

Mid-term report of the Unrepresented Nations and Peoples Organization on the implementation of the recommendations received by the Federal Democratic Republic of Ethiopia during the second cycle of the Universal Periodic Review (UPR)



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The Unrepresented Nations and Peoples Organization (UNPO) is an international, nonviolent, and democratic membership organisation. Its members are indigenous peoples, minorities, and unrecognised or occupied territories that have joined together to protect and promote their human and cultural rights, to preserve their environments, and to find nonviolent solutions to conflicts which affect them.

With the support of the [Peoples Alliance for Freedom and Democracy](#)

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Keywords: Freedom of the press, of opinion, expression; Freedom of association and peaceful assembly; Arbitrary Arrest and Detention; Women's rights; Sexual violence; Crackdown on civil society.

I. Introduction

This mid-term report is submitted by the Unrepresented Nations and Peoples Organization (UNPO) in-between the second and third Universal Periodic Reviews (UPR) of the Federal Democratic Republic of Ethiopia (hereafter, 'Ethiopia'). It draws attention to human rights violations occurring in the country that affect its peoples and minorities, and especially the Oromo and Ogadeni. The report will start with a brief introduction to the Oromo and Ogadeni peoples. In a second part, it will examine the compliance of Ethiopia with recommendations that were made during the country's last UPR.

NB: *This report is based on the recommendations that were made by the UNPO¹ and UN Member States² on the occasion of Ethiopia's second UPR in 2014.*

This report is not meant to be comprehensive but will rather focus on the rights of the peoples of Ethiopia that are most affected by the Ethiopian Government behaviour and policies, especially freedom of the press, of opinion and expression, freedom of association and peaceful assembly, the right to a fair trial and women's rights.

The Oromo

The Oromo are the largest ethnic group in Ethiopia and traditionally inhabit Oromia, one of the nine regional states of present-day Ethiopia. The Oromo account for 40% of Ethiopia's projected population of 104 million.

Oppression was particularly brutal under the imperial rule of Haile Selassie (1930-1974). The Oromo language was banned and speakers were privately and publicly suppressed, as the government attempted to ensure the domination of the Abyssinian language and culture over the Oromo people.

In recent years, high-school and college students have been central to peaceful demonstrations against the Ethiopian government. They have consequently been targeted by the government, which has led to the closing of several schools, the arbitrary arrests of students and teachers and the inhumane treatment of detainees. Large-scale and unprecedented protests swept through Ethiopia's largest region of Oromia beginning in November 2015, and in the Amhara region

¹ UNPO, *Submission to the UN Office of the High Commissioner for Human Rights, Universal Periodic Review: Ethiopia*, 2014, available at <http://www.unpo.org/downloads/766.pdf>.

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Ethiopia*, 7 July 2014, A/HRC/27/14, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/077/54/PDF/G1407754.pdf?OpenElement>.

from July 2016. Ethiopian security forces cracked down on these largely peaceful demonstrations, killing more than 600 people, and declared the state of emergency in October 2016³, leading de facto to a legalisation of security crackdown.

The discontent within the Oromo population stems from the Tigrayan People's Liberation Front (TPLF) forcing minority political parties to leave the political process, thus their inalienable fundamental rights and freedom enshrined in Ethiopian constitution from Article 13 to Article 44. The resulting dissatisfaction was met with violence and persecution on the part of the Ethiopian government. Such incidents have been well-reported by various, human rights advocates, governmental organizations, and NGOs, although many more human rights abuses go unreported as they have occurred behind the bars and in rural areas.

The Ogadeni

The Ogadeni are an ethnically Somali community who lives in the Somali region of eastern Ethiopia, named Ogaden. The Ogadeni have a population of 6.2 million and are predominantly Muslim. The Ogadeni are indigenous to the Somali region and are subject to Ethiopian rule since 1948, when Ethiopia gained control over the Ogaden without the knowledge or the consent of the Somali people as a result of colonisation by European powers. From then onwards, successive Ethiopian regimes have subjected the Ogadeni people to human rights violations, ranging from ethnic persecution to the arbitrary confiscation of their land.

The Ogadeni have long suffered persecution at the hands of the Ethiopian government, most recently through corrupt law enforcement officers in the eastern Somali region. There have been numerous testimonies of arbitrary arrests, torture and physical and sexual violence against detainees. The Ogadeni have also faced displacement, particularly those living within 100 km of oil exploration sites. Some are herded into internally displaced camps, whilst others are simply made homeless. The Ethiopian military operating in the Ogaden region are carrying out extra judicial killings and gang rapes, falsely arresting and torturing innocent civilians and looting and destroying villages.

II. Examination of Ethiopian Compliance with Past UPR Recommendations

Freedom of the press, opinion and expression

Freedom of expression is protected by the Ethiopian constitution in its article 29, which provides that "*Everyone has the right to freedom of expression without any interference. This right shall include freedom to seek, receive and impart information and ideas of all kinds*". In its 2014 UPR report, Ethiopia claimed that "*With respect to freedom of expression, significant progress has been achieved.*" Yet, freedom of expression is subject to large-scale interference and restrictions as the Ethiopian State engages in systematic censorship when it comes to

³ Human Rights Watch, *Ethiopia – Events of 2016*, <https://www.hrw.org/world-report/2017/country-chapters/ethiopia>, 13 March 2017.

political opposition or claiming human rights⁴. Ethiopia has punished numerous human rights activists for having stood up for minority rights in the press, at the European Institutions or in the streets and has done so under the Anti-Terrorist Proclamation adopted in 2009 and used to abusive ends in the context of the state of emergency declared in October 2016.

Recommendation 1: Freedom of the Press

“Ensure that journalists and workers in the media can pursue their profession in a free environment which guarantees the rights of freedom of opinion and expression for all persons” (Chile)

In its 2014 National Report Under the Universal Periodic Review Mechanism, Ethiopia claims that *“In the past four years, eight public and five private media organs obtained broadcasting licenses as well as sixteen public and private newspapers and twenty-six magazines have also joined the mass media market.”*⁵

However, the media remain under government stranglehold and are dominated by State-owned broadcasters and government-oriented newspapers. Independent media have been dismantled through a combination of harassment and repressive legislation.⁶ This critical situation for the press has been exacerbated by the state of emergency started in October 2016. As a consequence of this, many journalists have been forced to choose between self-censorship, harassment, arrest or exile. Independent journalists are not the only targets of the oppression by the government: publishers, the press, and distributors also face great risks when exercising their right to freedom of expression.⁷

The Ethiopian State-owned media dominate the country’s media landscape with a few independent media outlets coming under fierce scrutiny.⁸ Human Rights Watch reports that *“the government regularly restricts access to social media applications and some websites whose content challenges the government’s narrative on key issues. During particularly sensitive times, including after the Irreecha festival stampede, the government blocked access to the internet. The government also jammed the signals of international radio stations like Deutsche Welle and Voice of America in August and September [2016]. Social media and diaspora television stations played key roles in the dissemination of information and mobilization during protests. Under the state of emergency, people are banned from watching diaspora television, sharing information on social media, and closing businesses as a gesture of protest, as well as curtailing opposition parties’ ability to communicate with media”*.⁹

On 24 May 2017, Ethiopian editor of *Negere Ethiopia* Getachew Shiferaw was convicted for ‘inciting subversion’ after having been arrested without charges in December 2015. He now

⁴ UNPO, [Human Rights in Ethiopia – Report](#), 12.

⁵ Human Rights Council, *National Report submitted in accordance with paragraph 5 of the Annex to Human Rights Council Resolution 16/21*Ethiopia*, Working Group on the Universal Periodic Review Sixth session Geneva, 28 April-9 May 2014, A/HRC/WG.6/19/ETH/1 (30 January 2014), 6, point 24.

⁶ UNPO, *Human Rights in Ethiopia – Report*, 14, available at <http://unpo.org/downloads/2053.pdf>.

⁷ Human Rights Watch, *World report – Ethiopia – Events in 2016*, available at <https://www.hrw.org/world-report/2017/country-chapters/ethiopia> (accessed 6 June 2017).

⁸ UNPO, *loc. cit.* (n°4), 14.

⁹ Human Rights Watch, *loc. cit.* (n°5).

faces up to 10 years in prison.¹⁰ On 10 May 2017, blogger Zelalem Workagegneu was sentenced to 5 years and 2 months after having been detained for over 700 days. Resolution 2017/2682(RSP) on the situation in Ethiopia, especially the case of Merera Gudina, adopted by the European Parliament on 18 May 2017, also mentions the cases of “*Fikadu Mirkana (of the Oromia Radio and TV Organisation), Eskinder Nega (a prominent journalist), Bekele Gerba (an Oromo peace activist), and Andargachew Tsige (an opposition leader) [who] have also been arrested or are being held in custody; whereas online activist Yonathan Tesfaye has been convicted under anti-terrorism legislation for comments he made on Facebook, and faces between 10 to 20 years in prison*”.¹¹ These incarcerations were made under the Anti-Terrorism Proclamation allowing the government to arbitrarily arrest journalists, bloggers and social media activists under the pretext of being involved in supposed “terrorist” activities or of allegedly promoting “terrorist” ideas.

In Reporters Without Borders’ 2016 Press Freedom Index, reflecting journalists’ freedom and efforts made by the authorities to ensure and respect their right to freedom of expression, Ethiopia ranks a rather poor 142nd position out of 180.¹² Ethiopia also ranked fourth on the 2015 List of the Most Censored Countries created by the Committee to Protect Journalists and is the fifth-worst jailer of journalists worldwide.¹³

Recommendation 2: Freedom of Expression and Opinion

“Remove vague provisions in the Anti-Terrorism Proclamation that can be used to criminalize the exercise of the right to freedom of expression and association and ensure that criminal prosecutions do not limit the freedom of expression of civil society, opposition politicians and independent media” (Sweden)

“Repeal provisions of the legislation that can be used to criminalize the right to freedom of expression” (Slovakia)

Article 29 of the Ethiopian Constitution promotes free mass media by prohibiting censorship. However, Facebook and Twitter, the two main social media platforms, were blocked for nine months before being unlocked by the Ethiopian authorities on 10 June 2017.¹⁴ This blockade constitutes a direct violation of the constitutional right to freedom of expression of each individual.

¹⁰X, *Ethiopian high court convicts editor of inciting subversion* (Committee to Protect Journalists, 24 May 2017), available at <https://cpj.org/2017/05/ethiopian-high-court-convicts-editor-of-inciting-s.php> (accessed on 6 June 2017).

¹¹ Resolution 2017/2682(RSP) on the situation in Ethiopia, especially the case of Merera Gudina, adopted by the European Parliament on 18 May 2017, available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0219+0+DOC+XML+V0//EN&language=EN>.

¹² UNPO, *loc. cit.* (n°4), 14.

¹³ Al Mariam, “Ethiopia at tipping point as Congress mulls human rights bill” (The Hill, 29 May 2017), available at <http://thehill.com/blogs/pundits-blog/international-affairs/335559-ethiopia-at-tipping-point-as-congress-mulls-human> (accessed 7 June 2017).

¹⁴ Yan, “Social media sites unlocked after 9 months in Ethiopia” (XinhuaNet, 11 June 2017), available at http://news.xinhuanet.com/english/2017-06/11/c_136355913.htm (accessed 7 June).

With regard to dissent from political groups, the Ethiopian government has begun to use a broad definition of ‘terrorist’ groups that encompasses non-violent political opponents¹⁵. In this context, the most striking example is the arrest of Dr Merera Gudina, Chairman of the Ethiopian Oromo Federalist Congress opposition party, in Addis Adaba on 30 November 2016 by the Ethiopian security forces. His arrest followed “*his visit to the European Parliament on 9 November 2016, where he shared a panel with other opposition leaders and allegedly violated the law implementing the state of emergency by ‘creating pressure against the government’, ‘threatening society through the means of violence’ and attempting to ‘disrupt constitutional order’*”.¹⁶

Similarly, Yonatan Tesfaye, former opposition spokesperson, was arrested in December 2015 after having published on Facebook a post accusing the government of “using disproportionate force” against people peacefully demonstrating in the streets. On 25 May 2017, he was sentenced to six and a half years in prison after being found guilty of encouraging terrorism and “*acting in a way that threatened the country’s political, economic and social fabric*”.¹⁷

Besides the arrest of high level opposition leaders, violent repression of peaceful demonstrations by security forces took place time and again since early 2016, leading to the death of hundreds of protesters and putting thousands in jail. Before the state of emergency, over 1,000 protesters had already been killed and the security forces had committed numerous serious violations of human rights. The establishment of the state of emergency is seen by some observers as a means to intensify the crackdown on the Oromo uprising and empower the Ethiopian authorities to bypass the political and democratic rights guaranteed by the Constitution and international law.¹⁸

Freedom of association and peaceful assembly

Recommendation 3: Freedom of Association and Peaceful Assembly

“Fully protect members of opposition groups, political activists and journalists who are exercising their rights to freedom of expression, association and peaceful assembly from arbitrary detention.” (Canada)

Article 30 of the Federal Democratic Republic of Ethiopia’s Constitution provides that “*everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition*”. This has not been respected in the case of Ethiopia’s marginalized groups, who are severely punished and arbitrarily arrested during peaceful protests. Even though freedom of assembly is a constitutional right, it is often covertly hindered by the Ethiopian State or, in some instances, simply denied. Indirect interference is common and is achieved through other regulations. One example of this is a rule stating that all municipal halls

¹⁵ UNPO, *loc. cit.* (n°4), 15.

¹⁶ Resolution 2017/2682(RSP) on the situation in Ethiopia, especially the case of Merera Gudina, adopted by the European Parliament on 18 May 2017

¹⁷X, “Ethiopia jails opposition politician Yonatan Tesfaye” (*Aljazeera*, 26 May 2017), available at <http://www.aljazeera.com/news/2017/05/ethiopian-court-jails-politician-6-years-170525141848655.html> (accessed on 8 June 2017).

¹⁸ Bona Geshe, «Ethiopia is making nonviolent Oromo dissent impossible» (*OPride*, 1 April 2017), available at <https://www.opride.com/2017/04/01/ethiopia-making-nonviolent-oromo-dissent-impossible/> (accessed on 8 June 2017).

should be controlled by local officials, who are almost all members of the EPRDF. These officials are in charge of regulating the access to the municipal halls and there have been many complaints from opposition parties that officials have denied or obstructed the use of the halls for their political rallies. In practice, there are thus several restrictions on the right to peaceful assembly, affecting, most of all, the political opposition and Muslim minority groups.¹⁹

In April 2014, protests broke out across Oromia against the “Integrated Master Plan”, the planned expansion of Addis Ababa’s municipal boundary into Oromia’s regional territory. The protests were led by students, but people from all walks of life took part in them. As the central government was not willing to tolerate this dissent, its security forces brutally suppressed the protests by using excessive and, at times, lethal force, including live ammunition. At least several dozens of protesters and bystanders were killed and thousands were arrested.²⁰ As of today, an unknown number of ethnic Oromo students continue to be detained, many of them without charge. On 27 January 2016, police used excessive force to disperse a peaceful demonstration in Addis Ababa that was organised by the Unity for Democracy and Justice opposition party. Police beat demonstrators with batons, sticks and iron rods on the head, face, hands and legs, injuring more than 20 of them.²¹

The incident is being dwarfed, however, by the 2 October 2016 mass killing of over 600 Oromo in Bishoftu, who had gathered to celebrate their thanksgiving Irreecha Holiday.²² The PAFD further reported that after the festival was in full swing, the Agazi Army opened fire with rubber bullets and live ammunition on a large crowd of Oromo, who were also protesting the governing party’s abuse of their sacred festival for their own political agenda. Eventually, a combat helicopter and several armoured vehicles were deployed, causing a stampede which resulted in the unprecedented death toll. The following weekend, and after continuing protests, the federal government officially declared a state of emergency, thereby cementing the already-existing military stronghold on the Oromia administration, initiated on 26 February 2016, the day when the central government removed Oromia’s civil government and declared martial law for the region.²³

Following these protests, the Ethiopian Human Rights Commission (EHRC) has released a report that states that 669 people were killed by security forces since the beginning of the government-imposed state of emergency in October 2016. This report is highly criticised by human rights and political organisations and by activists on social media. According to them, not only does it misrepresent the number of deaths due to state-sponsored violence, but it is also considered as an attempt to justify the arrest and killing of thousands of unarmed protesters and activists by security personnel.²⁴ Moreover, the EHRC’s impartiality is highly questionable: “*Henok G. Gabisa, an Ethiopian expert on human rights based in the US, questioned how the*

¹⁹ UNPO, *loc. cit.* (n°4), 15.

²⁰ Human Rights Watch, *Ethiopia: Events of 2015* (2016), available at <https://www.hrw.org/world-report/2016/country-chapters/ethiopia> (accessed on 8 June 2017).

²¹ UNPO, *loc. cit.* (n°4), 16-17.

²² People’s Alliance for Freedom and Democracy (PAFD), 5 October 2016. “PAFD Statement on Oromo Civilian Massacre if Irreecha Day, on October 2, 2016”.

²³ UNPO, *loc. cit.* (n°4), 17.

²⁴ Kaspar Loftin, “A report adds to the controversy over Ethiopia’s Oromo protests” (*The World Weekly*, 20 April 2017), available at <https://www.theworldweekly.com/reader/view/magazine/2017-04-20/a-report-adds-to-the-controversy-over-ethiopia-s-oromo-protests/9946> (accessed on 13 June 2017). You can access the Commission findings [here](#).

state can “be a perpetrator and adjudicator at the same time”. He dismissed the commission as illegitimate, pointing to “hand-picked politically loyal individuals””.²⁵

Arbitrary Arrest and Detention

Recommendation 4: Arbitrary Arrest and Detention

“Monitor the implementation of the anti-terrorism law in order to identify any act of repression which affects freedom of association and expression and possible cases of arbitrary detention. In addition, develop activities necessary to eliminate any excesses by the authorities in its application.” (Mexico)

“Invite the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to visit Ethiopia.” (United Kingdom)

Arbitrary detention is the most often used method to silence dissenting voices, particularly from opposition supporters among ethnic groups such as the Ogaden or Oromo. Despite a number of articles in the Constitution which should legally protect Ethiopian individuals from arbitrary detention, it is still a widespread practice. People from all walks of life are regularly arrested based on their actual or suspected political opinion. The systematic use of arbitrary arrests and detentions by Ethiopian security forces is apparently intended to warn, punish or silence anyone who dares voicing dissenting opinions.²⁶

For instance, over 500 members of Medrek, an important political coalition in the opposition, were arrested at various polling stations in Oromia during the 2015 general elections.²⁷ Due to the lack of transparency within Ethiopian security forces and the atrocious conditions of detention facilities, individuals who are subject to arrest are particularly vulnerable mistreatment and torture. In most cases, conditions in Ethiopian prisons and detention centres violate international law and both domestic and international standards. Most of those arrested are being detained without charge or trial for some or all of their detention, for periods ranging from days to several years. The majority of those arrested for actual or suspected dissent are held incommunicado, i.e. they are denied access to legal representation, family members and/or the outside world in general. Because of the lack of access to legal counsel and the families not having any information on the detainees’ fate or whereabouts, detainees find themselves outside the protection of the law – a practice amounting to enforced disappearance.²⁸

“Jail Ogaden” in particular, thusly dubbed due to its high number of Ogaden prisoners, located in Jijjiga, Ogaden and holding thousands of inmates, many of which prisoners of conscience, is notorious for overcrowding conditions and unhygienic facilities. These lead to regular outbreaks of contagious disease such as cholera and undernutrition among inmates. Torture and

²⁵ *Ibid.*

²⁶ UNPO, *loc. cit.* (n°4), 17.

²⁷ Amnesty international, *Annual Report – Ethiopia 2016-2017*, available at <https://www.amnesty.org/en/countries/africa/ethiopia/report-ethiopia/> (accessed on 12 June 2017).

²⁸ UNPO, *loc. cit.* (n°4), 17-18.

abuse, including sexual, by prison officials are also widespread, according to testimonies by former detainees or members of the local government. Methods of torture range from forcing the prisoners to stay in painful postures for long periods of time over electrocution to forced body modifications and sexually-motivated violence such as rape. These prison conditions further deteriorated after the enactment of the Anti-Terrorism and Charities and Societies (CSO) laws from 2009 on.²⁹

The government rarely publicly discloses the results of investigations into abuses by local security forces, such as arbitrary detention. This means that victims often have little opportunity for recourse, even after having been released and suffered grave injustices.

Although Ethiopian laws require that detainees be brought promptly before a court and have access to a lawyer, the 2009 Anti-Terrorism Proclamation gives police forces the power to detain individuals for up to 28 days without charge. In practice, however, this stipulation is rarely complied with and people accused of terrorism can find themselves being held indefinitely and incommunicado on trumped up charges.³⁰

Sexual Violence

Recommendation 5: Sexual Violence

“Continue its efforts so that all forms of sexual violence against women and children are prosecuted and sanctioned and that victims obtain immediate reparation and protection.” (Switzerland)

Women and children are the most vulnerable to abuse and violence in the Ogaden. Many women were detained, tortured, raped and mistreated for being members or alleged members of the Ogaden Women’s Democratic Association or relatives of ONLF members. Additionally, a number of children were detained, tortured and/or molested by Ethiopian security forces.

Ethiopian government forces are also guilty of systematic rape and sexual violence in their continued oppression of the Ogaden people. The scale and pattern of the cases of rape have led to the Ogaden Women Relief Association to label sexual violence as ‘a weapon of war’.³¹ The targeting of various groups of women, for example those involved in trading, has led to a situation in which women are significantly deterred from fully participating in society and are constantly constrained by fear. In July 2013, news source Ogaden Online reported that “the rape of young girls has now reached epidemic proportions in Ogaden and is becoming the most potent weapon used by the Ethiopian military against the Ogaden civilians.”³²

In the wake of extra-judicial killings and rape cases, local authorities loyal to the Ethiopian government also employ strategies of fear mongering among the local population in order to

²⁹ *Ibid.*, 18. See also Graham Peebles’ documentary “Ethiopia’s Hidden Shame”, available here: <http://dissidentvoice.org/2016/06/ogaden-ethiopia-hidden-shame/>.

³⁰ UNPO, *loc. cit.* (n°4), 17-18.

³¹ X, “Ethiopia: Shocking Sexual Violence Against Women in Ogaden” (*Oromia Times*, 2014), available at <https://oromiatimes.org/2014/06/16/%EF%BB%BFethiopia-shocking-sexual-violence-against-women-in-ogaden/> (accessed on 12 June 2017).

³² Ogaden Online. 2013. Accessible at <http://unpo.org/article/16193>. [Please note that the initial article and Ogaden Online are not accessible anymore.]

prevent news spreading to the outside world. An example of this was reported in October 2014 when the rotting bones of two women, who had most probably been kidnapped and detained by the authorities, were found near Gari-Go'an. The two women had been repeatedly raped by militia loyal to the Ethiopian State. The militia then threatened the women's community with severe punishment if the news of the rape and killing reached the outside world.³³

The systematic use of rape as a weapon is often combined with other forms of torture. The use of bayonets and other tools has been described in interviews with refugees, leading to permanent physical damage and often death, in addition to severe psychological trauma. There are also a number of cases of the Ethiopian military either raping women in front of their families and neighbours or forcing men at gunpoint to rape their own family members. In some cases, women who have been subjected to rape become pregnant and cannot remain in their society due to social stigma.³⁴

Restrictions imposed by the Ethiopian government on humanitarian aid reaching the Ogaden region – both by misusing funds allocated to the central government for humanitarian purposes and by impeding international and national agencies' access to the region – significantly impact the survivors of rape and sexual violence. The lack of health services and support networks that could be supplied by humanitarian groups means that victims often have to travel through war-torn areas in the Horn of Africa in order to reach Kenyan refugee camps and receive aid.³⁵

It is incredibly difficult to estimate the number of women who have been subjected to rape. There are allegations of new rapes being committed on a daily basis by government forces and militias as few are willing to talk about it. The fear of reprisals as well as the cultural taboo that is connected to rape prevents the vast majority from acknowledging it ever happened. Estimations vary, with some going as far as saying that, including unreported cases, almost one third of all Ogaden women have been subject to sexual violence by armed forces.³⁶

Civil Society

In its 2014 National Report, Ethiopia claims that *“In February 2009, the Government of Ethiopia issued the Charities and Societies Proclamation, which aims at strengthening the role of non-governmental organizations and enhancing their contribution in the socio-economic development of the country.”*³⁷

Recommendation 6:

“Eliminate all obstacles to the development of NGOs, in particular the financial procedures for those financed with resources from abroad, and promote the participation of civil society in the activities of the State.” (Mexico)

³³ UNPO, *loc. cit.* (n°4), 20.

³⁴ *Ibid.*, 21.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ Human Rights Council, see n°3, point 27.

“Establish mechanisms for meaningful participation of civil society at the federal and regional level in the process of implementing and monitoring the NHRAP” (Norway)

“Allow for greater humanitarian access to the Ogaden so that organizations such as the International Committee of the Red Cross and United Nations relief agencies can provide assistance to victims of conflict.” (United States)

In 2009 – together with the Anti-Terrorism Proclamation – the Ethiopian Parliament enacted the CSO Law, which requires all civil society organisations to be registered with the simultaneously-established Charities and Societies Agency. Following the creation of this mechanism, which was put under the overall control of the Ministry of Federal Affairs, the number of legally operating civil society organisations decreased by more than a half, or almost 2,000 associations.³⁸ Going beyond the Anti-Terrorism Proclamation, this oppressive legislation is being used by the state apparatus to curb civil and political activism by rendering illegal any opposition to its hold on power. The CSO Law further stipulates that Ethiopian civil society organisations are not allowed to draw more than ten percent of their financial resources from foreign sponsors, affecting particularly the operations of those ethnic organisations with a large foreign diaspora, such as the PAFD.³⁹

This being said, and despite the very limited freedom of action left to civil society and its worrying repression by Ethiopian authorities, no substantial shift of policies seems to be considered by the European Union. As recently mentioned by the Carnegie Endowment for International Peace, *“On the side-lines of the European Development Days in June 2016, EU leaders and the Ethiopian prime minister signed a joint declaration, Towards an EU-Ethiopia Strategic Engagement, which sets up a comprehensive process of cooperation along shared interests, including counterterrorism, trade, migration and economic development. While the initiative includes annual consultations on human rights and governance, it remains to be seen whether they will serve as an effective forum to challenge Ethiopian officials on the shrinking of civic space. After meeting Desalegn in March 2017, the EU’s high representative, Federica Mogherini, did not address the ongoing state of emergency in Ethiopia, and even praised the government’s establishment of a dialogue with the opposition.”*⁴⁰

These impediments to civil society are even more concerning since the Oromia and Ogaden regions have been hit by a brutal heat wave since 2016, making it even more vital for the Oromo and Ogadeni peoples to be helped and assisted by international and national organisations. The water shortage due to this heat wave worsens the high precarious situation that the Ogadeni people are facing, creating cholera outbreaks such as in March 2017 when cholera killed 300 people in three days. In this critical context, the minorities in Ethiopia are in urgent need of assistance from civil society, which is, however, made very difficult due to the Ethiopian government’s repressive policies.

³⁸ U. S. Department of State. 2010. [2010 Human Rights Report: Ethiopia](#).

³⁹ UNPO, *loc. cit.* (n^o4), 15-16.

⁴⁰ Carnegie Endowment for International Peace, “Surveillance and State Control in Ethiopia”, (Carnegie Endowment for International Peace, 18 May 2017), available at <http://carnegieendowment.org/2017/05/18/surveillance-and-state-control-in-ethiopia-pub-69960> (accessed on 12 June 2017).

III. Conclusion

Even though the Ethiopian Constitution has incorporated key international human rights obligations, their implementation is pretty poor. Especially since the declaration of the state of emergency in October 2016, the Ethiopian authorities are using the Anti-Terrorism Proclamation and the CSO Law to justify any gross violation of minorities' basic human rights. Despite the numerous reports and calls from international organisations, the EU or individual States for a rigorous respect from the Ethiopian authorities of their international human rights obligations, the authorities seem to prefer to adopt a head-in-the-sand policy. They rely on arguments such as the necessary shift through this turmoil to enable the democratisation process, the major role of Ethiopia as a "stable" country in the Horn of Africa, and its commercial partnership with the EU and the US.

However, the overall assessment of the situation in Ethiopia leads UNPO to express its grave concerns regarding the authoritarian behaviour of the Ethiopian government, its incitement for the security forces to use violence to repress peaceful demonstrations and its constant persecution and ethnic discrimination against minorities. All these violations are committed with apparent impunity. This impunity is helped by the main human rights institution in Ethiopia, the Ethiopian Human Rights Commission, meant to safeguard human rights against abuses by the government, whose impartiality is controversial.

IV. Recommendations

In particular, UNPO urges the Ethiopian authorities:

To respect the State's Constitution, that protects the right to peaceful assembly (Article 30), and to assume its obligations under international treaties such as the International Covenant on Civil and Political Rights, which Ethiopia ratified in 1993.

To abide by its own Constitution with special attention to Article 29 which grants all Ethiopian citizens freedom of expression.

To abide by the national Constitution and ratified international human rights mechanisms such as the International Covenant on Civil and Political Rights (ratified on 11 June 1993) and the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment (acceded on 14 March 1994) and to either charge those that are detained, bring them to court for a prompt and fair trial, or release them with immediate effect.

To respect its constitution and international norms, especially Article 6 of the International Covenant on Civil and Political Rights, and stop extrajudicial killings.

To initiate an independent and credible investigation into the reports of extrajudicial killings, torture and inhumane treatment of civilians and into the violence used during the protests, and bring those found guilty to justice.

To put an end to the state of emergency that has been declared in October 2016.

To give human rights organisations and NGOs unimpeded access to all parts of the country, particularly those areas where there is conflict and protest.⁴¹

Finally, the UNPO urges the Ethiopian government to ensure the implementation of unilateral and bilateral agreements signed and ratified by Ethiopia which are intended to uphold the respect of human rights, the promotion of democracy and the furtherance of good governance, which will guarantee:

- proper access to political structures and legal assistance for the Oromo and Ogaden populations,*
- the right to peaceful assembly,*
- an end to extrajudicial killings and a guarantee that those alleged incidences are swiftly and independently investigated and those responsible for them are fairly judged,*
- an end to racial discrimination, which is prohibited under Article 25 of the Ethiopian Constitution and the International Covenant on Civil and Political Rights and which appears to be the motivation behind the current mistreatment of the Oromo and Ogaden populations.*

⁴¹ Resolution on Ethiopia, notably the case of Merera Gudina, 7, point 7. Available here: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0219+0+DOC+XML+V0//EN&language=EN>.