

**Flygtningenævnets baggrundsmateriale**

|                                 |                                                                   |
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| <b>Bilagsnr.:</b>               | <b>314</b>                                                        |
| Land:                           | Etiopien                                                          |
| Kilde:                          | ILGA                                                              |
| Titel:                          | International Lesbian Gay Bisexual Trans and Intersex Association |
| Udgivet:                        | maj 2017                                                          |
| Optaget på baggrundsmaterialet: | 30. maj 2017                                                      |

# ETHIOPIA



The **Criminal Code** of the Federal Democratic Republic of Ethiopia, Proclamation No. 414/2004.

## Article 629. Homosexual and other Indecent Acts

[HOMOSEXUAL ACT]

“Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment.”

## Article 630. General Aggravation to the Crime

“(1) The punishment shall be simple imprisonment for not less than one year, or, in grave cases, rigorous imprisonment not exceeding ten years, where the criminal:

- a) takes unfair advantage of the material or mental distress of another or of the authority he exercises over another by virtue of his position, office or capacity as guardian, tutor, protector, teacher, master or employer, or by virtue of any other like relationship, to cause such other person to perform or to submit to such an act; or
- b) makes a profession of such activities within the meaning of the law (Art. 92).

(2) The punishment shall be rigorous imprisonment from three years to fifteen years, where:

- a) the criminal uses violence, intimidation or coercion, trickery or fraud, or takes unfair advantage of the victim’s inability to offer resistance or to defend himself or of his feeble-mindedness or unconsciousness; or
- b) the criminal subjects his victim to acts of cruelty or sadism, or transmits to him a venereal disease with which he knows himself to be infected; or
- c) the victim is driven to suicide by distress, shame or despair.”

At its 2<sup>nd</sup> cycle UPR that commenced in April 2014, Ethiopia ‘noted’ (did not accept) three Level 5 (act immediately) recommendations from France, Portugal and Argentina to decriminalise same-sex sexual activity. Ethiopia made no responses to the decriminalisation issue in the UPR Interactive Dialogue or in its formal responses to recommendations in this regard.

In its submission to the 56<sup>th</sup> session of the African Commission on Human and Peoples’ Rights on the situation of human rights defenders the International Service for Human Rights (ISHR) observes: “... that Ethiopia’s repressive laws provoke fear and self-censorship among HRDs and that HRDs frequently face threats, acts of intimidation, judicial harassment and arbitrary arrest”, with “...surveillance and official restrictions on the movement of HRDs.” The document goes on to say: “Defenders of lesbian, gay, bisexual, transgender and intersex (LGBTI) rights in Ethiopia operate in a particularly hostile environment, with organised anti-homosexuality organisations calling upon the government to close spaces for the LGBTI rights movement and tighten ‘anti-gay’ legislation, punishing ‘homosexual acts’ with the death penalty. LGBTI organisations have been consistently accused of being Western proxies seeking to subvert Ethiopian cultural values. Many clerical leaders have made statements against sexual diversity in a country where ‘homosexual acts’ are punishable with one to fifteen years imprisonment pursuant to Articles 629 and 630 of Ethiopia’s Criminal Code”.

The difficult legal and social situation of LGBT people in Ethiopia in 2014 and 2015 is described in a 2016 report produced by the East African Sexual Health and Rights Initiative, and the immense challenges faced by LGBT refugees is described in an article of March 2017.