part of genuine constructive engagement with the Treaty Bodies is the acceptance of their recommendations in good faith and willingness to implement the recommendations or otherwise address the concerns raised in relation to the implementation of international treaties. It is in this context that the Human Rights Committee routinely selects a limited number of the recommendations made in its Concluding Observations made at the end of the review of a State party, focusing on those recommendations which it considers particularly urgent and susceptible to improvement within one year, and asks that one year after the review the State provide information on the measure taken to implement these recommendations. The three recommendations selected for this procedure in relation to Ethiopia relate to the investigation of reported human rights violations in the Somali Region, investigation of all allegations of torture, and restrictions on freedom of association and assembly, particularly on the ability of civil society organisations to work on human rights (paragraphs 16, 17 and 25 of the Concluding Observations).
34. Under the Human Rights Committee's follow-up procedure, Ethiopia should have provided information on the measures taken to address these issues by July 2012. To date, the State has still not provided the Human Rights Committee with information on these points, making the submission of this follow-up report more than a year overdue. In November 2012 and May 2013 the Human Rights Committee's Rapporteur on Follow-up to Concluding Observations sent reminders to the State, asking it to submit its follow-up report, but to no avail.

35. Ethiopia's lack of cooperation with the Human Rights Committee's follow-up procedure is regrettable. The follow-up is a key part of the procedure and provides a valuable opportunity for both the State and the Committee to address in detail the substantive measures taken to implement recommendations. Furthermore, by not providing the information requested the State weakens the ability of the Committee to treat its relationship with the State party as an ongoing dialogue rather than as a series of one-off engagements when the State chooses to submit a report.

### **Situation in the Somali Regional State**

36. The situation in the Somali Regional State, in particular reports of serious human rights violations and the lack of an independent investigation into these allegations, remains a serious concern. The State's assurances that it has held its own investigation are not sufficient to relieve the concerns raised by the Human Rights Committee as well as by several States in the course of the first UPR of Ethiopia. Unfortunately Ethiopia rejected the recommendations made at that time on permitting humanitarian access to the Somali Regional State and investigations of alleged human rights violations in the Somali Regional State.
37. To date no action has been taken by the State and human rights violations continue to occur in the Somali Regional State. According to figures from the African Rights Monitor, in 2012, 612 civilians were detained, including women, children and the elderly, there were 68 summary executions, and 39 reports of women being raped outside prisons. There are around 18 000 civilian detainees, including around 6 000 women. Reports suggest that the first thing done to female detainees is to rape them in public to humiliate them. Detainees continue to be ill-treated, with torture and rape being common. Relatives of detainees are required to provide food for their detained relatives, but are not informed when their relatives are executed, so that they continue to provide food after the relative they believe they are supporting has been executed.

### **Torture and Ill-treatment**

38. There continue to be credible reports that torture and ill-treatment of detainees is widespread. Reports and interviews with refugees suggest that torture remains systematic and there have been cases of individuals dying in detention. A recent example is the death of engineer Tesfahun Chemedo in an Ethiopian Jail on August 24, 2013. His death believed to be the result of the severe torture inflicted on him during his detention, which has lasted since he was abducted from neighbouring Kenya (where he had been recognised as a refugee) in 2008<sup>12</sup>. No efforts appear to have been made to investigate

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<sup>12</sup> HRLHA Urgent Action

<http://humanrightsleague.com/2013/08/ethiopia-the-government-is-accountable-for-the-death-of-a-political-prisoner-at-an-ethiopian-jail/>

allegations of torture or to provide training to law enforcement personnel and prison staff in response to the concerns expressed by the UN Human Rights Committee in this regard.

39. Detainees are often forced to appear on TV admitting that they are criminals and requesting clemency. It seems that the purpose of forcing detainees to appear on TV is to humiliate them.
40. There are also reports that rather than training agents in human rights and good practice, they are encouraged to act brutally. Footage made public by a former staff member of the Somali Region information bureau supposedly shows the security chief assessing staff members on their level of cruelty.

### **Freedom of Association and Assembly**

41. Concerns around freedom of association and assembly continue to focus particularly on the Proclamation on Charities and Societies No. 621/2009. This law prohibits civil society organisations receiving more than 10% of their funding from foreign donors and bans NGOs which are considered 'foreign' from working on human rights or democracy. As a result of this law, various civil society organisations have either been unable to register or have had to change their areas of activities.
42. Several States expressed concern in the context of the UPR about the impact of this law on freedom of assembly and association and the unfortunate implications of restricting those who can work on human rights. The Human Rights Committee also had serious concerns about the excessively restrictive approach taken by the State on these issues.
43. The recommendations made during the previous UPR of Ethiopia that made specific reference to the Proclamation on Charities and Societies No. 621/2009 were rejected. However, several of those referring more generally to the need to ensure and protect the freedoms of association and assembly and to ensure in this regard compliance with Articles 21 and 22 of the ICCPR, were accepted. However, no action appears to have been taken towards ensuring respect for these rights. In 2009 during the UPR, the State indicated that as the Proclamation on Charities and Societies was a new law it should be given an opportunity to prove its usefulness or otherwise before being subject to review. This second UPR cycle could be a valuable opportunity to ask the State to reflect on the impact that the law has had over the past four years and to consider revising or repealing it in light of the ongoing negative impact on the ability of civil society to function and, in particular, to monitor and report on the human rights situation.

### **Recommendations: The Ethiopian government:**

1. First of all must respect and implement the rights of citizens enshrined in the constitution of the country (1995) and enforce the Ethiopian penal code of 2004
2. Must abide by all International human rights instruments to which the country is a signatory
3. Must fully cooperate with the Human Rights Committee and other UN Treaty Bodies, including through the prompt submission of the follow-up information requested by the Human Rights Committee.

4. Should ensure that its Second Periodic Report under the International Covenant on Civil and Political Rights, due in July 2014, is submitted in a timely manner and includes information on the measures taken to implement the Concluding Observations made at the time of the initial review. In preparing its second periodic report, the State should consider engaging substantively with national civil society to ensure their input into the process, building on any consultations held in the drafting of its report to the UPR.
5. Must accept and strive for the implementation of the recommendations of the UPR Working Group, especially those calling for measures to support the work of human rights defenders and guarantee genuine freedom of expression and association.
6. Amend or disregard the Anti-Terrorism Proclamation of 2009 which criminalizes all citizens who oppose the ruling party administration
7. Amend the restrictive provisions of the Charities and Societies Proclamation (CSP) and subsequent directives, particularly those restricting foreign funding for human rights work.
8. Allow the media and civil society to operate freely by refraining from using laws like the antiterrorism proclamation to persecute journalists and human rights defenders in connection with their work.
9. Ethiopia should ratify the Optional Protocols to the International Covenants on Civil and Political and Economic, Social and Cultural Rights.
10. Should implement the Human Rights Committee's recommendations regarding stopping violations by the police and army in the Somali Regional State, ensuring that all allegations of violations are investigated and the alleged perpetrators prosecuted and, if convicted, punished with appropriate sanctions, and ensuring the availability of effective remedies for victims of human rights violations.
11. Should implement the Human Rights Committee's recommendations in relation to torture. In particular it should ensure that all allegations of torture are effectively investigated and that alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions. It should improve the training of all State agents with the objective of ensuring that all persons detained are treated with respect, as required by Article 10 of the ICCPR.
12. Should implement the Human Rights Committee's recommendation with regard to ensuring the compatibility of its legislation and any limitations on freedom of association and assembly with articles 21 and 22 of the ICCPR. In particular, Ethiopia should consider revising the funding restrictions on NGOs and should avoid discriminating against NGOs with some members outside Ethiopia. The State should permit all NGOs to work in the area of human rights.