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Supreme Court ruling marks a further erosion of human rights work in Ethiopia

Amnesty International, CIVICUS and Human Rights Watch are deeply concerned at the 19 October 2012 decision by Ethiopia's Supreme Court to uphold the freezing of the assets of the Human Rights Council, Ethiopia's leading, and oldest, human rights organization and the Ethiopian Women Lawyers Association, a prominent women's rights organization.

The decision is yet another blow to the work of these two organizations and to the promotion and protection of human rights throughout the country.

The decision of the Supreme Court represents the acquiescence of the courts in the ongoing targeting of independent human rights organizations in Ethiopia, which has resulted in the near total demolition of human rights civil society in the country. The decision upholds the confiscation of substantial funding from the Human Rights Council (HRCO) – an organization with a strong track record of independent monitoring, documenting and advocacy on human rights issues; and from the Ethiopian Women Lawyers Association (EWLA), an organization that was conducting significant levels of work on women's rights issues, including in providing legal and other forms of assistance to thousands of women every year.

HRCO and EWLA's bank accounts were frozen in December 2009 after the passing of the Charities and Societies Proclamation (the 'CSO law'), in January of that year. The law, ostensibly aimed at regulating civil society, places excessive restrictions on the work, operations and funding of human rights organizations, including by prohibiting human rights organizations from receiving more than 10 percent of their funding from foreign sources.

The assets of both organizations were frozen on order of the Director of the governmental Charities and Societies Agency, a body created under the law. The order cost HRCO 9.5 million Birr (approximately US\$566,000) and EWLA 10 million Birr (approximately US\$595,000) in frozen funds.

The freezing of the assets of both organizations, and today's upholding of this decision, includes a retroactive application of the CSO law to a large proportion of the funds of both organizations which were received before the law was passed, though the law does not provide for its retroactive application.

Both HRCO and EWLA appealed the decision, first to the Board of the Agency, and subsequently to the Federal High Court, which ruled to uphold the decision of the Board on 26 October 2011. Both cases were then referred to the Supreme Court, where they have been subject to several delays. The decision has been postponed twice.

As a result of the restrictions in the CSO law and the freezing of their accounts, HRCO has been forced to close nine of its twelve offices and cut 85 per cent of its staff. EWLA was forced to cut 70 per cent of their staff. In both organizations these cuts have resulted in very significant reductions in their human rights work.

The Supreme Court's ruling is symptomatic of the wide and ever-increasing obstacles that human rights organisations face in attempting to continue their essential work in Ethiopia. The CSO law places undue restrictions on the rights to freedom of association and expression of human rights organisations

in Ethiopia, in violation of Ethiopia's Constitution and its international obligations. The law also contravenes the UN Declaration on Human Rights Defenders which explicitly protects the right to access funding for the purpose of the promotion and protection of human rights and fundamental freedoms. A number of UN and regional human rights bodies including the UN Universal Periodic Review and the African Commission on Human and Peoples' Rights have recommended that the law be amended or repealed.

The CSO law has had a devastating impact on human rights organizations. Following the passing of the law, the majority of independent civil society organizations working on human rights issues were forced to discontinue their work. Those who have attempted to continue their work are struggling to survive due to the funding restrictions contained in the law.

In addition to the already significant obstacles to human rights work contained in the law, the government has introduced additional implementing directives which place a bewildering array of bureaucratic requirements on organizations. Further, recent stipulations have required non-governmental organizations' work to be overseen by a relevant government body, severely compromising the independence of those organizations.

As well as suffering from the international funding restrictions contained in the law and the freezing of its assets, HRCO has been subjected to discriminatory application of the CSO law. HRCO has been denied funding available from the government-allied Ethiopian Human Rights Commission despite the signing of a Memorandum of Understanding to receive funding in August 2011. Other organisations have received funding under the same process. No explanation was provided to HRCO of why they did not receive funds. Further, in August 2012, the Charities and Societies Agency denied HRCO the fundraising permission which the law requires organizations to obtain before conducting any domestic fundraising activities.

A central intention of the introduction of the CSO law was undoubtedly to silence elements of civil society which scrutinise and report on the government's human rights record.

The attempts to silence human rights civil society have been accompanied by a continued attack on the independent media, which has seen a number of journalists imprisoned in 2011 and 2012, and two of the last remaining independent newspapers forced out of circulation in the same period. This crackdown on the media severely reduces independent scrutiny of government actions. In this context, human rights violations remain widespread but are seriously under-reported, accountability for perpetrators of violations is rare, and victims of violations are deprived of assistance.

Amnesty International, CIVICUS and Human Rights Watch urge the Ethiopian authorities to immediately end their attack on Ethiopian human rights organizations and publicly recognize and protect the vital role that civil society has to play in the realization of the rights of all of the Ethiopian people.

As a candidate for election to the UN Human Rights Council, Amnesty International, CIVICUS and Human Rights Watch urge the Ethiopian government to include among its election pledges a commitment to immediately remove the restrictions placed on human rights civil society in the country by amending the Charities and Societies Proclamation, and by ordering the release of the frozen assets of the country's two leading human rights organizations.

HRCO, EWLA and all human rights organizations in Ethiopia must be allowed to conduct their work, including through unrestricted access to their funds. The Ethiopian government must abide by its obligations under the Ethiopian Constitution and international law to uphold the rights to freedom of association, freedom of expression and freedom of peaceful assembly.