



Ethiopia's Compliance with the African Charter on Human and Peoples' Rights
Report for the 56th Ordinary Session of the African Commission on Human and Peoples' Rights

for the Commission's Examination of the Federal Democratic Republic of Ethiopia's Fifth and Sixth Periodic Country Report on the Implementation of the African Charter on Human and Peoples' Rights in Ethiopia

14–30 October 2014
Niamey, Niger

prepared by The Advocates for Human Rights,
an NGO with Observer Status at the African Commission on Human and Peoples' Rights since
1991
and
The International Oromo Youth Association,
a non-governmental diaspora youth organization

September 2014

Reporting Organizations

The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates has worked extensively with members of the Ethiopian diaspora, both in the context of asylum and other immigration proceedings, and for purposes of documenting human rights conditions in Ethiopia. Since 2004, The Advocates has documented reports from members of the Oromo ethnic group living in diaspora in the United States of human rights abuses they and their friends and family experienced in Ethiopia. The Advocates conducted over 70 interviews of Ethiopians, including Oromo and other ethnic group members; scholars; immigration attorneys; medical professionals; and other service providers working with Ethiopians in the United States. In addition, The Advocates monitors news and human rights reporting on events in Ethiopia.

The International Oromo Youth Association (IOYA) was established in 2006 as a transnational organizing and networking platform for Oromo youth. IOYA strives to create a

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strong and active network of empowered and well-connected Oromo leaders. IOYA is committed to bringing a meaningful change to society by strengthening unity among Oromo youth, developing and supporting their leadership capacities and mobilizing resources for the advancement of their communities through programs such as the annual Oromo Youth Leadership Conference, cross generational dialogue, and networking. IOYA provides leadership training and a space to address issues pertaining to Oromo communities in the Diaspora.

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Executive Summary

Background and Structure of the Report

1. The Advocates for Human Rights and the International Oromo Youth Association are gravely concerned about the continued human rights violations against disadvantaged ethnic groups committed by the Government of Ethiopia, as reported by human rights organizations monitoring conditions in Ethiopia, by credible sources in the news media, and by members of the Ethiopian diaspora living in the United States. This report identifies numerous violations of the rights of members of the Oromo ethnic group—the largest ethnic group in Ethiopia—as well as other rights violations committed by the Ethiopian Government.
2. This report, while extensive, does not address all of the human rights violations occurring in Ethiopia. Rather, it focuses on those human rights violations that have been brought to the attention of the authoring organizations, primarily by people living in the diaspora. The authors do not wish to suggest that any human rights issues omitted from this report are not issues of concern.
3. Part I (paragraphs 28–42) of this report surveys Ethiopia’s regional, international, and domestic human rights commitments as they pertain to equality and non-discrimination.
4. The structure of Part II (paragraphs 43–322) of this report parallels the structure of the Ethiopian Government’s Fifth and Sixth Periodic Report (hereinafter, Periodic Report) to the African Commission. The Periodic Report, in turn, follows the structure and order of organization the African Charter on Human and Peoples’ Rights (hereinafter, the African Charter).

General Measures (paragraphs 48–87)

5. The Ethiopian Government’s focus on economic development has not “trickled down” to all citizens. Moreover, the Ethiopian Government uses the pretext of combatting terrorism to target government critics. Judges who exercise their independence continue to face intimidation. The Charities and Societies Proclamation continues to stifle civil society, particularly for organizations seeking to provide legal aid or work on human rights. Government control of the media, censorship, and intimidation of journalists have constrained access to information and restricted independent journalism. Government surveillance impedes efforts to engage in human rights monitoring and intimidates government critics in Ethiopia and abroad.

Civil and Political Rights (paragraphs 88–165)

Articles 2 and 3 (paragraphs 88–104)

6. The African Charter confirms that the Ethiopian Government must guarantee that the rights enunciated in the Charter without distinction of any kind, including ethnic group and political opinion (article 2). It also recognizes the right of every individual to be equal before the law and to have equal protection of the law (article 3). In practice, however, the Government of Ethiopia directly and indirectly discriminates against several disadvantaged ethnic groups, including but not limited to the Oromo people.

7. With respect to the Oromo people, this discrimination is often related to discrimination on the basis of real or perceived political opinion—*i.e.*, opposition to or lack of support for the ruling party. In Ethiopia there is a unique interplay between ethnic pluralism and political affiliation. Ethnic groups that are perceived to be politically unsupportive of the Government are more likely to receive unfavorable treatment with respect to the Government’s obligation to protect and promote human rights. Moreover, affiliation—real or perceived—with certain ethnically based political groups is sometimes the Government’s asserted basis for the discrimination discussed herein.
8. Ethiopia was transformed into a federal state by the Tigray People’s Liberation Front (TPLF), which has dominated the coalition of ethno-nationalist parties that constitute the Ethiopian People’s Revolutionary Democratic Front (EPRDF) since it overthrew the Derg military regime in 1991.¹ Although the EPRDF was officially a coalition constituting of an umbrella of ethno-national fronts such as the Oromo People’s Democratic Organization (OPDO) and the Southern Ethiopia Peoples Democratic Front (SEPDF), the TPLF—which began as a student movement at Addis Ababa University under Marxist-Leninist guerilla principles—was the dominant and driving political force.² Commentators have stated that the EPRDF and TPLF are essentially one in the same.³ Since coming to power in 1991, the EPRDF has favored the rights of members of the Tigray ethnic group over all others. Some of the tools used by the EPRDF to eradicate political opposition will be discussed below, and many of these tools involve outright discrimination against those claiming or suspected of allegiance to any opposition party, such as the Coalition for Unity and Democracy (CUD).

Article 4 (paragraphs 105–120)

9. The African Charter recognizes that every person is entitled to respect for his or her life and the integrity of his or her person, and that no person may be arbitrarily deprived of these rights (article 4). Government forces in Ethiopia continue to use lethal force against government critics and peaceful protesters, among others. The Ethiopian Government has not brought to justice the people responsible for the deaths of protesters in the 2005 post-election violence, or for racially motivated violence in some areas. Most recently, federal forces earlier this year opened fire on student protests against announced plans to expand the city of Addis Ababa. Up to 50 people were killed, and many others were injured. Impunity for such violence is an ongoing concern.

Article 5 (paragraphs 121–149)

10. The African Charter recognizes that every individual has the right to the respect of dignity and to the recognition of his or her legal status, and that torture, cruel, inhuman or degrading treatment are prohibited (article 5). In Ethiopia, however, government critics face mass arrests, as well as arbitrary and prolonged detention. Moreover, people in detention face torture and ill-treatment. The perpetrators of such conduct are rarely held accountable, and the victims of such treatment are not provided with reparations or services.

¹ International Crisis Group, *Ethiopia: Ethnic Federalism and its Discontents*, Africa Report No. 153, 4 September 2009, at 1.

² *Id.* at 4

³ *See, e.g.*, McCracken, *Note: Abusing Self-Determination and Democracy: How the TPLF is Looting Ethiopia*, 36 CASE W. RES. J. INT’L L. 183, 185 (2004) (noting the “widely held opinion that the TPLF and EPRDF are not independent organizations, but symbiotic”).

Articles 6 and 7 (paragraphs 150–151)

11. The African Charter recognizes that no person may be arbitrarily arrested or detained, and that no person may be deprived of freedom without a fair trial (articles 6 and 7). Yet individuals in Ethiopia, particularly critics of the government, are routinely subject to mass arrests and are detained without charge or trial.

Article 8 (paragraph 152)

12. The African Charter recognizes the right to freedom of religion and belief (article 8). Yet Muslims in Ethiopia face targeting, and the Ethiopian Government interferes with their right to peacefully assemble and with their right to freely practice their religion.

Article 9 (paragraphs 153–156)

13. The African Charter recognizes the right to access information and the right to freedom of expression (article 9). Yet individuals in Ethiopia face intimidation and do not have the freedom to criticize their government. Moreover, the Ethiopian Government controls the media and does not allow free access to information.

Articles 10 and 11 (paragraphs 157–162)

14. The African Charter recognizes the right to freedom of association and the right to assemble freely with others (articles 10 and 11). The Charities and Societies Proclamation interferes with the exercise of these rights. Moreover, the government's response to peaceful student-led protests demonstrates that restrictions on freedom of assembly and association persist.

Article 12 (paragraph 163)

15. The African Charter recognizes the right to freedom of movement (article 12(1)). Yet members of some vulnerable ethnic groups are being coerced, deceived, or simply forcibly relocated from their lands.

Article 13 (paragraphs 164–165)

16. The African Charter recognizes the right to participate in government (article 13). Yet the Ethiopian Government in a variety of contexts presumes that Oromos are disloyal to the government unless they prove otherwise. They face arrest, detention, and sometimes torture and death for criticizing the government.

Economic, Social and Cultural Rights (paragraphs 166–281)

Article 14 (paragraphs 166–173)

17. The African Charter recognizes the right to property (article 14). Yet many people living in rural areas have been stripped of their right to own property and to earn a livelihood through the government's "villagization" program. This program purports to be a voluntary resettlement program, but in practice people are relocated from their homes and lands with force, coercion, and deception.

Article 15 (paragraphs 174–186)

18. The African Charter recognizes the right to work under equitable and satisfactory conditions (article 15). Members of disadvantaged ethnic groups, such as the Oromo, who do not openly support the ruling party face discrimination in exercising their right to work. Some Oromos have opted to use non-Oromo names in order to secure employment. Teachers who are

perceived to support opposition parties are harassed by local officials and threatened with the loss of their jobs.

Article 16 (paragraphs 188–200)

19. The African Charter recognizes that every person shall have the right to enjoy the best attainable state of physical and mental health (article 16). The villagization program has adverse effects on the health of disadvantaged ethnic groups, who are forcibly relocated to villages without health services or adequate clean water supplies. Moreover, the State of Oromia faces striking health disparities, particularly in rural areas.

Article 17(1) (paragraphs 201–220)

20. The African Charter recognizes that every person shall have the right to education (article 17(1)). Although the Government recognizes the right to free and universal primary education, there are not enough schools to accommodate primary school students in rural areas, and the cost of school supplies is prohibitive for many families. Stark gender disparities also persist. Educational facilities in rural areas are generally of a much lower quality than in Addis Ababa, yet the Government directs resources for education toward the capital and other large cities. The “villages” to which people have been relocated in the villagization program often lack operational schools altogether. Government officials force schoolchildren in these villages to abandon their studies to provide labor for constructing shelters. In schools at all levels of the educational system, teachers and students are subject to political indoctrination and coercion to join the ruling party. The Government uses suspected membership in the Oromo Liberation Front as a pretext for expelling Oromo students from university. And students in Oromia do not receive English-language instruction until Grade 9, even though the national Grade 10 examination is in the English language. As a result, they are disadvantaged when competing against students in other areas who receive English language instruction from a much younger age. Moreover, teachers in some secondary schools reportedly rape students with impunity, deterring girls from pursuing their right to education.

Article 17(2) (paragraphs 221–224)

21. The African Charter recognizes that every individual may freely take part in the cultural life of his or her community (article 17(2)). The Government of Ethiopia interferes with the rights of disadvantaged ethnic groups to take part in cultural life. Oromos, for example, do not feel free to speak Oromiffa in public or to use distinctively Oromo names because doing so makes them targets of formal and informal discrimination. Oromos face widespread hostility from members of other ethnic groups and are often called a name that is an ethnic slur and an affront to their cultural heritage. Moreover, the Government of Ethiopia has targeted prominent Oromo cultural figures for persecution. Further, the Charities and Societies Proclamation inhibits the ability of members of disadvantaged ethnic groups in Ethiopia to develop and maintain cultural contacts with members of the Ethiopian diaspora.

Article 18 (paragraphs 227–281)

22. The African Charter recognizes the right to protection of the family, as well as state parties’ obligation to ensure the elimination of discrimination against women and to ensure the protection of the rights of women, children, and people with disabilities (article 18). The Ethiopian Government is not fulfilling its obligations under article 18 in several ways: (a)

children are exploited as domestic workers; (b) efforts to address street children ignore the circumstances of many children with disabilities; (c) efforts to protect and promote the rights of persons with disabilities do not target the needs of children with disabilities, who are often denied their right to education; (d) government policies and procedures fail to protect children from abuse in the family; (e) perpetrators of violence against children enjoy impunity; (f) female genital mutilation is widespread, and the government has not undertaken sufficient prosecutions of perpetrators of FGM; (g) the Charities and Societies Proclamation prohibits foreign NGOs from working on FGM prevention and awareness; and (h) human trafficking is widespread and the government does not provide sufficient assistance to victims.

Peoples' Rights (paragraphs 283–322)

Articles 19 and 20 (paragraphs 284–288)

23. The African Charter recognizes the equality of all peoples, and that all peoples have the right to existence and to self-determination (articles 19 and 20). The Government of Ethiopia actively impedes the rights of disadvantaged ethnic groups to equality and self-determination. For example, individual Oromos and Oromo non-governmental organizations are often assumed to support the Oromo Liberation Front—an organization the Government characterizes as a terrorist group—unless they actively express support for the ruling party. These alleged OLF ties are used to justify arrest, firing, expulsion from school, and confiscation of property.

Article 21 (paragraphs 290–306)

24. The African Charter recognizes the right of all peoples to freely dispose of their wealth and natural resources, and calls on state parties to undertake to eliminate all forms of foreign exploitation so as to enable their peoples to fully benefit from the advantages derived from their national resources (article 21(1), (5)). In rural areas, disadvantaged ethnic groups, particularly pastoralists and groups that practice shifting cultivation, are being forced to relocate to areas with less desirable agricultural land. This program appears designed to accommodate domestic and foreign corporations seeking to establish commercial, export-oriented agri-business operations in those rural areas. The forced relocations impair food and water security. Relocated individuals are not compensated for the loss of use of their land, and upon relocation these individuals are not provided with adequate support—including temporary food support and technical assistance for establishing a new form of livelihood. Moreover, the villages to which they are relocated often lack basic infrastructure, including health clinics, clean water supplies, and schools. Contracts with the commercial agri-business entities impose few if any restrictions on water usage, heightening food insecurity for individuals relocated to agricultural lands located downstream. This villagization program also threatens the culture and identity of rural peoples in Ethiopia.

Article 22 (paragraphs 308–317)

25. The African Charter recognizes that all peoples have the right to their economic, social and cultural development (article 22). Yet the Ethiopian Government uses rural administrative councils to control local communities. These councils, typically under the control of the ruling party, control access to food assistance and other state-distributed resources. In areas populated by disadvantaged ethnic groups perceived not to support the ruling party, these

councils use this access as part of a “carrot and stick” approach to coerce allegiance to the ruling party and to punish dissent. Moreover, the Ethiopian Government interferes with the Oromo people’s enjoyment of the right to cultural development by targeting Oromo public cultural figures for persecution, and by failing to address widespread hostility Oromos face from other ethnic groups. The Charities and Societies Proclamation impedes the development of cultural ties between Oromos in Ethiopia and Oromos in the diaspora.

Article 23 (paragraph 319)

26. The African Charter recognizes that all peoples shall have the right to national and international peace and security (article 23). The Ethiopian Government, however, invokes the interests of security as a pretext to justify violations of the civil and political rights of peoples who are perceived to be critical of the government.

Article 24 (paragraphs 320–322)

27. The African Charter recognizes the right of all peoples to a satisfactory environment favorable to development (article 24). The government’s agricultural policy, however, focuses on attracting commercial, export-oriented agri-business. The cultivars those businesses produce are often water-intensive, and their agricultural practices interfere with the livelihood of rural farmers who live downstream from those commercial farms. Government hydro-electric projects threaten the traditional practices and means of subsistence of the peoples who have traditionally lived on the lands affected by dam construction.

I. Ethiopia’s Regional, International, and Domestic Human Rights Commitments Mandate Equality and Non-Discrimination in the Promotion and Protection of Human Rights.

28. The Ethiopian Government’s Fifth and Sixth Periodic Report states that “Ethiopia remains committed to the promotion and protection of all human rights.”⁴ Its human rights obligations derive from the African Charter on Human and Peoples’ Rights as well as the other regional and international human rights instruments set forth below.

African Charter on Human and Peoples’ Rights

29. Under the African Charter, all people, regardless of racial or ethnic origin, are entitled to enjoy the protections provided by the Charter, including the right to life, security of person, privacy, dignity, the right to be free from discrimination, and the right to be free from torture, and arbitrary arrest and detention. It is the duty of member States to promote and protect the human rights and fundamental freedoms of their people.⁵

30. The African Commission has recognized:

“Together with equality before the law and equal protection of the law, the principle of non-discrimination provided under Article 2 of the Charter provides the foundation for

⁴ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 128.

⁵ African Charter on Human and Peoples’ Rights, Adopted June 27, 1981; Entered into Force October 21, 1986.

the enjoyment of all human rights [E]quality and non-discrimination ‘are central to the human rights movement.’ The aim of this principle is to ensure equality of treatment for individuals irrespective of nationality, sex, racial or ethnic origin, political opinion, religion or belief, disability, age or sexual orientation.”⁶

31. Article 60 of the African Charter directs the Commission to look to international laws and charters for inspiration on human and peoples’ rights. Ethiopia has signed and ratified several other regional and international human rights instruments. Like the Charter, these instruments commit the Government of Ethiopia to guarantee the equality of all citizens, and to protect and promote their fundamental right to life, freedom, security, respect, and dignity.

African Charter on the Rights and Welfare of the Child

32. Under the African Charter on the Rights and Welfare of the Child, a State Party must guarantee “legal protection in conditions of freedom, dignity and security”⁷ to the child regardless of “race, ethnic group, color, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.”⁸ The State must ensure that children are not “subjected to torture, inhuman or degrading treatment or punishment.”⁹

Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa

33. The African Protocol on Women’s Rights states that its purpose is “to ensure that the rights of women are promoted, realized and protected in order to enable them to enjoy fully all their human rights”¹⁰ under national law and other international treaties. Article 4(1) recognizes an obligation to take measures against “harmful practices or all other forms of violence, abuse and intolerance”¹¹ toward women and to “punish the perpetrators of violence against women and implement programmes for the rehabilitation of women victims.”¹² State Parties must take all measures necessary to prevent sexual abuse of women¹³ and to preserve female sexual and reproductive health.¹⁴

International Covenant on Civil and Political Rights

34. Article 6 of the International Covenant on Civil and Political Rights (ICCPR) establishes that every human being has an inherent right to life, of which they cannot be arbitrarily deprived.¹⁵ Article 7 prohibits all forms of torture or cruel, inhuman, or degrading treatment or punishment. Article 9 recognizes the rights to liberty and security of self, to not be subjected to arbitrary arrest or detention, and to not be deprived of liberty without an adherence to procedure. Under Article 14, Ethiopia is obligated to provide all individuals

⁶ *Zimbabwe Human Rights NGO Forum v. Zimbabwe*, AHRLR, para. 169 (ACHPR 2006) (emphasis added).

⁷ African Charter on the Rights and Welfare of the Child, Preamble, entered into force 29 Nov. 1999 [hereinafter Charter on the Rights of the Child].

⁸ *Id.*, art. 3.

⁹ *Id.*, art. 16.

¹⁰ Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa [hereinafter African Protocol on Women’s Rights], Preamble.

¹¹ *Id.*, Article 5(d).

¹² *Id.*, Article 4(2)(e).

¹³ *Id.*, Article 4(2)(a).

¹⁴ *Id.*, Article 14(1)(d).

¹⁵ International Covenant on Civil and Political Rights, art. 6, adopted on 19 Dec.1966 [hereinafter ICCPR].

with equal rights to appear before a competent and impartial tribunal, and to have a fair public hearing.

International Covenant on Economic, Social and Cultural Rights

35. The Committee on Economic, Social and Cultural Rights recognized in General Comment 20 that “[n]on-discrimination is an immediate and cross-cutting obligation of the Covenant.”¹⁶ Article 2, paragraph 2 of the International Covenant on Economic, Social and Cultural Rights obliges each State Party “to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”¹⁷ In General Comment 20, the Committee recognized that “[d]iscrimination on the basis of ‘race and colour’ . . . includes an individual’s ethnic origin.”¹⁸
36. The Committee has recognized that discrimination constitutes “any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights” and also includes both “incitement to discriminate and harassment.”¹⁹ Further, discrimination can be either direct or indirect. Direct discrimination occurs when an individual is treated less favorably than another for a reason related to a prohibited ground; while indirect discrimination occurs when laws, policies or practices that seem neutral on their face actually have a disproportionate impact on an ethnic group’s exercise of Covenant rights.²⁰

Convention Against Torture

37. The Convention Against Torture prohibits torture “for any reason based on discrimination of any kind.”²¹ The Committee Against Torture in General Comment 2 emphasized that “[t]he protection of certain minority or marginalized individuals or populations especially at risk of torture is a part of the obligation to prevent torture or ill-treatment,” and that “States parties must ensure that, insofar as the obligations arising under the Convention are concerned, their laws are in practice applied to all persons, regardless of race, colour, ethnicity, . . . religious belief or affiliation, political or other opinion, . . . gender, . . . economic or indigenous status, reason for which the person is detained, including persons accused of political offenses or terrorist acts, . . . or any other status or adverse distinction.”²²

¹⁶ Committee on Economic, Social and Cultural Rights, *General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2)*, United Nations Economic and Social Council E/C.12/GC/20, para. 7.

¹⁷ *International Covenant on Economic, Social and Cultural Rights*, Adopted and opened for signature, ratification and accession by General Assembly 16 December 1966, entry into force 3 January 1976, art. 2.

¹⁸ *General Comment No. 20, supra* note 16, para. 19.

¹⁹ *Id.* at 2.

²⁰ *Id.* at 3.

²¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G.A. res. 39/46, [annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)], *entered into force* June 26, 1987 [hereinafter CAT], art. 1.1.

²² Committee against Torture, General Comment No. 2 (Jan 24, 2008), U.N. Doc. CAT/C/GC/2, para. 21.

Convention on the Elimination of All Forms of Discrimination against Women

38. Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women “condemn[s] discrimination against women in all its forms.”²³ In a General Recommendation, the Committee on the Elimination of Discrimination against Women has emphasized that “[t]he discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief. . . . States parties must legally recognize such intersecting forms of discrimination and their compounded negative impact on the women concerned and prohibit them.”²⁴

Convention on the Rights of the Child

39. The Committee on the Rights of the Child in a General Comment has construed the Convention on the Rights of the Child’s prohibition on “discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status,”²⁵ is “a general principle of fundamental importance for the implementation of all the rights enshrined in the Convention.”²⁶ State parties are therefore obliged “to ensure that the principle of non-discrimination is reflected in all domestic legislation and can be directly applied and appropriately monitored and enforced through judicial and administrative bodies. . . . The Committee highlights that the obligations of the State party extend not only to the public but also to the private sector.”²⁷

Convention on the Elimination of all Forms of Racial Discrimination

40. The International Convention on the Elimination of All Forms of Racial Discrimination condemns “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”²⁸ The convention requires state parties to “undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law.”²⁹

Convention on the Rights of Persons with Disabilities

41. The Convention on the Rights of Persons with Disabilities recognizes “that all persons are equal before and under the law and are entitled without any discrimination to the equal

²³ CEDAW art. 2.

²⁴ Committee on the Elimination of Discrimination against Women, General Recommendation No. 28 (Dec. 16, 2010), U.N. Doc. CEDAW/C/GC/28, para. 18.

²⁵ Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), *entered into force* Sept. 2 1990, [hereinafter CRC], art. 2.1.

²⁶ Committee on the Rights of the Child, General Comment No. 11 (February 12, 2009), U.N. Doc. CRC/C/GC/11, para. 23.

²⁷ *Id.*

²⁸ International Convention on the Elimination of All Forms of Racial Discrimination, G.A. res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, *entered into force* Jan. 4, 1969, arts. 1(1), 2(1).

²⁹ *Id.*, art. 5.

protection and equal benefit of the law.”³⁰ The Convention calls on state parties to “prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.”³¹ In particular, state parties must “ensure an inclusive education system at all levels and life long learning directed to: . . . [t]he full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity; . . . [t]he development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential; [and] [e]nabling persons with disabilities to participate effectively in a free society.”³²

Domestic Law

42. As the Periodic Report notes, article 13(2) of Ethiopia’s constitution “requir[es] the interpretation of national human rights provisions to be in line with international human rights instruments.”³³ As noted in paragraph 45 below, however, these international human rights instruments have not been invoked in proceedings in Ethiopian courts.

II. The Government of Ethiopia Is Not Upholding Its Human Rights Obligations.

43. The Ethiopian Government’s Periodic Report asserts that “human rights issues are placed at the centre of policies and laws which reflects the commitment of the government to ensure good governance and eradicate poverty in Ethiopia.”³⁴ As demonstrated in this section, however, the Ethiopian Government is not upholding its human rights obligations.
44. The Ethiopian Government’s Periodic Report ignores the results of the African Commission’s prior review. During the Commission’s last periodic review of Ethiopia, the Commission recommended that the Ethiopian Government “[i]nform the African Commission, in its next Periodic Report, of the steps it has taken to address the areas of concern [identified the Commission’s 2010 Concluding Observations and Recommendations], as well as how it has implemented the recommendations in this Concluding Observations.”³⁵ The government’s Periodic Report, while addressing each article in the African Charter, makes no reference to these areas of concern and recommendations from the prior review.
45. Despite constitutional guarantees, there is no evidence to suggest that human rights treaties have the status of law in Ethiopia’s domestic legal order. Despite the requirement in article 13 of the constitution to interpret national human rights provisions “in line with international human rights instruments,” the Ethiopian Government consistently rejects its obligations

³⁰ International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, G.A. Res. 61/106, Annex I, U.N. GAOR, 61st Sess., Supp. No. 49, at 65, U.N. Doc. A/61/49 (2006), *entered into force* May 3, 2008, art. 5(1).

³¹ *Id.*, art. 5(2).

³² *Id.*, art. 24(1).

³³ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 19.

³⁴ *Id.* at 127.

³⁵ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 89.

under those instruments, as interpreted by the relevant treaty bodies, as demonstrated in greater detail below. Moreover, several treaty bodies have expressed concern about the Ethiopian Government's failure to provide "information about the status of [the human rights treaty] in the domestic legal order, the possibility of invoking directly the [treaty] before national courts and on any legislation implementing the provisions of the [treaty]."³⁶ The Committee on the Elimination of Racial Discrimination took "note of the [Ethiopian Government's] statement that the Convention [on the Elimination of All Forms of Racial Discrimination] is directly applicable in its courts,"³⁷ but noted "the absence of information on any court cases involving allegations of racial discrimination or in which the provisions of the Convention were invoked."³⁸ Similarly, the Human Rights Committee expressed concern "that none of the provisions of the Covenant [on Civil and Political Rights] have been invoked before national courts."³⁹ The Committee on Economic, Social and Cultural rights similarly expressed concern that "no information has been made available illustrating the actual application of the [International] Covenant [on Economic, Social and Cultural Rights]."⁴⁰ Similar to Ethiopia's reporting to the UN treaty bodies, the Periodic Report does not provide information on the status of the African Charter "in domestic law, the possibility of invoking its provisions directly before national courts and on the existence of specific legislation implementing the provisions of the [Charter]."⁴¹

46. Between 1990 and 2008, the Committee on the Elimination of Racial Discrimination conducted two reviews in the absence of a report from the Government of Ethiopia, and expressed concern that the Ethiopian Government's non-compliance with its reporting obligations "creates serious obstacles to the effective functioning of the system set up to monitor the implementation of the Convention at the national level."⁴² The Ethiopian Government finally submitted its seventh to sixteenth periodic reports to the CERD Committee in 2009.⁴³
47. The remainder of this section follows the structure of the Periodic Report, demonstrating that the Ethiopian Government has not upheld its obligations under the African Charter on Human and Peoples' Rights.

³⁶ Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/15 (June 20, 2007), ¶ 15. See also Human Rights Committee, Concluding observations of the Human Rights Committee: Ethiopia (Aug. 19, 2011), ¶ 5.

³⁷ Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/7-16 (Sept. 7, 2009), ¶ 10.

³⁸ *Id.*, ¶ 22.

³⁹ Human Rights Committee, Concluding observations of the Human Rights Committee: Ethiopia (Aug. 19, 2011), ¶ 5.

⁴⁰ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 5.

⁴¹ *Id.*, ¶ 15.

⁴² Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/15 (June 20, 2007), ¶¶ 2–3.

⁴³ *Id.*, ¶ 1.

A. General measures taken to promote human rights and to implement the African Charter

48. The Periodic Report asserts that the National Human Rights Action Plan addresses “in detail, civil and political, economic, social and cultural rights as well as the rights of vulnerable groups.”⁴⁴ While the Action Plan may discuss those rights, they are often not respected on the ground, as demonstrated in greater detail below.
49. The Periodic Report states that the government’s Criminal Justice Policy “aims to foster a criminal justice sector . . . to ensure exemplary due process for those accused of crimes, especially vulnerable groups and juvenile offenders. One of the policy objectives is building a criminal justice system that strengthens respect for individual rights and freedoms. The policy also gives due attention to the issues of a speedy and fair judicial process and of access to an independent judiciary.”⁴⁵ Such goals and objectives are laudable, but there is little evidence to show that progress is being made, particularly with respect to disadvantaged ethnic groups such as the Oromo.
50. The Periodic Report claims that national policies are “based on the general approach towards decentralization and democratization.”⁴⁶ Notably, however, the Ethiopian Government in early 2014 announced plans to expand the territory under control of the central government in Addis Ababa, to the detriment of the State of Oromia. As discussed in greater detail below, the plans were announced without genuine consultation or input from the people who live in Oromia.

Economic development fails to “trickle down” to Oromia.

51. The Periodic Report boasts that “[t]he Government has embarked on a series of major development projects whose impact will trickle down to the benefit of all citizens.”⁴⁷ But rather than “trickle down,” many of these projects have exacerbated economic disparities. “Oxford University’s 2014 Multi-Dimensional Poverty Index cites Ethiopia as the second most destitute country in the world. The country’s national average shows 58 percent living in severely poor and destitute conditions.”⁴⁸ This poverty is not evenly distributed among Ethiopia’s peoples and ethnic groups. “Oromia, the nation’s agricultural ‘hope’ is also the nation’s second-poorest region, where 90 percent of Oromos live in severe poverty and destitution.”⁴⁹ “Construction, paved roads and new infrastructure dot the landscapes of major cities. Meanwhile, more than 80 percent of Oromo households do not have access to electricity or sanitation, more than 75 percent do not have access to potable drinking water.”⁵⁰

⁴⁴ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 22.

⁴⁵ Id., at 25.

⁴⁶ Id., at 22.

⁴⁷ Id., at 127.

⁴⁸ Dr. Gudata Hinika, *Why Building Medical Capacity in Oromia Is Our ‘Fierce Urgency of Now,’* O-Pride, Aug. 13, 2014, available at <http://www.opride.com/oromsis/articles/opride-contributors/3769-building-medical-capacity-in-romia-is-our-fierce-urgency-of-now>.

⁴⁹ Id.

⁵⁰ Id.

The Ethiopian Government uses the pretext of combatting terrorism to target government critics.

52. During the Commission’s last periodic review of Ethiopia, the Commission expressed concern “[a]bout the silence of the Report and the lack of adequate response from the Delegation on the . . . Proclamation 652/09 on terrorism, and whether the Government will reopen dialogue with the civil society with a view to amend or review problematic laws in the country.”⁵¹
53. Several UN treaty bodies share the Commission’s concern about the Anti-Terrorism Proclamation. The Committee against Torture criticized provisions “which unduly restrict legal safeguards against torture and ill-treatment for persons suspected or charged with a terrorist or related crime,” including the “broad definitions of incitement to terrorism and of terrorist acts and related crimes,” the “broad powers of the police to arrest suspects without a court warrant,” the “admissibility in court in terrorism cases of hearsay and indirect evidence and confessions of suspects of terrorism . . . , the permitted use of anonymous witnesses . . . , and other procedural provisions undermining the rights of defence,” as well as the “determination of the status of a prisoner, captured by the Defence Forces during war, as a prisoner of war or other by the Primary Military Court rather than an ordinary court.”⁵²
54. The Committee against Torture recommended that the Ethiopian Government “ensure that the provisions of the Anti-terrorism Proclamation No. 652/2009 are compatible with the provisions of the Convention [against Torture], in particular that no exceptional circumstances whatsoever can be invoked as a justification for torture.”⁵³ The committee also recommended that the Ethiopian Government take the steps necessary to ensure that, in practice, confessions obtained under torture are not admitted in court proceedings, including in cases falling under the Anti-terrorism Proclamation.⁵⁴
55. In 2011, the Human Rights Committee expressed regret about “the unclear definition of certain [terrorism] offences in Proclamation 652/2009” and stated its concern about “the scope of some of its provisions, including the criminalization of encouragement of and inducement to terrorism through publication, which can lead to abuse against the media.”⁵⁵ The committee urged the Ethiopian Government to “ensure that its anti-terrorism legislation defines the nature of those acts with sufficient precision to enable individuals to regulate their conduct accordingly” and to “ensure that its legislation is limited to crimes that deserve to attract the grave consequences associated with terrorism, and revise its legislation that imposes undue restrictions on the exercise of rights under the [International] Covenant [on Civil and Political Rights].”⁵⁶

⁵¹ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 57.

⁵² Committee against Torture, Concluding observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 14.

⁵³ Id.

⁵⁴ Id., ¶ 31.

⁵⁵ Human Rights Committee, Concluding observations of the Human Rights Committee: Ethiopia (Aug. 19, 2011), ¶ 15.

⁵⁶ Id.

56. During the interactive dialogue of the Universal Periodic Review earlier this year, the Ethiopian Government asserted that “[t]he Anti-Terrorism Proclamation would not be used to silence opposition.”⁵⁷ The government further asserted that “[t]he Anti-Terrorism Proclamation had drawn heavily on best legislative practices from around the world,” and claimed that “[t]his Proclamation was never used to stifle dissent. The very few individuals who allegedly had journalistic backgrounds had been tried and convicted for their involvement in clandestine terrorist networks rather than for journalistic activities.”⁵⁸
57. Notably, despite these assertions, the Ethiopian Government declined to accept recommendations during the Universal Periodic Review to “[r]evis[e] the . . . Anti-Terrorism Proclamation to create a framework conducive to the work of NGOs and other civil society organizations, and ensure the protection of journalists and political opponents from all forms of repression,” to “[a]mend and clearly redefine provisions in . . . the Anti-Terrorism Proclamation in order to lift restrictions on the rights of freedom of association and freedom of expression,” to “[n]arrow the definition of terrorist activity within international practice to exclude journalism,” to [r]evis[e] the 2009 Anti-Terrorism proclamation and the 2008 Mass Media Proclamation [to] bring them in line with international human rights standards,” to “[r]emove vague provisions in the Anti-Terrorism Proclamation that can be used to criminalise 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,” and to “[c]onduct a full review of the Anti-Terrorism Proclamation, amending the law as necessary to ensure that it strengthens the rule of law and is applied apolitically and in full compliance with Ethiopia’s international human rights obligations.”⁵⁹
58. The Periodic Report includes the Anti-Terrorism Proclamation as one “of the most important recent measures in the context of human rights.”⁶⁰ The Periodic Report concedes that “[a]nother challenge relates to the growing concern over the terrorist activities. . . . Promoting human rights while protecting citizens from terrorism is a challenge and the government is committed to take appropriate measures to find the right balance.”⁶¹ Since the Anti-Terrorism Proclamation was adopted in 2009, however, the Ethiopian Government has invoked concern over terrorist activities to justify grave human rights violations.
59. The Ethiopian Parliament passed the Anti-Terrorism Proclamation No. 652/2009 in 2009. The law is broad in application, as it uses vague language to define acts of terrorism. Reports indicate that the law has been used as a means to target government opposition.⁶² Numerous journalists, opposing party members and political activists have been detained by the government under the law, and more than thirty have been convicted on vague charges of terrorism with prison sentences as long as 18 years.⁶³ Members of the Oromo community

⁵⁷ *Id.*, ¶ 13.

⁵⁸ Human Rights Council, Draft report of the Working Group on the Universal Periodic Review: Ethiopia (May 8, 2014), ¶ 152.

⁵⁹ *Id.*, ¶ 158.43–.44, .50–.53.

⁶⁰ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 26.

⁶¹ *Id.*, at 128.

⁶² Human Rights Watch, *World Report 2013: Ethiopia*.

⁶³ *Id.*

have reported that due to the implementation and enforcement of this law, a great sense of fear exists within Ethiopia and freedom of expression has become extremely limited.⁶⁴

60. The Anti-Terrorism Proclamation is widely viewed as a pretext to suppress opposition in a way that may be more palatable to the outside world.⁶⁵ The Ethiopian Government has attempted to stifle dissent by targeting civil society organizations that are perceived not to support the ruling party. In many situations, Oromos are assumed to support the Oromo Liberation Front (OLF—labeled a terrorist organization by the Ethiopian Government) unless they actively express support for the ruling party. Both individual Oromos and Oromo non-governmental organizations are subject to this pretextual targeting. For example, the Government shut down the Mecha Tulema Self-Help Association, an organization formed to promote Oromo culture, based on assertions that the organization was affiliated with the OLF. The Human Rights League, another Oromo human rights organization, faced similar treatment. One Oromo woman who runs a non-governmental organization reported to The Advocates that she has been subject to constant covert government monitoring and interference.⁶⁶

The Periodic Report offers no response to the Commission's concerns about intimidation of judges.

61. During the last periodic review of Ethiopia, the Commission expressed concern “[a]bout the silence of FDRE on reasons why judges Wolde-Micheal Meshesha and Firehiwot Samuel fled and sought political asylum in Europe before the completion of their assignment.”⁶⁷ The Commission recommended that the Ethiopian Government “[s]upply information on reasons that led to the fleeing of the two judges, Wolde-Micheal-Meshesha and Firehiwot Samuel before the completion of their assignment.”⁶⁸ The Periodic Report makes no reference to these concluding observations. Rather, it states without further explanation that “Judges are guaranteed protection from being subject to any pressure as a result of any act during the exercise of their power.”⁶⁹
62. As the Commission is likely aware, Judge Frehiwot Samuel was the chair and Judge Wolde-Michael Meshesha was the deputy chair of the official Ethiopian Inquiry Commission that documented that after the May 2005 elections, Ethiopian police and paramilitary forces intentionally shot and killed 193 unarmed Ethiopians demonstrating in the streets and others held in detention.⁷⁰ They reported that they had been repeatedly harassed and threatened during their work on the Inquiry Commission.⁷¹ After the Ethiopian Parliament blocked them

⁶⁴ Interviews with Oromo diaspora members on September 4, 2013 and September 6, 2013.

⁶⁵ Aljazeera: *The Oromo and the War on Terror in the Horn of Africa*, July 16, 2013, <http://www.aljazeera.com/indepth/opinion/2013/2013/07/20137143394329934.html>.

⁶⁶ UPR Info, *Ethiopia Mid-term Implementation Assessment: Ethiopia*, July 2012, at 11.

⁶⁷ African Commission on Human and Peoples' Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 43.

⁶⁸ *Id.*, ¶ 77.

⁶⁹ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples' Rights in Ethiopia, April 2014, at 33.

⁷⁰ *Exiled Inquiry Commission officials brief U.S. Congress*, Ethiomedia, Nov. 18, 2006, http://www.ethiomedia.com/addfile/ethiopian_inquiry_commission_briefs_congress.html.

⁷¹ *Id.*

from presenting their findings, the judges were concerned that the 1,300 witnesses who gave testimonials to the commission would be endangered, and they fled Ethiopia with their full report.⁷²

63. A former judge of the Oromia Supreme Court recently reported on the lack of judicial independence in Ethiopian courts.⁷³ He explained that “because judges lack the independence to serve justice, suspected individuals often languish in jail before guilt is established.”⁷⁴ In some cases, “the court itself conspires with the rest of the shaky justice sector organs. I remember a case where a suspect re-applied for bail after serving four years behind the bar for reasons unknown to him. The petitioner was arrested on allegations of teaching Oromo Liberation Front's political program to locals. He was brought to the district court four years earlier where the judge adjourned his case for two weeks and remanded the suspect. But the police did not take the suspect to court on due date nor did the judge order the police or remand center to bring him back to court. The file was shelved as the suspect remained in jail.”⁷⁵ In other cases, “there are times when the court grants bail but the other authorities refuse to execute the decision. There are numerous incidents of confrontation between the courts and, the police and prison administration because of such resistance to execute court order. Locals are increasingly reporting such incidents from Oromia in relation to those arrested in connection with the recent Oromo protests.”⁷⁶

The Charities and Societies Proclamation stifles civil society activities in the field of human rights.

64. During the Commission’s last periodic review of Ethiopia, the Commission expressed concern “[t]hat the Charities and Societies Proclamation No. 621/2009 has the potential to violate the rights of freedom of expression as specified by the African Charter, especially the provision that requires NGOs not to raise more than ten percent of their funding outside of Ethiopia.”⁷⁷ Those concerns were and continue to be well-founded, and that potential has become reality. The Commission also expressed concern “[a]bout the silence of the Report and the lack of adequate response from the Delegation on the CSO law . . . and whether the Government will reopen dialogue with the civil society with a view to amend or review problematic laws in the country.”⁷⁸ The Commission recommended that the Ethiopian Government “[r]eview the Charities and Civil Societies Proclamation . . . that proscribe human rights organizations from getting more than ten percent of their funding from abroad.”⁷⁹
65. Confirming the African Commission’s concerns, UN treaty bodies have roundly criticized the Charities and Societies Proclamation. The Committee against Torture, for example,

⁷² Id.

⁷³ Israel I. Fayisa, *Bail Justice in Oromia: Denial and Delaying of Bail as a Punishment*, Opride, Aug. 26, 2014, <http://www.opride.com/oromsis/articles/opride-contributors/3772-bail-justice-in-romia-denial-and-delaying-of-bail-as-a-punishment>.

⁷⁴ Id.

⁷⁵ Id.

⁷⁶ Id.

⁷⁷ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 45.

⁷⁸ Id., ¶ 57.

⁷⁹ Id., ¶ 72.

expressed “serious concern about reliable information on the negative impact of Proclamation No. 621/2009 for the Registration of Charities and Societies, which bars foreign NGOs and those which receive more than 10 per cent of their funds from foreign sources from working on human rights and the administration of justice . . . , on the capacity of local human rights NGOs to facilitate prison visits and to provide legal aid and other assistance or rehabilitation to victims of torture and ill-treatment.”⁸⁰

66. In 2009, the Committee on the Elimination of Racial Discrimination expressed concern that the Charities and Societies Proclamation, “to a large extent, curtails freedom of association in that . . . charities established by nationals of the State party under its laws are not allowed to receive more than ten per cent of their funds from foreign sources, including international agencies and nationals living abroad; . . . charities established by residents under the State party’s law with an exclusively Ethiopian membership are barred from taking part in the advancement of human and democratic rights, the promotion of gender equality and the promotion of the efficiency of the justice and law enforcement services; and . . . heavy penalties have been provided for violation of this law.”⁸¹ The committee recommended a review of the law “to ensure that due consideration is given to the important role of civil society organizations in the promotion and protection of human rights, including in the area of racial discrimination.”⁸² The committee requested that the Ethiopian Government provide information within one year on its follow-up to that recommendation, but that follow-up report is now more than four years overdue.⁸³
67. In 2011, the Committee on the Elimination of Discrimination against Women expressed serious concern that the Charities and Societies Proclamation “has obstructed the capacity of local women’s rights organizations to provide legal aid and other support to women victims of human rights violations.”⁸⁴ The committee expressed “concern that the decision of the Civil Society Agency to freeze 90 per cent of the assets of some local human rights organizations, including the Ethiopian Women Lawyers Association (EWLA), previously the main local women’s rights organization in Ethiopia, cannot be appealed to a court and has forced those non-governmental organizations to downsize their staff and number of regional offices and, in the case of EWLA, to suspend legal aid and hotline services for women.”⁸⁵ The committee expressed further concern “that the State party has not been able to fill the gap resulting from the suspension of those services.”⁸⁶
68. The CEDAW Committee called on the Ethiopian Government to “[r]econgnize the crucial role of non-governmental organizations in empowering Ethiopian women through awareness-raising and advocacy, victim assistance and rehabilitation, as well as legal and other support enabling women to claim their rights; . . . [c]onsider amending the law on civil society organizations with a view to lifting the funding restrictions on local human rights non-

⁸⁰ Committee against Torture, Concluding observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 34.

⁸¹ Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/7-16 (Sept. 7, 2009), ¶ 14.

⁸² *Id.*, ¶ 14.

⁸³ *Id.*, ¶ 30.

⁸⁴ Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/ETH/CO/6-7 (July 27, 2011), ¶ 28.

⁸⁵ *Id.*

⁸⁶ *Id.*

governmental organizations . . . and any other restrictions on activities of local and international non-governmental organizations which are incompatible with international human rights standards, such as the right of citizens and non-citizens to freedom of association; . . . [u]nblock the assets of EWLA and other local human rights non-governmental organizations, ensure that decisions of the Civil Society Agency are subject to judicial review, and guarantee the freedom of non-governmental organization workers from any form of harassment or intimidation; . . . [c]ooperate with local and other women’s rights non-governmental organizations to enable them to play a meaningful role in the implementation of the Convention in the State party, thereby assisting the State party to fulfil its obligations under the Convention; [and] [i]n the interim, devise strategies to mitigate the adverse impact of the law on civil society organizations on the capacity of local human rights non-governmental organizations, . . . and fill the gap resulting from their limited ability to provide legal and other services to women, including outside Addis Ababa, in consultation with international partners.”⁸⁷

69. Similarly, in 2011 the Human Rights Committee expressed concern about “reports that in practice the provision of free legal aid has been seriously impeded by the restrictions imposed on non-governmental organisations (NGOs) by the Proclamation to Provide for the Registration and Regulation of Charities and Societies (CSO) No 621/2009, as free legal aid was frequently provided by NGOs given the lack of capacity of the Public Defender Office.”⁸⁸ The committee called on the Ethiopian Government to “ensure that, where a person is undefended, the office of the public Defender Office provides all persons suspected of having committed a crime with legal counsel from the outset of their detention,” and to “take steps to guarantee that all other legal safeguards are implemented in practice,” and to “remove those restrictions on NGOs which in effect preclude them from offering legal aid services.”⁸⁹

70. The Human Rights Committee also expressed concern that the Charities and Societies Proclamation “impedes the realization of the freedom of association and assembly as illustrated by the fact that many NGOs and professional associations were not authorized to register under the new Proclamation or had to change their area of activity.”⁹⁰ The committee urged the Ethiopian Government to revise the law “to ensure that any limitations on the right to freedom of association and assembly are in strict compliance with . . . the [International] Covenant [on Civil and Political Rights], and in particular [the Ethiopian Government] should reconsider the funding restrictions on local NGOs in the light of the Covenant and it should authorize all NGOs to work in the field of human rights.”⁹¹ The committee confirmed that the Ethiopian Government “should not discriminate against NGOs that have some members who reside outside of its borders.”⁹²

71. In 2012, the Committee on Economic, Social and Cultural Rights expressed “concern that certain provisions of the Charities and Societies Proclamation (No. 621/2009) have had a

⁸⁷ Id., ¶ 29.

⁸⁸ Human Rights Committee, Concluding observations of the Human Rights Committee: Ethiopia (Aug. 19, 2011), ¶ 20.

⁸⁹ Id.

⁹⁰ Id., ¶ 25.

⁹¹ Id.

⁹² Id.

profound obstructive effect on the operation of human rights organizations,” as well as concern “that the Charities and Societies Agency has frozen assets of some of those organizations, including the Ethiopian Women Lawyers Association, forcing them to downsize, close regional offices and suspend some of their services.”⁹³ The committee called on the Ethiopian Government to amend the proclamation “with a view to omitting provisions restricting the work of human rights organizations and lifting the funding restrictions,” and to “unblock all the assets of local human rights NGOs.”⁹⁴

72. The Ethiopian Government has rejected recommendations to lift restrictive provisions of the Charities and Societies Proclamation. The Committee against Torture called on the Ethiopian Government to “consider lifting the funding restrictions on local human rights NGOs, unblock any frozen assets of those NGOs and ensure their freedom from harassment and intimidation, with a view to enabling them to play a meaningful role in the implementation of the Convention in [Ethiopia], thereby assisting [Ethiopia] in fulfilling its obligations under the Convention.”⁹⁵
73. Notably, in May 2014, the Ethiopian Government declined to accept recommendations during the Universal Periodic Review to “[t]ake necessary measures to ensure respect for the right to freedom of association, including by repealing legislative and administrative restrictions on the activities of NGOs,” to “[c]ontribute to reinforce the role of civil society and suppress the administrative constraints and financial restrictions imposed by the 2009 law,” to “[a]llow civil society organizations to complement Government programmes in preventing violence and harmful practices against women and girls and also amend the Charities and Societies Proclamation to ensure that restrictions on freedom of association are removed, including restrictions on potential sources of funding for civil society,” to “[a]mend the Charities and Societies Proclamation so that all NGOs can operate freely without restriction stemming from the structure of their funding,” to “[r]epeal the Charities and Societies Proclamation in order to promote the development of an independent civil society able to operate freely,” to “[a]mend its Charities and Societies Proclamation to facilitate the effective operation and financing of non-government organizations,” to “[e]nsure that the provisions of the 2009 Charities and Societies Proclamation are in compliance with international human rights standards, including the freedom of expression and assembly, “ to “[r]evise the Charities and Societies Proclamation . . . to create a framework conducive to the work of NGOs and other civil society organizations,” to “[a]mend and clearly redefine provisions in the Charities and Societies Proclamation . . . in order to lift restrictions on the rights of freedom of association and freedom of expression,” to [a]mend the Charities and Societies Proclamation to allow civil society to work on human rights issues, including women’s rights, without restrictions related to the origin of funding,” to “[t]ake measures to ensure full rights of association, by reviewing the Charities and societies Proclamation as regards funding restrictions imposed on civil society organisations working with human

⁹³ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 7.

⁹⁴ *Id.*

⁹⁵ Committee against Torture, Concluding observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 34.

rights,” and to “[e]nsure a safe and enabling environment for human rights defenders, including by loosening restrictions for fundraising activities of NGOs.”⁹⁶

74. The Periodic Report asserts that the Charities and Societies Proclamation is an “institutional measure . . . to further strengthen the institutions that play a central role in the protection and promotion of human rights” and “to cater the human rights of citizens.”⁹⁷ During the Universal Periodic Review earlier this year, the Ethiopian Government asserted that the proclamation “ensured the realization of the right to freedom of association and provided a conducive environment for the growth and development of charities and societies.”⁹⁸ As discussed below, the framework in practice severely constrains the work of civil society in the field of human rights.
75. The Charities and Societies Proclamation has led to an overwhelming reduction in the amount of human rights work undertaken within Ethiopia.⁹⁹ The law prohibits foreign agencies from working in the areas of human rights, equality, conflict resolution, and the rights of children.¹⁰⁰ As described in greater detail below, this law bars efforts by foreign NGOs to address FGM and child sexual abuse, among other issues. Local civil society organizations that receive more than ten percent of their funding from abroad, including from the Ethiopian diaspora, are also banned from working in these areas. As a result of the law, several organizations traditionally involved in human rights work altered their mandate away from human rights in order to continue receiving foreign funding.¹⁰¹ The Committee against Torture noted in 2011 with concern “that local human rights NGOs previously active in [the areas of prison visits, providing legal aid and other assistance or rehabilitation to victims of torture and ill-treatment], including the Ethiopian Human Rights Council, the Ethiopian Bar Association and the Rehabilitation Centre for Victims of Torture in Ethiopia, are no longer fully operational.”¹⁰² The few organizations that have maintained a human rights focus have been forced to substantially reduce their annual budget, in some cases by more than ninety percent.¹⁰³ Reports indicate that donors are increasingly fearful of aiding human rights organizations as the law prohibits organizations from keeping donor information confidential.¹⁰⁴ And by erecting barriers to cooperation between Ethiopians in Ethiopia and those in the diaspora, the Proclamation interferes with the development of international cultural contacts and cooperation.¹⁰⁵

⁹⁶ Human Rights Council, Draft report of the Working Group on the Universal Periodic Review: Ethiopia (May 8, 2014), ¶ 158.36–.47.

⁹⁷ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 28, 31.

⁹⁸ Human Rights Council, Draft report of the Working Group on the Universal Periodic Review: Ethiopia (May 8, 2014), ¶ 9.

⁹⁹ Amnesty International, *Stifling Human Rights Work, The Impact of Civil Society Legislation in Ethiopia*, (March 2012), available at: <http://www.amnesty.org/en/library/asset/AFR25/002/2012/en/3b0adc69-f0fd-4b43-9ff8-635073d60f44/afr250022012en.pdf>.

¹⁰⁰ Id.

¹⁰¹ Id.

¹⁰² Committee against Torture, Concluding observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 34.

¹⁰³ Id.

¹⁰⁴ Id.

¹⁰⁵ UPR Info, *Ethiopia Mid-term Implementation Assessment: Ethiopia*, July 2012, at 27.

Government censorship stifles freedom of expression and independent journalism.

76. During the Commission’s last periodic review of Ethiopia, the Commission expressed concern “[t]hat out of the 18 broadcasters (Television and Radio) only 5 are privately owned and this may not create an enabling environment for the enjoyment of freedom of expression and access to information.”¹⁰⁶ The Commission recommended that the Ethiopian Government to “[c]reate [an] enabling environment [for] journalists by increasing the number of private radio stations and periodicals for easy access to information.”¹⁰⁷
77. In 2011, the Human Rights Committee expressed concern about “provisions of the Proclamation on the Freedom of the Mass Media and Access to Information (No. 591/2008), in particular the registration requirements for newspapers, the severe penalties for criminal defamation, and the inappropriate application of this law in the combat against terrorism, as illustrated by the closure of many newspapers and legal charges brought against some journalists.”¹⁰⁸ The committee also expressed concern about “reports received about the impossibility of accessing various foreign websites and radio stations.”¹⁰⁹ The committee recommended that the Ethiopian Government “revise its legislation to ensure that any limitations on the rights to freedom of expression are in strict compliance with . . . the Covenant, and in particular it should review the registration requirements for newspapers and ensure that media are free from harassment and intimidation.”¹¹⁰
78. During the interactive dialogue of the Universal Periodic Review earlier this year, the Ethiopian Government asserted that “the Government’s policy reforms had created an enabling environment for the media.”¹¹¹ Despite this claim, the Ethiopian Government declined to accept recommendations during the Universal Periodic Review to “[i]mmediately release all journalists detained for their professional activities,” to “[p]ut an end to the harassment of journalists and release those detained without an valid grounds,” to “[a]mend the Mass Media Proclamation so that space for free media is widened, and refrain from invoking the Anti-Terrorism Proclamation to stifle independent journalists,” and to “[r]epeal the provisions of the media and anti-terrorism legislation that infringe on the protection accorded to freedom of expression by provisions in Article 29 of its Constitution and on Ethiopia’s human rights obligations.”¹¹²
79. To this day, with only a handful of private radio stations in Ethiopia, the Government controls most broadcasting outlets and owns the internet service provider, allowing censorship by the government. According to Reporters Without Borders, the Ethiopian government has instituted a “legislative arsenal” that has eroded the democratic space and freedom of expression in Ethiopia.¹¹³ In late April 2014, Government authorities “arrested

¹⁰⁶ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 42.

¹⁰⁷ *Id.*, ¶ 76.

¹⁰⁸ Human Rights Committee, Concluding observations of the Human Rights Committee: Ethiopia (Aug. 19, 2011), ¶ 24.

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Human Rights Council, Draft report of the Working Group on the Universal Periodic Review: Ethiopia (May 8, 2014), ¶ 150.

¹¹² *Id.*, ¶ 158.32–.35.

¹¹³ BBC News Africa: Ethiopia profile, <http://www.bbc.com/news/world-africa-13349401> (last visited Sept. 8, 2014).

nine journalists and bloggers on allegations that they worked for foreign human rights groups or used social media to incite violence.”¹¹⁴ Sixty days after their arrests, they remained imprisoned, with several court hearings cancelled to allow police more time to investigate.¹¹⁵ On July 17, 2014, they were “formally charged with terrorism offenses and ‘Outrages against the Constitution.’”¹¹⁶ According to Amnesty International, they are being prosecuted for “[a]ttempting to hold an open, public conversation about the future of their nation.”¹¹⁷ The court rejected their request for bail, and a call to have the charges dismissed for violations of procedural rules and “illogical reasoning in the charge sheet was dismissed.”¹¹⁸ A hearing in the case has been postponed until October 15.¹¹⁹ If the journalists are convicted under the Anti-Terrorism Act, they could face up to 10 years in prison.¹²⁰

80. Even prior to these arrests, Ethiopian authorities had sentenced more than 100 people under the Anti-Terrorism Act, including two award-winning journalists who were sentenced to 18 and 14 years in prison.¹²¹ Eskinder Nega, a journalist and blogger, was sentenced to 18 years in prison in 2012 “for reporting on the Arab Spring protests and remarking that Ethiopia could face similar protests if the government does not undergo reform.”¹²² Amnesty International reports that “[o]ther leading journalists have also been detained or hounded into exile.”¹²³
81. The Ethiopian Government cracks down on reporting about student protests. On June 25, 2014, 18 journalists for Ethiopia’s government-run Oromia Radio and Television Organization (ORTO) were terminated “with orders from the higher ups.”¹²⁴ Some of the dismissed journalists had previously expressed disagreement with the government’s decision not to cover recent student protests in the State of Oromia, discussed in greater detail below.¹²⁵ “An Ethiopia-based journalist, who asked not to be named due to fear of repercussions, said the 18 reporters were let go after weeks of an indoctrination campaign . . . failed to quiet the journalists. The Campaign began earlier [in June 2014] when a meeting was called in Adama, where ORTO is headquartered, to ‘reindoctrinate’ the journalists there into what is sometimes mockingly called ‘developmental journalism,’ which tows government lines on politics and human rights. The journalists reportedly voiced grievances

¹¹⁴ Roy Greenslade, *Nine Journalists and Bloggers arrested in Ethiopia ahead of Kerry visit*, The Guardian, Apr. 30, 2014, <http://www.theguardian.com/media/greenslade/2014/apr/30/press-freedom-ethiopia>.

¹¹⁵ Adam Oxford, *Ethiopian Bloggers mark 60 days in jail without trial*, htxt.africa, June 24, 2014, <http://www.htxt.co.za/2014/06/24/ethiopian-bloggers-mark-60-days-in-jail-without-trial/>.

¹¹⁶ Adotei Akwei, *Zone 9: The Growing Gulag in Ethiopia*, Amnesty International Human Rights Now Blog, Sept. 8, 2014, <http://blog.amnestyusa.org/africa/zone-9-the-growing-gulag-in-ethiopia/>.

¹¹⁷ Id.

¹¹⁸ Id.

¹¹⁹ Id.

¹²⁰ Adam Oxford, *Ethiopian Bloggers mark 60 days in jail without trial*, htxt.africa, June 24, 2014, <http://www.htxt.co.za/2014/06/24/ethiopian-bloggers-mark-60-days-in-jail-without-trial/>.

¹²¹ Jillian C. York, *How Many Political Bloggers Need to be Imprisoned before the US Reacts*, Vice News, June 27, 2014, <https://news.vice.com/article/how-many-political-bloggers-need-to-be-imprisoned-before-the-us-reacts>.

¹²² Adotei Akwei, *Zone 9: The Growing Gulag in Ethiopia*, Amnesty International Human Rights Now Blog, Sept. 8, 2014, <http://blog.amnestyusa.org/africa/zone-9-the-growing-gulag-in-ethiopia/>.

¹²³ Id.

¹²⁴ Mohammed Ademo, *Ethiopia reportedly fires 18 journalists from a state-run outlet*, Columbia Journalism Review, June 27, 2014, http://www.cjr.org/behind_the_news/ethiopia_cans_18_journalists.php?page=all.

¹²⁵ Id.

about decisions to ignore widespread civic upheavals [in Oromia].”¹²⁶ One week before the student protests in Oromia began, one of the terminated journalists had run a segment featuring party members criticizing the government’s plan to expand Addis Ababa—the plan that soon thereafter prompted protests throughout Oromia.¹²⁷ “Authorities saw the coverage as a tacit approval for public displeasure with the plan But once the protests began, culminating in the killings of more than a dozen students in clashes with the police and the detentions and maimings of hundreds of protesters, [TV Oromia] went mute, aside from reading out approved police bulletins.”¹²⁸ A foreign journalist on assignment in Addis Ababa recently reached out to The Advocates, stating that although he was “desperately trying to do [reporting] on [the] Oromo Protests, . . . journos aren’t being allowed access to places like Ambo,” where the government had responded to protests with lethal force.¹²⁹

Fear of reprisals and government surveillance impede human rights monitoring and intimidate government critics.

82. One person assisting with this report posted a request for information to a closed (invitation-only) Facebook group for non-Ethiopians working in Ethiopia. One person responded to the request by saying that because the government monitors and tracks all online activity, workers would be at risk if they responded to the request for information, adding that “[t]he government can figure out who sends emails.”¹³⁰ Another responded, “Be careful, folks!” and warned that “things can be easily tracked back to your communities and people you associate with.”¹³¹ Another said, “[s]haring a story could potentially put people . . . at serious risk.”¹³² And one worker added that the Government of Ethiopia “would have no trouble identifying people in communities mentioned in the report (perhaps correctly or mistakenly targeting guilty or innocent Ethiopians),” adding: “don’t put working people in the government spotlight by telling our stories.”¹³³
83. Reports of violations of the right to privacy include surveillance, monitoring of telephone conversations, and interference with mail and e-mail. A 2013 report by the University of Toronto’s Munk School of Global Affairs concluded that “[a] FinSpy [spyware] campaign in Ethiopia uses pictures of Ginbot 7, an Ethiopian opposition group, as bait to infect [computer] users.”¹³⁴ Researchers at the University of Toronto’s Citizen Lab determined that Ethio Telecom is the operator of a FinSpy [spyware] server.¹³⁵
84. The Citizen Lab report demonstrated that the Ethiopian Government is using sophisticated software to spy on political opponents:

We analyzed a recently acquired malware sample and identified it as FinSpy. The malware uses images of members of the Ethiopian opposition group, Ginbot 7, as bait.

¹²⁶ Id.

¹²⁷ Id.

¹²⁸ Id.

¹²⁹ Text communication, July 1, 2014, on file with The Advocates for Human Rights.

¹³⁰ June 18, 2014 comment on Facebook thread, on file with The Advocates for Human Rights.

¹³¹ Id.

¹³² Id.

¹³³ Id.

¹³⁴ Morgan Marquis-Boire et al., You Only Click Twice: FinFisher’s Global Proliferation, Mar. 13, 2013, <https://citizenlab.org/2013/03/you-only-click-twice-finfishers-global-proliferation-2/>.

¹³⁵ Id.

The malware communicates with a FinSpy Command & Control server in Ethiopia, which was first identified by Rapid7 in August 2012. The server has been detected in every round of scanning, and remains operational at the time of this writing. It can be found in the following address block run by Ethio Telecom, Ethiopia's state-owned telecommunications provider:

```
IP: 213.55.99.74
route: 213.55.99.0/24
descr: Ethio Telecom
origin: AS24757
mnt-by: ETC-MNT
member-of: rs-ethiotelecom
source: RIPE # Filtered136
```

. . . . [T]he malware relocates itself and drops a JPG image with the same filename as the sample when executed by an unsuspecting user. This appears to be an attempt to trick the victim into believing the opened file is not malicious. . . . In this case the picture contains photos of members of the Ethiopian opposition group, Ginbot 7. Controversially, Ginbot 7 was designated a terrorist group by the Ethiopian Government in 2011. The Committee to Protect Journalists (CPJ) and Human Rights Watch have both criticized this action, CPJ has pointed out that it is having a chilling effect on legitimate political reporting about the group and its leadership. The existence of a FinSpy sample that contains Ethiopia-specific imagery, and that communicates with a still-active command & control server in Ethiopia strongly suggests that the Ethiopian Government is using FinSpy. . . . The fact that the Ethiopian version of FinSpy uses images of opposition members as bait suggests it may be used for politically influenced surveillance activities, rather than strictly law enforcement purposes.¹³⁷

85. In February 2014, a U.S. citizen in the Ethiopian diaspora filed a lawsuit against the Ethiopian Government for infecting his computer with spyware and for wiretapping his private internet-based telephone calls and monitoring his computer use for several months.¹³⁸ The Electronic Frontier Foundation, which represents the victim, explains that “the malware took over our client’s computer and secretly sent copies of his activities, including Skype calls, web searches and indications of websites visited [and] other activity, to the Ethiopian government.”¹³⁹ The plaintiff has requested permission from the court to proceed under a pseudonym “in order to protect his family both in the United States and in Ethiopia.”¹⁴⁰ The Ethiopian Government’s motion to dismiss is fully briefed and remains pending before the U.S. District Court for the District of Columbia.¹⁴¹
86. As confirmed by the discovery of spyware on the computers of several critics of the Ethiopian Government, members of the Oromo diaspora have long believed that communications are monitored.¹⁴² There are reports of delays in receiving e-mail

¹³⁶ Id.

¹³⁷ Id.

¹³⁸ *Kidane v. Ethiopia*, Electronic Frontier Foundation, <https://www.eff.org/cases/kidane-v-ethiopia>.

¹³⁹ Id.

¹⁴⁰ Id.

¹⁴¹ Id.

¹⁴² Interview with Oromo diaspora member on September 4, 2013.

communications from Ethiopia and interception of e-mail communications into Ethiopia. As a result of these concerns, e-mail addresses are changed frequently. One interviewee reported that he never sends an e-mail to the same address more than one or twice if it contains information that might be private.¹⁴³

87. Suggested questions for the Ethiopian Government:

- Has the African Charter on Human and Peoples' Rights, or any other human rights treaty that Ethiopia has ratified, ever been cited in a court of law in Ethiopia or invoked directly in such a court? What efforts is the Ethiopian Government undertaking to ensure that Ethiopia's legal system takes into account Ethiopia's human rights treaty obligations?
- What measures is the Ethiopian Government taking to ensure that the benefits of economic development are shared equally among Ethiopia's peoples and ethnic groups?
- International human rights mechanisms including the Committee against Torture and the Human Rights Committee have criticized the Anti-Terrorism Proclamation, suggesting it does not strike the right balance between the Ethiopian Government's obligation to protect and promote human rights and its obligation to protect citizens from terrorism. What legislative practices did the Ethiopian Government draw upon in drafting and implementing the law? What measures does the Ethiopian Government take to ensure that the law is not used to silence opposition?
- Why does the Periodic Report make no reference to why judges Wolde-Micheal Meshesha and Firehiwot Samuel fled Ethiopia and sought political asylum, as the Commission requested in its Concluding Observations during the last review?
- What is the Ethiopian Government's rationale for prohibiting "foreign" NGOs from working on human rights and children's rights, particularly child sexual abuse and FGM? What evidence does the Ethiopian Government have to demonstrate that domestic NGOs have sufficient resources and are capable of providing all the necessary documentation and services (including legal aid) to address all of the pressing human rights issues in Ethiopia?
- Every international human rights treaty body has expressed concern about the Charities and Societies Proclamation's effects on civil society and the right to freedom of association. What concrete evidence demonstrates that the Charities and Societies Proclamation strengthens non-governmental organizations that work in the field of human rights?
- What efforts is the Ethiopian Government undertaking to ensure that journalists are not terminated, harassed, or imprisoned for reporting on, or trying to report on, matters that involve criticism of the government or its policies, such as the student-led protests in Oromia in April and May 2014? What measures is the Ethiopian Government taking to ensure that more broadcasters and periodicals are privately owned and can operate without government interference?

¹⁴³ Id.

- What types of restrictions are placed on foreign workers’ and volunteers’ communications with people outside of Ethiopia? What consequences could they face for sharing information about human rights violations?
- What is the Ethiopian Government’s response to the findings of the University of Toronto that the government uses FinSpy to conduct surveillance on the electronic communications of persons in Ethiopia and in the Ethiopian diaspora?

B. Civil and political rights

1. Equality before the law and rights to non-discrimination (Articles 2 and 3 of the African Charter)

88. The Periodic Report notes that article 25 of the constitution prohibits discrimination on the grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion.¹⁴⁴ It further notes that “[t]he underlying principle of equality is reiterated in the Constitution that ‘all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.’”¹⁴⁵
89. In practice, however, there is pervasive discrimination on the basis of ethnicity with respect to rights under Ethiopia’s international obligations.¹⁴⁶
90. In 2012, the Committee on Economic, Social and Cultural Rights expressed concern that the Ethiopian Government “has not yet adopted a comprehensive anti-discrimination bill.”¹⁴⁷ It called on the Ethiopian Government to adopt such a bill and to “take steps to combat and prevent discrimination and societal stigma, in particular against persons with disabilities, LGBT individuals, as well as persons belonging to marginalized and disadvantaged groups, and ensure their enjoyment of the rights . . . [to] access to employment, social services, health care, and education.”¹⁴⁸
91. In 2006, the Committee on the Rights of the Child’s Concluding Observations suggested that the Government of Ethiopia directly and indirectly discriminates against several disadvantaged ethnic groups, including but not limited to, the Oromo and the Annuak.¹⁴⁹

¹⁴⁴ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 37.

¹⁴⁵ *Id.*

¹⁴⁶ See The Advocates for Human Rights: *Ethiopia: Violations of the rights of the disadvantaged ethnic groups protected by the International Covenant on Economic, Social and Cultural Rights, 48th session of the United Nations Committee on Economic, Social and Cultural Rights, 30 April – 19 May 2012, Statement submitted by The Advocates for Human Rights, a non-governmental organization in special consultative status with ECOSOC*, available at

http://www.theadvocatesforhumanrights.org/uploads/the_advocates_for_human_rights_ethiopia_icescr_report.pdf (hereinafter, ICESCR Submission).

¹⁴⁷ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 8.

¹⁴⁸ *Id.*

¹⁴⁹ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 79 (“The Committee notes the absence of information on ethnic minorities in the State party’s report and is concerned over the situation of children belonging to minorities, in particular Oromo and Anuak, as they suffer stigmatization

92. In its last review in the absence of a report in 2007, the CERD Committee expressed concern about “very serious violations of human rights along ethnic and racial lines [that] have recently occurred in [Ethiopia].”¹⁵⁰ The committee also expressed alarm at “well-documented reports of grave incidents of racial discrimination,” and stated that it was “deeply concerned that inter-ethnic conflicts could escalate to a much larger scale in the near future, fuelled by political tensions and violations of basic economic, social and cultural rights, and exacerbated by competition over natural resources, provision of food, access to clean water and agricultural land, thereby putting many ethnic groups at serious risk in [Ethiopia].”¹⁵¹
93. In 2009, the CERD Committee recommended that the Ethiopian Government “adopt specific legislation on racial discrimination . . . , including a legal definition of racial discrimination.”¹⁵² The committee pointed to “reports that caste-like forms of racial discrimination persist [in Ethiopia], mainly affecting marginalized racial and ethnic minorities.”¹⁵³ The committee recommended that the Ethiopian Government “undertake a study of the spread and causes of the problem of castes and implement a strategy to implement it.”¹⁵⁴
94. The CERD Committee also expressed concern “about the occurrence of sporadic ethnic conflicts in the State party and, particularly, at reports of human rights violations committed by members of the military against the Anuak population in Gambella in December 2003,” and concern “at reports that these human rights violations were not thoroughly investigated.”¹⁵⁵ The committee recommended that the Ethiopian Government “[e]nhance its efforts to address the root causes of ethnic conflicts on its territory” and “[t]ake the necessary steps, in the event of future ethnic conflicts, to prevent the targeting of civilians by the military and to promptly and thoroughly investigate reports of human rights violations in this context.”¹⁵⁶
95. The Ethiopian Government attempts to ignore pervasive ethnic discrimination. The Periodic Report’s five-page discussion of the right to non-discrimination in its Periodic Report is limited to an examination of equal opportunities for women.¹⁵⁷ The only acknowledgement of the possibility that a person might face discrimination based on ethnicity or some other grounds is the following passage: “The law enforcement organs monitor that citizens would not suffer from prejudice or enjoy preference because of their origin, faith or political belief.

and persecution by the armed forces, including torture, rape and killings, due to the presence of opposition groups within their territories.”).

¹⁵⁰ Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/15 (June 20, 2007), ¶ 11.

¹⁵¹ *Id.*, ¶ 12.

¹⁵² Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/7-16 (Sept. 7, 2009), ¶ 11.

¹⁵³ *Id.*, ¶ 15.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*, ¶ 17.

¹⁵⁶ *Id.*

¹⁵⁷ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 37–42.

The question of equality is attached to the groups that have been subjected to discrimination on the basis of gender, ethnic origin...etc.”¹⁵⁸

96. The Committee on the Elimination of Racial Discrimination expressed its concern “that the Commission for Human Rights has no specific department or unit dealing with issues, complaints and cases relating to racial discrimination and that it has offices only in the major cities, rendering it largely inaccessible to persons residing in rural areas.”¹⁵⁹
97. Despite this concern, in May 2014, during its second Universal Periodic Review, the Ethiopian Government declined to accept a recommendation from Namibia that it “[f]urther enhance the institutional and financial capacities of the Ethiopia Human Rights Commission to effectively carry out its mandate vis-à-vis the affected communities, especially its working relations with the Oromo, Ogaden, Gambella and the Somali Communities.”¹⁶⁰
98. The Ethiopian Government fails to provide disaggregated data on ethnicity in its human rights reporting. The Committee on the Elimination of Racial Discrimination expressed concern that without disaggregated information on the ethnic composition and geographical location of the population of Ethiopia, “a clear vision of the diversity of Ethiopian society cannot be obtained, nor an accurate assessment made of the enjoyment of the right provided for in the Convention by all the different nationalities and peoples of [Ethiopia].”¹⁶¹ Nowhere in the Ethiopian Government’s 128-page Periodic Report to the African Commission is such disaggregated data provided.

Oromos and other ethnic groups face discrimination.

99. Ethiopia’s federalism is sometimes regarded as an “ethnic federalism”; the country’s nine administrative states were created to correspond to the ethnicities of their inhabitants.¹⁶² These are: Afar; Amhara; Benishangul-Gumuz; Gambella; Harar; Oromia; Somali; Tigray; and the state of the Southern Nations, Nationalities and Peoples’ Region (SNNPR).¹⁶³ A map of these regions¹⁶⁴ is displayed on the following page.

¹⁵⁸ Id. at 39 (ellipsis in original).

¹⁵⁹ Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/7-16 (Sept. 7, 2009), ¶ 20.

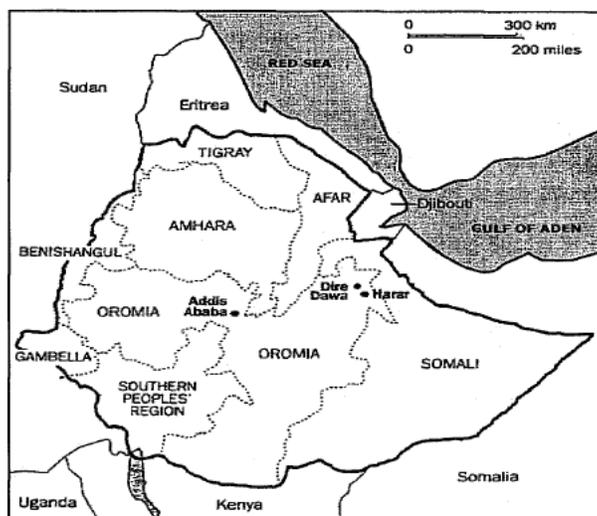
¹⁶⁰ Human Rights Council, Draft report of the Working Group on the Universal Periodic Review: Ethiopia (May 8, 2014), ¶ 158.17.

¹⁶¹ Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/15 (June 20, 2007), ¶ 13.

¹⁶² Van der Beken, *Ethiopia: Constitutional Protection of Ethnic Minorities at the Regional Level*, Afrika Focus 20(1-2), 2007, pp. 105-151, at 107. Note that the cities of Dire Dawa and Addis Ababa do not belong to any of the nine regional states and instead constitute separate territorial entities that are accountable to the federal government.

¹⁶³ Constitution of the Federal Democratic Republic of Ethiopia, art. 47, para. 1.

¹⁶⁴ Van der Beken, *supra* note 162, at 116.



The Afar, Amhara, Oromia, Somali, and Tigray states are dominated by the population groups that give rise to their names.¹⁶⁵ In the Benishangul-Gumuz and Gambella regions, however, no single ethnic group predominates; the Benishangul (or Berta) and Gumuz coexist in Benishangul-Gumuz and the Nuer and Anuak coexist in Gambella.¹⁶⁶ Finally, in the SNNPR (or simply “Southern” region), there are no fewer than 56 different nationalities, some (such as the Sidama and Gurage) with over one million members and others consisting of no more than a few thousand people.¹⁶⁷

100. Notwithstanding the federalist system, Ethiopia overall is highly ethnically diverse, with some estimating upwards of 80 distinct ethnic groups.¹⁶⁸ A 2007 census lists Oromo at 34.5% of the total Ethiopian population and Amhara at 26.9%.¹⁶⁹ The next highest concentrations are Somali (6.2%), Tigray (6.1%), Sidama (4.0%), Gurage (2.5%), Welaita (2.3%), Hadiya (1.7%), Afar (1.7%) and Gamo (1.5%).¹⁷⁰ More recent figures by the U.S. Department of State estimate that the Oromo constitute 40 percent of the Ethiopian population, or about 31 million people.¹⁷¹ Despite constituting a large portion of the population, the Oromo people face discrimination with respect to the rights recognized by the African Charter.

101. As demonstrated in paragraph 95 above, the Periodic Report ignores even the possibility that people in Ethiopia may face discrimination based on ethnicity. Yet this report shows that in practice there is pervasive discrimination on the basis of ethnicity with respect to the rights recognized in the African Charter.

102. Discrimination against certain ethnic groups is pervasive in Ethiopia. In practice, the Government of Ethiopia directly and indirectly discriminates against several disadvantaged ethnic groups, including but not limited to, the Oromo. This discrimination is often related to

¹⁶⁵ Id. at 115.

¹⁶⁶ Id.

¹⁶⁷ Id.

¹⁶⁸ Federal Democratic Republic of Ethiopia Population Census Commission, *Summary and Statistical Report of the 2007 Population and Housing Census* (December 2008) at 16.

¹⁶⁹ Id.

¹⁷⁰ Id.

¹⁷¹ U.S. Dept. of State, Bureau of African Affairs, *Background Note: Ethiopia* (June 2009).

discrimination on the basis of real or perceived political opinion. Despite constituting a large portion of the Ethiopian population, the Oromo people face discrimination on the basis of ethnicity. While Ethiopia's Periodic Report contends that "[t]he underlying principle of equality is reiterated in the Constitution that 'all persons are equal before the law and are entitled without any discrimination to the equal protection of the law,'" ¹⁷² in practice there is pervasive discrimination on the basis of ethnicity with respect to rights under Ethiopia's international obligations. ¹⁷³

103. Oromos face widespread hostility from members of other ethnic groups. Discrimination based on ethnicity is often related to discrimination on the basis of real or perceived political opinion with ethnic groups that are perceived to be politically unsupportive of the Government more likely to receive unfavorable treatment. Government appointed local administrative councils control access to food assistance and other state-distributed resources and are reported to use access as a "carrot and stick" to coerce allegiance and punish dissent. ¹⁷⁴ Suspected membership in the Oromo Liberation Front, along with the Anti-Terrorism Proclamation, is used as a pretext for expulsion from school or arrest. ¹⁷⁵ Oromos do not feel free to speak Oromiffa in public or use distinctively Oromo names for fear of being targets of formal and informal discrimination. ¹⁷⁶ The Government has also targeted prominent Oromo cultural figures for persecution. ¹⁷⁷

104. **Suggested questions for the Ethiopian Government:**

- What laws and policies are in place to respond to discrimination based on ethnicity? In 2009, the Committee on the Elimination of Racial Discrimination recommended that the Ethiopian Government adopt specific legislation on racial discrimination. What steps has the Ethiopian Government taken to implement this recommendation over the last five years?
- What policies are in place to investigate and hold accountable the people responsible for human rights violations that occur during ethnic conflicts? How is the Ethiopian Government addressing the root causes of ethnic conflicts in Ethiopia?
- What is the Ethiopian Government's rationale for not accepting Namibia's recommendation during the Universal Periodic Review this year that it "[f]urther enhance the institutional and financial capacities of the Ethiopia Human Rights Commission to effectively carry out its mandate vis-à-vis the affected communities, especially its working relation with the Oromo, Ogaden, Gambella and the Somali Communities"?
- What measures has the Ethiopian Government taken to monitor, assess, and eliminate discrimination against the Oromo and Annuak ethnic groups?

¹⁷² Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples' Rights in Ethiopia, April 2014, at 37.

¹⁷³ See The Advocates for Human Rights, ICESCR Submission, *supra* note 146.

¹⁷⁴ IRIN, *Ethiopia Government Denies Food Aid Manipulated for Political Gain*, June 7, 2010, <http://www.irinnews.org/report/89382/ethiopia-government-denies-food-aid-manipulated-for-political-gain>.

¹⁷⁵ The Advocates for Human Rights ICESCR Submission, *supra* note 146, ¶ 72.

¹⁷⁶ *Id.*, ¶ 76.

¹⁷⁷ *Id.*, ¶ 77.

- Will the Ethiopian Government commit to systematically collecting and providing disaggregated data on ethnicity in its next Periodic Report?

2. Right to life (Article 4 of the African Charter)

105. The Periodic Report in its discussion of the right to life addresses health policy issues. This report discusses those issues in paragraphs 188–200 below, concerning the right to health.
106. During the Commission’s last periodic review of Ethiopia, the Commission expressed concern “[a]bout the failure of FDRE to take steps to bring to justice those responsible for the death of protesters in the 2005 post-election violence.”¹⁷⁸ The Commission recommended that the Ethiopian Government “[b]ring to justice those responsible for the dea[th] of protesters during the 2005 post-election violence.”¹⁷⁹
107. Article 15 of the constitution recognizes that “No person may be deprived of his life except as a punishment for most serious criminal offences determined by law.”¹⁸⁰ Moreover, the Periodic Report asserts that “no person can be sentenced to death without a ‘trial.’”¹⁸¹ Yet government forces have used lethal force against peaceful protesters as well as against people who are incarcerated.
108. The Periodic Report asserts that the Anti-Terrorism Proclamation was promulgated “to advance the right of citizens to life”¹⁸² and that its main objective is “to protect the right of citizens to live in peace, freedom and security has to be protected, at all times, from the threat of terrorism.”¹⁸³ The Periodic Report further asserts that the proclamation “was carefully crafted in compliance with human rights laws, as a central element in strengthening our effort to tackle the dangers posed by terrorist activities.”¹⁸⁴ The Ethiopian Government’s policies, however, show that federal forces disregard the right to life of government critics, many of whom are inaccurately labeled as terrorists.
109. The CERD Committee expressed “alar[m] at information according to which military and police forces have been systematically targeting certain ethnic groups, in particular the Anuak and the Oromo peoples, and reports of summary executions, rape of women and girls, arbitrary detention, torture, humiliations and destruction of property and crops of members of those communities,” and called on the Ethiopian Government “to put an end to human rights violations perpetrated by military and police forces, especially racially motivated violence targeting Anuak and Oromo.”¹⁸⁵ The Committee against Torture expressed grave concern

¹⁷⁸ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 58.

¹⁷⁹ *Id.*, ¶ 86.

¹⁸⁰ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 42.

¹⁸¹ *Id.* at 44.

¹⁸² *Id.* at 43.

¹⁸³ *Id.*

¹⁸⁴ *Id.* at 43–44.

¹⁸⁵ Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/15 (June 20, 2007), ¶ 19.

“about numerous allegations of extrajudicial killings by security forces and [the Ethiopian National Defense Force], particularly in the Somali, Oromiya and Gambella Regional States, of civilians alleged to be members of armed insurgent groups.”¹⁸⁶

110. The Committee against Torture also expressed concern “about the markedly high number of deaths in custody,” and called on the Ethiopian Government to “promptly, thoroughly and impartially investigate all incidents of death in custody and, in cases of death resulting from torture, ill-treatment or willful negligence, prosecute those responsible.”¹⁸⁷ The Periodic Report dismisses these concerns: “While there were cases of detainees who died in detention, it appeared detainees, who had received medical attention, had died of ill health or of natural causes. There have been cases of detainees shot and killed by detention center wardens while attempting to escape. Such cases are investigated and those responsible were charged under the law. . . . Overall there has been no evident problem in regard to protecting and respecting the right to life of detainees in all regional and federal detention centers.”¹⁸⁸
111. Similarly, in 2011 the Human Rights Committee expressed concern “over allegations of the resort to excessive and sometimes lethal force by the security forces, notably during the post-elections violence in 2005, and by the manner in which the Commission of Inquiry established to investigate these events, may be presumed to have applied an inappropriate test of proportionality and necessity, its actual content of which the State party failed to clarify.”¹⁸⁹ The committee called on the Ethiopian Government “to eradicate all forms of excessive use of force by law enforcement officials, . . . [to] establish a mechanism to carry out independent investigations of complaints; [to] initiate proceedings against alleged perpetrators; [to] provide training to law enforcement officers; [to] bring its legislative provisions and policies into line with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and [to] provide adequate reparation to the victims.”¹⁹⁰
112. The CERD Committee called on the Ethiopian Government to “provide detailed information on investigations, prosecutions and convictions for human rights violations, in particular for racially motivated violence perpetrated by the military and police forces (including in the Gambella region in 2003 and 2004), as well as on the reparations provided to the victims of such acts.”¹⁹¹
113. Notably, in May 2014, the Ethiopian Government declined to accept Costa Rica’s recommendation during the Universal Periodic Review to “[t]ake urgent measures to

¹⁸⁶ Committee against Torture, Concluding Observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 15.

¹⁸⁷ *Id.*, ¶ 29.

¹⁸⁸ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 45–46.

¹⁸⁹ Human Rights Committee, Concluding observations of the Human Rights Committee: Ethiopia (Aug. 19, 2011), ¶ 18.

¹⁹⁰ *Id.*

¹⁹¹ Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/15 (June 20, 2007), ¶ 2–3.

investigate the numerous reports of torture and extrajudicial executions committed by the Ethiopian National Defence Forces.”¹⁹²

Ethiopian authorities violate the right to life of Oromo protesters and other people perceived to be critical of the government.

114. Oromo students initiated peaceful protests against Government plans to expand Addis Ababa. In April 2014, people in Ethiopia learned about the Ethiopian Government’s “Integrated Development Master Plan for Addis Ababa.”¹⁹³ This plan would expand the territory under the control of the central government, in effect annexing surrounding lands that are currently part of the state of Oromia.¹⁹⁴ Oromos feared that the plan would mean further forced displacement of Oromo farmers, as described in greater detail in paragraphs 198–168 below.¹⁹⁵ To express their opposition to the “Master Plan,” students and others launched peaceful protests at universities throughout Oromia.¹⁹⁶
115. Federal forces responded to student protests with deadly force. The protests began on April 25, 2014, at Ambo University, in the town of Ambo in Oromia.¹⁹⁷ Many of the protests began at universities, but secondary students also participated. On April 30, federal forces opened fire on protesters,¹⁹⁸ and the following day, they shot and killed people in Ambo far away from where the protests were taking place.¹⁹⁹ Federal forces “fired live ammunition at unarmed protesters in a number of locations including in Wallega and Madawalabu universities and . . . Guder town[], resulting in deaths in each location.”²⁰⁰
116. At least four children and as many as fifty protesters in total were killed when federal forces opened fire on protesters in late April and May 2014. In response to the student-led protests earlier this year, the Ethiopian Government did not heed the Committee on the Rights of the Child’s recommendation “to take urgent measures to ensure respect for the civilian population and protect vulnerable groups, such as children of ethnic minorities and street children, from excessive use of force.”²⁰¹ Three children—ages 8, 15, and 16—were

¹⁹² Human Rights Council, Draft report of the Working Group on the Universal Periodic Review: Ethiopia (May 8, 2014), ¶ 158.29.

¹⁹³ *Ethiopia: Brutal Crackdown on Protests*, Human Rights Watch, May 5, 2014, <http://www.hrw.org/news/2014/05/05/ethiopia-brutal-crackdown-protests>.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ See, e.g., Jennifer Klein and Josh Cook, *Ambo Protests: A Personal Account*, Jen & Josh in Ethiopia: A Chronicle of Our Peace Corps Experience, May 24, 2014, <http://www.jenandjoshinethiopia.blogspot.com/2014/05/ambo-protests-personal-account.html>.

¹⁹⁸ *Ethiopia: Brutal Crackdown on Protests*, Human Rights Watch, May 5, 2014, <http://www.hrw.org/news/2014/05/05/ethiopia-brutal-crackdown-protests>.

¹⁹⁹ See, e.g., Jennifer Klein and Josh Cook, *Ambo Protests: A Personal Account*, Jen & Josh in Ethiopia: A Chronicle of Our Peace Corps Experience, May 24, 2014, <http://www.jenandjoshinethiopia.blogspot.com/2014/05/ambo-protests-personal-account.html>.

²⁰⁰ *Ethiopia: Authorities must provide justice for scores of protesters killed, injured and arrested in Oromia*, Amnesty International, May 13, 2014, <http://www.amnesty.org/en/library/asset/AFR25/002/2014/en/116b7cd2-e39f-49b6-a276-f324b07d95d4/afr250022014en.html>.

²⁰¹ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 27. *Id.* ¶ 28.

among the people killed during the initial protests in Ambo.²⁰² The eight-year-old was an orphan being raised by his sister.²⁰³ While the protests were going on, he left his sister's home to see what was happening.²⁰⁴ A few days later, the child's body was found in the bushes with fatal gunshot wounds.²⁰⁵ In Wallega on May 10, a ninth grade student, age 16, was shot in the leg.²⁰⁶ Initially, "[p]olice denied first aid access to students[,] resulting in conflict between police and medical professionals," but medical professionals eventually pressured authorities and "the students were offered medical aid and treatment."²⁰⁷ Ten days later, the injured 16-year-old died in a hospital from his injuries.²⁰⁸ According to some reports, as many as 50 protesters were killed by Ethiopian security forces during the protests.²⁰⁹

117. The Government's use of lethal force in response to student protests violates the African Charter's guarantee of the right to life. The Periodic Report confirms that "[n]o person may be deprived of his life except as a punishment for most serious criminal offences determined by law."²¹⁰ Yet the use of lethal force in recent months demonstrates that these guarantees are not implemented when people peacefully protest government actions. And the Ethiopian Government has not heeded the calls from UN treaty bodies urging that the Government "[r]espect the life of the members of minorities groups and in particular that of children, taking into due account the humanitarian law principle of protecting civilians."²¹¹

118. The authors of this report have received credible information from sources in the Oromo diaspora that on May 27, 2014, at least ten students at Haromaya University were arrested without warrant by federal police and taken from their dormitories to an unknown location,

²⁰² Interviews with Oromo diaspora member, June 9–29, 2014; Facebook message with Oromo diaspora member, June 29, 2014 (on file with International Oromo Youth Association); see also *Ethiopia: Authorities must provide justice for scores of protesters killed, injured and arrested in Oromia*, Amnesty International, May 13, 2014, <http://www.amnesty.org/en/library/asset/AFR25/002/2014/en/116b7cd2-e39f-49b6-a276-f324b07d95d4/afr250022014en.html> ("Amnesty International condemns the use of excessive force by security forces against peaceful protesters in a number of locations across the Oromia region during the last two weeks, which has resulted in the deaths and injuries of dozens of people including students and children.").

²⁰³ Interviews with Oromo diaspora member, June 9–29, 2014; Facebook message with Oromo diaspora member, June 29, 2014 (on file with International Oromo Youth Association).

²⁰⁴ Interviews with Oromo diaspora member, June 9–29, 2014; Facebook message with Oromo diaspora member, June 29, 2014 (on file with International Oromo Youth Association).

²⁰⁵ Interviews with Oromo diaspora member, June 9–29, 2014; Facebook message with Oromo diaspora member, June 29, 2014 (on file with International Oromo Youth Association).

²⁰⁶ Interview with Oromo diaspora member, June 22, 2014; telephone interview with Oromo diaspora member, June 29, 2014 (information on file with International Oromo Youth Association).

²⁰⁷ *Ethiopian police reportedly kill Wollega University students*, ESAT News, May 16, 2014, <http://ethsat.com/ethiopian-police-reportedly-kill-wollega-university-students/>.

²⁰⁸ Interview with Oromo diaspora member, June 22, 2014; telephone interview with Oromo diaspora member, June 29, 2014 (information on file with International Oromo Youth Association).

²⁰⁹ Amnesty International, *Ethiopia: Authorities Must Provide Justice for Scores of Protesters Killed, Injured and Arrested in Oromia*, 13 May 2014, <http://www.amnesty.org/en/library/asset/AFR25/002/2014/en/116b7cd2-e39f-49b6-a276-f324b07d95d4/afr250022014en.html>.

²¹⁰ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples' Rights in Ethiopia, April 2014, at 42.

²¹¹ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 80(a).

where they reportedly remain detained incommunicado without charge or trial. One of those students died in custody on June 1. The government alleges that he hanged himself. One diaspora source, however, spoke with the members of the student's family who had retrieved the student's body and received information contradicting the official account.²¹² The family members reported that the student's throat had been slit, leaving only the muscles and bones at the back of his neck connecting his head to the rest of his body.²¹³ He had large cuts along his eyelids, just underneath the eyebrows.²¹⁴ Both of his arms were broken between his wrists and elbows, and he had multiple additional wounds all over his face and head.²¹⁵

119. Impunity for government forces who use lethal force is an ongoing matter of concern. In 2006, the Committee on the Rights of the Child expressed deep concern that police and military forces had used excessive force in response to demonstrations in November 2005, "causing deaths and physical injuries, including by gunshots, of numerous children," including "vulnerable children belonging to ethnic minorities."²¹⁶ In 2011, the Committee against Torture expressed its continued concern about "[t]he absence of an independent and impartial investigation of, and the lack of prosecutions and sentences for, the use of lethal force by members of the security forces during the post-election riots in 2005, when 193 civilians and 6 police officers were killed."²¹⁷ The Committee called on the Ethiopian Government to "urgently institute independent and impartial investigations of the [incident] in order to bring the perpetrators . . . to justice."²¹⁸

120. **Suggested questions for the Ethiopian Government:**

- What steps has the Ethiopian Government taken to bring to justice those people responsible for the death of protesters in the 2005 post-election violence?
- What steps is the Ethiopian Government taking to ensure that law enforcement and military practices are brought in line with international standards for use of force during demonstrations, including the principles of necessity and proportionality in the use of force? What measures are in place and used to hold law enforcement and military officials accountable for excessive use of force?
- What procedures are in place to ensure an independent investigation of every death that occurs in custody, and to prosecute those responsible for deaths resulting from torture, ill-treatment, excessive force, or willful negligence?
- When federal forces opened fire on student protesters in Ambo in late April and early May 2014, were they acting in compliance with official policies and training governing the use of force? If so, what do those policies say? Has there been an independent investigation on this particular use of lethal force to determine whether it

²¹² Amane Badhasso, *The Torture and Brutal Murder of Alsan Hassen by Ethiopian Police will Shock your Conscience*, OPride, 8 June 2014, <http://www.opride.com/oromsis/news/3758-the-torture-and-brutal-murder-of-alsan-hassen-by-ethiopian-police>.

²¹³ Id.

²¹⁴ Id.

²¹⁵ Id.

²¹⁶ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 27.

²¹⁷ Committee against Torture, Concluding Observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 17.

²¹⁸ Id.

was warranted? What reparations will the Ethiopian Government provide to the victims of the violence?

- When with there be an independent and impartial investigation of the custodial death of the student from Haromaya University who died in custody on June 1, 2014?

3. Right to human dignity, liberty, security, and prohibition of torture and inhuman treatment (Article 5 of the African Charter)

121. The Periodic Report notes the constitutional provision that “everyone has the right to respect for his human dignity”²¹⁹ It asserts that the Anti-Terrorism Proclamation, discussed in greater detail in paragraphs 52–60 above, “elucidate[]s the basic concept of human dignity.”²²⁰ The Periodic Report further contends that regulations prohibit “members of the national Defense Force from violating citizen’s right of human dignity and protection against bodily harm and inhuman treatment in the course of their active duty.”²²¹

Government critics face mass arrests, arbitrary and prolonged detention.

122. During the Commission’s last periodic review of Ethiopia, the Commission expressed concern “[t]hat on many occasions suspects are held in detention for a long time before being brought to court for trial.”²²² The Commission also expressed concern “[a]bout the silence of the [State Party’s] Report on whether there are political prisoners in the FDRE.”²²³ The Commission recommended that the Ethiopian Government “[p]ut in place mechanisms to bring suspects before a court of law in a timely manner.”²²⁴ Finally, the Commission recommended that the Ethiopian Government “[p]rovide information regarding political prisoners, if any.”²²⁵

123. The Committee against Torture expressed serious concern about the Ethiopian Government’s “failure in practice to afford all detainees with all fundamental legal safeguards from the very outset of their detention,” including the right “to be informed of the reasons for their arrest . . . ; to have prompt access to a lawyer . . . ; to notify a relative; to be brought promptly before a judge; and to have the lawfulness of their detention reviewed by a court.”²²⁶ The Committee expressed concern that “remand in custody may be repeatedly prolonged for periods of 14 days each time,” and concern “about the inadequacy of legal aid services . . . and about frequent non-compliance by police officers with court orders to release suspects on bail.”²²⁷ The Committee called on the Ethiopian Government to “take

²¹⁹ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 47.

²²⁰ Id. at 48.

²²¹ Id. at 49.

²²² African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 48.

²²³ Id., ¶ 56.

²²⁴ Id., ¶ 79.

²²⁵ Id., ¶ 85.

²²⁶ Committee against Torture, Concluding Observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 12.

²²⁷ Id.

prompt and effective measures to ensure that all detainees are, in practice, afforded all fundamental legal safeguards from the very outset of their detention.”²²⁸ The Committee encouraged the Ethiopian Government to “consider amending article 19(3) of its Constitution and article 59(3) of its Criminal Procedure Code, with a view to ensuring that anyone arrested or detained on a criminal charge is brought promptly before a judge and preventing prolonged remand in custody, respectively.”²²⁹ The Committee further recommended that the Ethiopian Government “provide mandatory training to police officers on the rights of detainees, ensure that court orders to release suspects on bail are strictly enforced, and strengthen the capacity of the Public Defenders Office to provide legal aid services, as well as the quality of such services.”²³⁰

124. The Committee against Torture also expressed grave concern “at reports about high numbers of disappearances, as well as about the widespread practice of arrests without a warrant and arbitrary and prolonged detention without charges and judicial process of suspected members or supporters of insurgent groups and political opposition members.”²³¹ The Committee recommended that the Ethiopian Government “take all necessary measures to counter enforced disappearances and the practice of mass arrest without a warrant and arbitrary detention without charges and judicial process.”²³² It further recommended that the Ethiopian Government “reduce further the duration of detention before charges are brought,” and requested that the Ethiopian Government “provide detailed information on any investigations, and on their outcome, into reported cases of disappearances.”²³³
125. The Committee against Torture expressed further “concern about reports on frequent interference by the executive branch with the judicial process,” including “harassment, threats, intimidation and dismissal of judges resisting political pressure,” as well as “reports about unfair court proceedings in politically sensitive cases.”²³⁴
126. Mass detentions occur on a regular basis. These arrests are often arbitrary and for a prolonged basis without charge. By way of example, in March 2011, Ethiopian authorities carried out several waves of apparently politically motivated mass arrests of more than 200 ethnic Oromo Ethiopians. On March 30, 2011, the government confirmed that 121 were in detention without charge, alleging that they were members of the Oromo Liberation Front.²³⁵ Again, in 2012, hundreds of Oromo were arrested, accused of supporting the OLF.²³⁶ Over 100 people were reportedly arrested during the Oromo festival of Irreechaa in September 2012.²³⁷ Recently, many of these arrests are targeted to suppress peaceful Muslim protests, a sectarian divide introduced in a country that long was without divisions based on religious

²²⁸ Id.

²²⁹ Id.

²³⁰ Id.

²³¹ Id., ¶ 15.

²³² Id.

²³³ Id.

²³⁴ Id., ¶ 22.

²³⁵ *Ethiopia: Free Opposition Members*, Human Rights Watch, April 6, 2011.

²³⁶ Amnesty International, *Amnesty International Annual Report 2013 - Ethiopia*, 23 May 2013, available at: <http://www.refworld.org/docid/519f51a018.html>.

²³⁷ Id.

belief.²³⁸ Moreover, tens of thousands of Oromos continue to be held in prison without being charged or due process.²³⁹ One woman interviewed by The Advocates reported a history that is emblematic of thousands: her father has been periodically held for ransom by government officials and her aunt was badly beaten by government officials and left by the side of the road for three days without medical assistance when she was unable to produce her two sons (who had fled the country) when the government demanded them.²⁴⁰ Fear is rampant in the Oromo community.²⁴¹ The perception of members of the diaspora community is that arrests have increased and conditions have worsened since the so-called “Arab Spring.”²⁴²

127. As described in greater detail in paragraph 63 above, Oromos often languish in jail and are not released on bail, due in large part to political pressures on judges to keep potential critics of the government in custody. As a former judge of the Supreme Court of Oromia concluded, “the hundreds of Oromo protesters currently under arrest are unlikely to win bail justice. Practically, the prosecutor has none or very shallow cases to take to trial in court of law to prove any presumption of guilt beyond reasonable doubt. At the same time, making up a case for thousands of protesters takes expertise, money and time. Consequently, the denial and delaying of bail justice is used as a means of collective punishment.”²⁴³

Children and students are subject to mass detention.

128. During the Commission’s last periodic review of Ethiopia, the Commission recommended that the Ethiopian Government “address through legislative measures concerns regarding resources allocation for . . . juvenile justice.”²⁴⁴

129. The Committee against Torture expressed serious concern “about consistent reports of . . . co-detention of juveniles with adults, [and] inadequate protection of juvenile prisoners . . . from violence in prisons and places of detention.”²⁴⁵ The Committee called on the Ethiopian Government to “ensur[e] that detention [of juveniles] is only used as a measure of last resort,” and to “[i]mprov[e] the conditions of detention for minors and ensur[e] that they are

²³⁸ *Ethiopian Government Continue to Target Peaceful Muslim Protest Movement*, Amnesty International, February 2, 2012; See also Amnesty International, *Annual Report 2013*; *Briefing: Ethiopia’s Muslim Protest*, IRIN November 15, 2012; *Ethiopia: Extreme Brutality against Civilians: Human Rights League of the Horn of Africa Appeal and Urgent Action*, August 10, 2013; *Ethiopia: Rights-Related Demands Risking Terrorism*, Human Rights League of the Horn of Africa, Press Release, July 27, 2012.

²³⁹ Amnesty International, *Ethiopia: Submission to the United Nations Human Rights Committee*, 30 June 2011, AFR 25/003/2011, available at: <http://www.refworld.org/docid/4e1717452.html> ; See also *Human Rights Violations against the Oromo Continues: Change without Improvement*, Garoma Wakessa, Director of International Human Rights League of the Horn of Africa, paper presented at Oromo Studies Association 2013 Annual Conference Program, Howard University, August 3 and 4, 2013.

²⁴⁰ Interview with Oromo diaspora member on September 6, 2013.

²⁴¹ *Id.*

²⁴² Interviews with Oromo diaspora members on September 4, 2013 and September 6, 2013.

²⁴³ Israel I. Fayisa, *Bail Justice in Oromia: Denial and Delaying of Bail as a Punishment*, Opride, Aug. 26, 2014, <http://www.opride.com/oromsis/articles/opride-contributors/3772-bail-justice-in-oromia-denial-and-delaying-of-bail-as-a-punishment>.

²⁴⁴ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 71.

²⁴⁵ Committee against Torture, Concluding Observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 26.

detained separately from adults, in accordance with international standards for the administration of juvenile justice.”²⁴⁶

130. In recent months, Ethiopian authorities have subjected hundreds of Oromo students, including those as young as the 7th grade, to mass detention. In response to recent student protests, described in greater detail in paragraphs 114–117 below, “[h]undreds of students have . . . been detained.”²⁴⁷ The Advocates received a report that on May 7, 2014, police forcibly dispersed a protest by high school students in Haramaya and arrested 15 students.²⁴⁸ The Advocates has received information identifying 272 individuals who have been detained since the protests began on April 25, and while most of those individuals are identified as university students and teachers, the list includes at least 8 high school students, including two 7th graders, an 8th grader, a 9th grader, two 10th graders, and an 11th grader.²⁴⁹ It is not clear whether these children are still being held or whether they have been charged with any offenses. Amnesty International reports that “[a] small number of people have been released, but most of those arrested remain in incommunicado detention, in many cases in unknown locations.”²⁵⁰ Notably, the Periodic Report states that “detainees in Oromia . . . are able to meet their family members seven days a week in total freedom and without interference by detention center wardens,”²⁵¹ yet this incommunicado detention of protesters demonstrates that detainees do not uniformly have regular (or any) access to their families.
131. Amnesty International “has received countless reports of torture being widespread in military camps [where government opponents are typically held],” and the organization “fears that the recent detainees are at serious risk of torture and other ill-treatment.”²⁵²
132. According to the Human Rights League of the Horn of Africa, more than 250 students from Ambo in Oromia, who had been involved in the student protests in April and May 2014, were recently released from the Senkele detention center and were “taken back to their villages so that their parents [or] guardians can sign documents stating that their children are responsible for the conflict created between the students and the federal military.”²⁵³
133. These concerns about arbitrary arrests and detentions of students are not new. In 2011, the Committee against Torture expressed its continued concern about “numerous and consistent reports about . . . [t]he lack of a full investigation of the arrest of 3,000 students at

²⁴⁶ Id., ¶ 26(a), (c).

²⁴⁷ *Ethiopian police reportedly kill Wollega University students*, ESAT News, May 16, 2014, <http://ethsat.com/ethiopian-police-reportedly-kill-wollega-university-students/>.

²⁴⁸ Amy Bergquist, *Diaspora Speaks for Deliberately Silenced Oromos; Ethiopian Government Responds to UN Review*, The Advocates Post, May 20, 2014, <http://theadvocatespost.org/2014/05/20/diaspora-speaks-for-deliberately-silenced-oromos-ethiopian-government-responds-to-un-review/>.

²⁴⁹ Email correspondence, June 1, 2014, on file with The Advocates for Human Rights.

²⁵⁰ *Ethiopia: Authorities must provide justice for scores of protesters killed, injured and arrested in Oromia*, Amnesty International, May 13, 2014, <http://www.amnesty.org/en/library/asset/AFR25/002/2014/en/116b7cd2-e39f-49b6-a276-f324b07d95d4/afr250022014en.html>.

²⁵¹ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 51.

²⁵² Id.

²⁵³ Human Rights League of the Horn of Africa, *Ethiopia: A Generation at Risk, Plight of Oromo Students*, Ayyaantuu News, Sept. 6, 2014, <http://ayyaantuu.com/human-rights/ethiopia-a-generation-at-risk-plaint-of-oromo-students/>.

Addis Ababa University in April 2011, many of whom were reportedly ill-treated at the Sendafa police camp,²⁵⁴

People in detention face torture and ill-treatment.

134. The Commission expressed further concern that “[law enforcement officials] have not been sensitized about the Robben Island Guidelines.”²⁵⁵ Moreover, During the Commission noted that the periodic report and additional answers failed to “provide adequate information about prison conditions in the FDRE.”²⁵⁶ The Commission also recommended that the Ethiopian Government “[s]ensitize law enforcement officers about the Robben Island Guidelines.”²⁵⁷ The Commission further recommended that the Ethiopian Government “[p]rovide information on conditions of prisons and places of detention in Ethiopia, and ensure that prisoners are held in humane conditions.”²⁵⁸
135. The Committee against Torture expressed deep concern “about numerous, ongoing and consistent allegations concerning the routine use of torture by the police, prison officers and other members of the security forces, as well as the military, in particular against political dissidents and political party members, students, alleged terrorist suspects and alleged supporters of insurgent groups such as the Ogaden National Liberation Front (ONLF) and the Oromo Liberation Front (OLF).”²⁵⁹ The Committee expressed its further concern “about credible reports that such acts frequently occur with the participation, at the instigation or with the consent of commanding officers in police stations, detention centres, federal prisons, military bases and in unofficial or secret places of detention.”²⁶⁰ And it noted “consistent reports that torture is commonly used during interrogation to extract confessions when the suspect is deprived of fundamental legal safeguards, in particular access to legal counsel.”²⁶¹ The Committee urged the Ethiopian Government “to take immediate and effective measures to investigate, prosecute and punish all acts of torture and to ensure that torture is not used by law enforcement personnel.”²⁶²
136. The Committee against Torture also expressed deep concern about the Ethiopian Government’s “persistent failure to investigate allegations of torture and prosecute perpetrators,” noting “the absence of information on cases where soldiers and police or prison officers were prosecuted, sentenced or subjected to disciplinary sanctions for having committed acts [of] torture or ill-treatment.”²⁶³ The Committee called on the Ethiopian Government to “ensure that all allegations of torture and ill-treatment are promptly and

²⁵⁴ Committee against Torture, Concluding Observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 17.

²⁵⁵ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 53.

²⁵⁶ *Id.*, ¶ 56.

²⁵⁷ *Id.*, ¶ 82.

²⁵⁸ *Id.*, ¶ 84.

²⁵⁹ Committee against Torture, Concluding Observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 10.

²⁶⁰ *Id.*

²⁶¹ *Id.*

²⁶² *Id.*

²⁶³ *Id.*, ¶ 11.

impartially investigated, and that the perpetrators are prosecuted and convicted in accordance with the gravity of the acts.”²⁶⁴

137. The Committee against Torture expressed concern “about the lack of implementation of the recommendations contained in the 2008 Correctional Facilities Monitoring Visit Report of the Ethiopian Human Rights Commission,” and noted “the lack of information about any unannounced visits to places of deprivation of liberty by independent mechanisms.”²⁶⁵ The Committee expressed serious concern that “the International Committee of the Red Cross has no access to ordinary detention centres and prisons and was expelled from the Somali Regional State in 2007.”²⁶⁶ The Committee called on the Ethiopian Government “to establish an effective independent national system to monitor and inspect all places of deprivation of liberty,” to “implement the recommendations contained in the [Ethiopian Human Rights] Commission’s 2008 Correctional Facilities Monitoring Visit Report,” and to “grant the International Committee of the Red Cross and other independent international mechanisms access to prisons, detention centres and any other places where persons are deprived of their liberty.”²⁶⁷
138. The Committee against Torture further urged the Ethiopian Government to “take urgent and effective measures to establish a specifically dedicated, independent and effective complaint mechanism to receive and ensure prompt and impartial investigations into all allegations of torture and ill-treatment committed by law enforcement, security, military and prison officials, and to initiate the prosecution of perpetrators.”²⁶⁸
139. In 2011, the Human Rights Committee noted “with concern numerous reports suggesting that torture and cruel, inhuman or degrading treatments are widespread in [Ethiopia] and used against detainees by the police, prison officers and military, especially with regard to alleged members of armed insurgent groups active in certain regions of Ethiopia (the Somali Regional State and the Oromia Regional State of Ethiopia). Moreover, perpetrators reportedly very often go unpunished.”²⁶⁹ The committee recommended that the Ethiopian Government “guarantee that all allegations of torture or cruel, inhuman or degrading treatment are effectively investigated, and that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions, and that the victims have access to effective remedies and adequate reparation; . . . improve the training of State agents in this regard, in order to ensure that all persons who are arrested or held in custody are treated with respect; and . . . provide disaggregated data on all allegations of torture.”²⁷⁰ The committee also expressed “regret that the International Committee of the Red Cross (ICRC) is not granted the right of accessing prisons and other places of detention,” and urged the Ethiopian Government to “grant independent international monitoring mechanisms access to prisons, detention centres and any other places where persons are deprived of their liberty.”²⁷¹ The committee also called for “an effective independent national system to monitor and inspect

²⁶⁴ Id.

²⁶⁵ Id., ¶ 13.

²⁶⁶ Id.

²⁶⁷ Id.

²⁶⁸ Id., ¶ 10.

²⁶⁹ Human Rights Committee, Concluding observations of the Human Rights Committee: Ethiopia (Aug. 19, 2011), ¶ 17.

²⁷⁰ Id.

²⁷¹ Id., ¶ 23.

all places of deprivation of liberty,” and called on the Ethiopian Government “to follow-up on the outcome of such systematic monitoring.”²⁷²

140. Notably, in May 2014, the Ethiopian Government declined to accept a recommendation from Austria during the Universal Periodic Review to “[i]mprove conditions in detention facilities by training of personnel to investigate and prosecute all alleged cases of torture.”²⁷³ The Ethiopian Government also declined to accept a recommendation from Tunisia to “[a]uthorize the ICRC to visit all places where persons may be deprived of their liberty.”²⁷⁴
141. During the interactive dialogue at the Universal Periodic Review earlier this year, the Ethiopian Government asserted that “Ethiopia has zero tolerance for torture, inhuman, degrading or other cruel treatments,” and offered that “[m]easures, including the Prison Administration Proclamation, were in place to protect the rights of persons deprived of their liberty.”²⁷⁵
142. The Periodic Report notes that article 18 of the constitution recognizes the right to “protection against cruel, inhuman or degrading treatment or punishment.”²⁷⁶ The Periodic Report further contends that there are regulations in place “to underline and ensure the human rights of persons held in custody in prisons throughout the country, in particular, the right to receive treatment respecting their human dignity.”²⁷⁷ If federal authorities violate these regulations, the Periodic Report asserts, they “will also face serious disciplinary action.”²⁷⁸
143. The Periodic Report also states that federal and regional police commissions and prison administrations “have incorporated the right to human dignity and prohibition against torture and inhuman treatment in the curricula of their respective training institutions . . . to ensure that they do not commit violations and are able to prevent violations by third parties.”²⁷⁹
144. In discussing accounts of ill-treatment of detainees, the Periodic Report states: “Detainees also spoke of instances in certain prisons where they had been arbitrarily beaten by some prison wardens. Prison administrators investigated cases of abuse. They explained that certain disciplinary measures were taken where restraint has been used, or where detainees convicted of grave criminal offenses have been handcuffed where there was a need to punish detainees who tried to attack other inmates. The action was taken, lest they try to escape while being escorted to court or for medical treatment.”²⁸⁰
145. The Periodic Report also made reference to monitoring of prison conditions. “The Ethiopian Human Rights Commission, during the monitoring has conducted in prisons found that while there have been instances of unlawful punishment of detainees, there was no

²⁷² Id.

²⁷³ Human Rights Council, Draft report of the Working Group on the Universal Periodic Review: Ethiopia (May 8, 2014), ¶ 158.30.

²⁷⁴ Id., ¶ 158.31.

²⁷⁵ Id., ¶ 11.

²⁷⁶ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 47.

²⁷⁷ Id. at 49.

²⁷⁸ Id.

²⁷⁹ Id.

²⁸⁰ Id. at 50.

indication that this was of an institutional nature, nor was this ordered by public officials. The monitoring, and the data collected, also shows that acts of torture not inflicted against detainees at any institutional level. Some occasional cases have occurred and disciplinary action taken. The few instances of arbitrary beatings of detainees by some wardens in detention center appeared to be due to lack of awareness or understanding.”²⁸¹

146. Yet in 2011, the Human Rights Committee expressed concern that the Ethiopian Human Rights Commission’s “recommendations and suggestions following its monitoring of correctional facilities were not implemented by the [Ethiopian Government].”²⁸²

147. The Human Rights League of the Horn of Africa reported in early September 2014 that nine students and four others who participated in the protests in April and May 2014 are still detained at Maikelawi prison in Addis Ababa and “are in critical condition due to the continuous severe torture inflicted upon them in the past five months.”²⁸³ In August, the Human Rights League of the Horn of Africa reported, students in Oromia “were forced to attend a ‘political training’ said to be a government plan to indoctrinate the students with the political agenda of [the] EPRDF for two weeks before the regular classes started in mid-September 2014.”²⁸⁴ Students attending the training “demanded that the government release the students who were imprisoned during the peaceful protests of April-May 2014,” but “the federal government deployed its military forces to Ambo and Wallaga University campuses . . . ; many students were severely beaten and hundreds were taken to prison from August 20-29, 2014.”²⁸⁵ The Human Rights League of the Horn of Africa identifies six students who “were among those harshly beaten in their dormitories and then thrown outside naked in the open air.”²⁸⁶ The organization also lists 19 students who were taken to detention centers from Ambo and Wallaga Universities on August 28 and 29, 2014.²⁸⁷ Three Wallaga University students who were severely beaten on August 28 were first taken to Nekemte Hospital and later transferred to a hospital in Addis Ababa, where they are in critical condition.²⁸⁸

148. Members of the Oromo ethnic group report beatings, painful physical exercises, punishment, whipping of the feet, prolonged hanging by the arms or legs, and mock executions. Both men and women reported sexual violence including rape, assault with foreign objects, and electric shock to the genitals. Men reported having heavy weights hung from the genitals. Other gender-specific torture while in the detention centers was reported.²⁸⁹

²⁸¹ Id.

²⁸² Human Rights Committee, Concluding observations of the Human Rights Committee: Ethiopia (Aug. 19, 2011), ¶ 6.

²⁸³ Human Rights League of the Horn of Africa, *Ethiopia: A Generation at Risk, Plight of Oromo Students*, Ayyaantuu News, Sept. 6, 2014, <http://ayyaantuu.com/human-rights/ethiopia-a-generation-at-risk-plaint-of-oromo-students/>.

²⁸⁴ Id.

²⁸⁵ Id.

²⁸⁶ Id.

²⁸⁷ Id.

²⁸⁸ Id.

²⁸⁹ The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora* (December 2009) at 27, available at http://www.theadvocatesforhumanrights.org/uploads/oromo_report_2009_color.pdf (last accessed 12 March 2012).

149. **Suggested questions for the Ethiopian Government:**

- What mechanisms are in place to ensure that suspects are brought before a court of law in a timely manner and that their relatives receive notification of their arrest, if so requested by the suspect? What mechanisms are in place to ensure that if a court grants bail, the prisoner will in fact be released?
- What data are available to demonstrate the average length of time between arrest and charging, and between charging and trial? Will authorities begin to gather this information systematically going forward?
- What measures will the Ethiopian Government take to preclude future mass arrests and arbitrary detention of Oromos, including Oromo students and children?
- How many protesters have been detained or arrested as a result of the student-led protests in Oromia in late April and May 2014? How many of them are children? How many protesters are still being detained, where are they being held, and on what charges? What steps is the Government of Ethiopia taking to ensure that these protesters have access to their family members and legal counsel while in detention?
- What efforts is the Ethiopian Government undertaking to ensure that children are never detained with the adult prison population and to ensure that detention of juveniles is used only as a measure of last resort?
- What measures are in place to ensure that confessions extracted through torture are not used in judicial proceedings?
- What steps does the Ethiopian Government take to ensure that all allegations of torture and ill-treatment are promptly and impartially investigated, and that the perpetrators are prosecuted and convicted in accordance with the gravity of the acts?
- The Periodic Report states that regulations are in place to ensure that the human rights of persons held in custody are respected. Please describe any cases in which custodians have faced criminal or disciplinary action for violating the rights of persons held in custody, and the outcomes of those proceedings.
- What steps are being taken to implement the recommendations contained in the Ethiopian Human Rights Commission's 2008 Correctional Facilities Monitoring Visit Report?
- What is the Ethiopian Government's rationale for refusing to grant the International Committee of the Red Cross access to prisons, detention centers, and other places where persons are deprived of their liberty in Ethiopia?

4. The right to a fair trial (Articles 6 and 7 of the African Charter)

150. The Periodic Report recognizes that article 20 of the constitution states that “accused persons have the right to a public trial by an ordinary court of law within a reasonable period of time after having been charged,”²⁹⁰ and that article 19 states that “persons held in custody

²⁹⁰ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples' Rights in Ethiopia, April 2014, at 51.

and convicted persons have the right to be informed promptly, in a language they understand, of the reasons for their arrest and of any charge against them.”²⁹¹ The Periodic Report further states that “Regular visits of prisons have been conducted by members of the Ministry of Justice, the House of Peoples’ Representatives and the Ethiopian Human Rights Commission at the federal level”²⁹² As demonstrated in the previous section, however, these constitutional and other safeguards have been ineffectual.

151. The Periodic Report also states that the Children’s Justice Project has “the purpose of ensuring that the rights of the child enshrined under the FDRE constitution are fully implemented and to create a justice system which is adaptable to children’s need is created.”²⁹³ As demonstrated in the previous section, however, children involved with student protests have been subject to mass detention along with adults. There is no evidence that these child protesters have been able to avail themselves of a justice system that is sensitive to children’s needs.

5. Freedom of religion and belief (Article 8 of the African Charter)

152. The Periodic Report asserts that “Ethiopia is a multi-religious country where a culture of respect and acceptance developed over centuries of mutual coexistence.”²⁹⁴ In recent years, however, as discussed in paragraph 126, Muslims in Ethiopia have faced targeting, particularly when exercising their right to freedom of assembly. The Periodic Report suggests that “some individuals and groups have attempted to incite and create violence, under the cover of religion or belief, which might lead [to] conflict among citizens or inter-religions confrontations. The Government takes strict corrective measures to ensure the supremacy of the law when such actions involve criminal activity.”²⁹⁵ Yet reports suggest that the Ethiopian Government is targeting Muslims and restricting their freedom of religion without proper justification.

6. Access to information and freedom of expression (Article 9 of the African Charter)

153. The Periodic Report suggests that people in Ethiopia have broad access to information and may freely express their views. It asserts that people have the “freedom to seek, receive and impart information and ideas of all kinds”²⁹⁶

154. With respect to access to information, the Periodic Report asserts that there is a “prohibition of any form of censorship and full access to information of public interest,”²⁹⁷ and that “the press shall, as an institution, enjoy legal protection to ensure its operational

²⁹¹ Id. at 52.

²⁹² Id. at 54.

²⁹³ Id. at 55.

²⁹⁴ Id. at 57.

²⁹⁵ Id. at 59.

²⁹⁶ Id.

²⁹⁷ Id.

independence and its capacity to entertain diverse opinions”²⁹⁸ The Periodic Report further states that the Ethiopian Government has “created an enabling environment for the media.”²⁹⁹

155. During the interactive dialogue of the Universal Periodic Review earlier this year, the Ethiopian Government asserted that “[f]reedom of expression continued to thrive. Ethiopians freely advocated their views either in support for or in criticism of Government Policies and measures.”³⁰⁰

156. As addressed in greater detail in paragraphs 52–60 and 76–86 above, these assertions are inaccurate, particularly with respect to individuals perceived to be critical of the government.

7. Freedom of association and freedom of assembly (Articles 10 and 11 of the African Charter)

157. The Periodic Report defends the Charities and Societies Proclamation, asserting without further explanation that it is a law “to protect citizens[’] Freedom of Association and Assembly”³⁰¹ and that it “adopted best practices from other nations.”³⁰² The Periodic Report contends that the law “is also providing for a legal and conducive working environment for non-governmental organizations under which they come to discharge their duties in an efficient and transparent manner.”³⁰³ As demonstrated in paragraphs 64–75 above, UN treaty bodies have roundly criticized the Charities and Societies Proclamation, and the law has had a tremendous chilling effect on non-governmental organizations, particularly those organizations working in the field of human rights.

158. The Periodic Report further states that “every person has the right to freedom of association for any cause or purpose, except in organizations formed in violation of appropriate laws, or to illegally subvert the constitutional order, or which promote activities that are prohibited.”³⁰⁴ It further contends that “everyone has the right to assemble and to demonstrate together with others peacefully and unarmed, and to petition.”³⁰⁵

159. In 2006, the Committee on the Rights of the Child expressed serious concern “over restrictions placed upon civil society since the elections in 2005 and, in particular, [expressed] regret[] [over] the arbitrary mass detentions, including of children, that place severe restrictions upon the freedom of expression which is a fundamental element of a free civil society.”³⁰⁶

160. Notably, in May 2014, the Ethiopian Government declined to accept a recommendation from the United States as part of the Universal Periodic Review to “[p]ermit the UN Special

²⁹⁸ Id.

²⁹⁹ Id. at 62.

³⁰⁰ Human Rights Council, Draft report of the Working Group on the Universal Periodic Review: Ethiopia (May 8, 2014), ¶ 14.

³⁰¹ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 64.

³⁰² Id. at 65.

³⁰³ Id.

³⁰⁴ Id. at 63.

³⁰⁵ Id.

³⁰⁶ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 22.

Rapporteur on the Right to Freedom of Peaceful Assembly and of Association to travel to Ethiopia to advise the Government.”³⁰⁷

161. The Government’s response to peaceful student-led protests demonstrates that restrictions on freedom of assembly and association persist. As described in greater detail in paragraphs 114–119 and 130–133 above, the Ethiopian Government continues to respond to recent peaceful protests with excessive force, as well as mass arrests and detentions. Students have also been expelled from school for participating in the protests.³⁰⁸

162. **Suggested questions for the Ethiopian Government:**

- What assurances can the Ethiopian Government provide that the Charities and Societies Proclamation is not hindering freedom of association between Ethiopian NGOs and foreign counterparts?
- What measures is the Ethiopian Government taking to ensure that individuals do not face arrest, detention, or suspension or expulsion from school as a consequence of exercising their right to freedom of assembly and association? What steps will the Government take to ensure that students whose studies have been disrupted by the Government’s response to the protests in Oromia will be able to resume and complete their studies and sit for examinations without penalty?
- Will the Ethiopian Government issue an invitation to the UN Special Rapporteur on the Right to Freedom of Peaceful Assembly and of Association to visit Ethiopia for a country visit?

8. Freedom of movement, right of asylum, and prohibition of mass expulsion (Article 12 of the African Charter)

163. The Periodic Report states that the constitution recognizes that people in Ethiopia have the right to “freedom of movement and freedom to choose [their] residence”³⁰⁹ Further, “[t]he Civil Code provides that every person is free to establish his residence wherever it is suitable for him and to change the place of such residence.”³¹⁰ Yet as demonstrated in greater detail in paragraphs 167–168 below, members of some vulnerable communities are being coerced, deceived, or simply forcibly relocated from their lands.

9. The right to participate in government (Article 13 of the African Charter)

164. The Periodic Report asserts that “Every Ethiopian national, without any discrimination based on color, race, nation, nationality, sex, language, religion, political or other opinion or

³⁰⁷ Human Rights Council, Draft report of the Working Group on the Universal Periodic Review: Ethiopia (May 8, 2014), ¶ 158.22.

³⁰⁸ Amy Bergquist, *Diaspora Speaks for Deliberately Silenced Oromos; Ethiopian Government Responds to UN Review*, The Advocates Post, May 20, 2014, <http://theadvocatespost.org/2014/05/20/diaspora-speaks-for-deliberately-silenced-oromos-ethiopian-government-responds-to-un-review/>.

³⁰⁹ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 66.

³¹⁰ *Id.* at 67.

other status can; to take part in the conduct of public affairs, directly and through freely chosen representatives”³¹¹

165. As discussed later in this report in paragraphs 179, 183, and 287, the Ethiopian Government in a variety of contexts presumes that Oromos are disloyal to the government unless they prove otherwise. They face arrest, detention, and sometimes torture and death for criticizing the government.

C. Economic, social, and cultural rights

1. Right to property (Article 14 of the African Charter)

166. The Periodic Report states that the constitution and certain enabling laws guarantee the right to property,³¹² and that “Ethiopian peasants have right to obtain land without payment and have protection against eviction from their possession.”³¹³ The Periodic Report further states that “an individual, who permanently loses his possession of land, if there is a crop or plants on the land, shall in addition also, be paid compensation equivalent to an average income of a person holding similar land.”³¹⁴

167. In practice, the Ethiopian Government has engaged in extreme violations of the right to property. These practices discriminate especially against disadvantaged ethnic groups. One significant way in which these rights are currently being violated is through forced “villagization” programs. The Government recently contended to the Committee on the Rights of the Child that the villagization program is a “Voluntary Resettlement Program . . . intended to create access to land for food insecure households.”³¹⁵ Yet people who have resisted relocation have been subject to arrest, assault, rape, and threats of violence.³¹⁶ The indigenous people are moved to areas where land is not suitable for agricultural use.³¹⁷ There are numerous reports of hunger and starvation due to the lack of Government provided aid or land on which to farm. While, as part of the villagization program, the Government has promised to supply food and agricultural assistance as well as access to health facilities and educational institutions, numerous reports indicate that no such support is provided to many of those who are forced to relocate.³¹⁸ One woman reported that many indigenous families have become homeless as a result of villagization and are now left begging for food and money as a means for survival.³¹⁹

168. Through the villagization program, many of the displaced families are left without an avenue to pursue employment and are without the ability to maintain a livelihood. Villagers

³¹¹ Id. at 69.

³¹² Id. at 72.

³¹³ Id.

³¹⁴ Id. at 73.

³¹⁵ Committee on the Rights of the Child, Fourth and fifth periodic reports of States parties due in 2001: Ethiopia, May 18, 2012, UN Doc. CRC/C/ETH/4-5, ¶ 226.

³¹⁶ Human Rights Watch, “*Waiting Here for Death*”: *Forced Displacement and Villagization in Ethiopia’s Gambella Region* (January 2012), available at http://www.hrw.org/sites/default/files/reports/ethiopia0112webwcover_0.pdf.

³¹⁷ Id.

³¹⁸ ICESCR Submission, *supra* note 146, ¶¶ 42–60.

³¹⁹ Interview with Oromo diaspora member on September 6, 2013.

who rely on farming as means of survival have been sent to areas consisting of unfertile lands. These areas also lack adequate infrastructure for those displaced to obtain other employment.

169. Additionally, as part of the program those displaced to new locations were forced to build new homes under the supervision of the army.³²⁰ Reports indicate that army supervision included intimidation and the beating of villagers.³²¹ The villagers were not compensated for this work.³²²
170. The Commission during its last review recommended that the Ethiopian Government “[i]ncrease the existing measures aimed at improving food shortage, such as irrigation, water control and diversification of crops in order effectively avoid the heavy dependence on international food aid.”³²³ The villagization program, however, demonstrates a shift toward export-oriented agricultural production, undermining food security and increasing reliance on food aid.
171. In areas targeted for villagization, the Ethiopian Government holds formal title to the lands, while individuals and communities have the right to use the land for pastoral and other agricultural purposes. According to the Oakland Institute, “the Ethiopian government encourages food production for export rather than for domestic markets.”³²⁴ Villagization appears to be prompted by foreign and domestic corporations seeking to lease lands from the Ethiopian Government and to develop those lands for export-oriented agri-business.³²⁵ Reports indicate that the fertile farmlands on which these people have lived for generations are being sold to foreign and domestic investors.³²⁶
172. The Oakland Institute recently posited that the “EPRDF’s desire for land investment is associated with the likely further marginalization/disempowerment of the indigenous people, increased dependence on government for food security, and increased difficulty for rebel groups to operate in the lowland areas. The granting of land-based assets to the Tigray and other urban elites who offer support for the EPRDF further sends the message that support of the government will result in preferential treatment.”³²⁷ Commercial land investment has an adverse effect on the food security of these indigenous peoples; “commercial land investment is one more stressor, making those who are marginally food insecure even more susceptible

³²⁰ Human Rights Watch, “*Waiting Here for Death*”, *supra* note 316.

³²¹ *Id.*

³²² *Id.*

³²³ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 87.

³²⁴ The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia* (2011), at 25, available at http://media.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_Ethiopa_Land_Investment_report.pdf (last accessed 12 March 2012).

³²⁵ Center for Investigative Reporting, *Ethiopia: A Battle for Land and Water*, 28 February 2012, available at <http://cironline.org/reports/ethiopia-battle-land-and-water> (last accessed 12 March 2012); The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 324, at 39.

³²⁶ Human Rights Watch, “*Waiting Here for Death*,” *supra* note 316.

³²⁷ The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 324, at 20.

to hunger. The underlying causes for food insecurity . . . are all present in the areas of intensive land investment.”³²⁸

173. **Suggested questions for the Ethiopian Government:**

- What measures are in place to ensure that all resettlement is entirely voluntary and to allow resettled families the opportunity to return to the lands from which they were resettled if the conditions in the new settlement are unacceptable?
- How can the Ethiopian Government ensure that people who agree to resettlement will be provided with adequate infrastructure and support to establish a new livelihood?
- What policies and procedures are in place to ensure that families that are considering voluntary resettlement have complete access to information about the terms of the resettlement so that they can make a fully informed decision?

2. The right to work under equitable and satisfactory conditions (Article 15 of the African Charter)

174. The Periodic Report states that people have the right to form trade unions and to bargain collectively,³²⁹ and that the constitution recognizes the “right to engage freely in economic activity and to pursue a livelihood of his choice” and the “right to choose his or her means of livelihood, occupation and profession”³³⁰

175. Under article 15 of the African Charter, signatories, including Ethiopia, recognize that “[e]very individual shall have the right to work under equitable and satisfactory conditions.” The principle of non-discrimination contained in article 2 of the African Charter is directly applicable to all aspects of the right to work.

176. In 2012, the Committee on Economic, Social and Cultural Rights expressed concern “that access to employment for the most disadvantaged and marginalized individuals and groups such as youth, persons with disabilities and women is limited.”³³¹ The committee called on the Ethiopian Government to “take steps to significantly reduce unemployment and enhance the access to employment for the most disadvantaged and marginalized individuals and groups, including youth, persons with disabilities and women.”³³²

177. The ESCR Committee also expressed concern “that public sector workers, in particular teachers, have allegedly experienced dismissals and transfers in connection with trade union activity,” and called on the Ethiopian Government to “guarantee, in law and practice, the right to form and/or join trade unions, in particular by civil servants,” and to “conduct a full and independent inquiry into allegations of violation of teachers’ trade union rights, including dismissals and transfers of teachers linked to their involvement in trade unions.”³³³

³²⁸ Id. at 36.

³²⁹ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 76.

³³⁰ Id. at 75.

³³¹ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 9.

³³² Id.

³³³ Id., ¶ 12.

178. Ethiopia's Periodic Report contends that individuals in Ethiopia have the right to choose their occupation and profession.³³⁴ In practice, however, members of disadvantaged ethnic groups and individuals who do not openly support the ruling party face discrimination in exercising their right to work.
179. Oromo business people have reported to The Advocates that Oromos are commonly denied business licenses without explanation, and that police harass customers and tell people not to support Oromo businesses, asserting that the profits from the businesses would be used to support the OLF.³³⁵ "The Ethiopian police reportedly create a climate in which customers, clients, and employees fear association with Oromo business owners. In order to avoid harassment, business owners are told they must 'prove' they are not OLF by joining the ruling OPDO."³³⁶
180. In government employment and the academic community, people perceived to support political parties opposed to the EPRDF experience discrimination that violates their right to work. The U.S. Department of State notes that "[i]nnumerable anecdotal reports suggest that non-EPRDF members were reportedly more likely to be transferred to undesirable posts and to be bypassed for promotions" and that there was "a lack of transparency in academic staffing decisions, with numerous complaints from individuals in the academic community of bias based on party membership, ethnicity, or religion."³³⁷
181. Ethiopia's Human Rights Council has received hundreds of complaints regarding unfair dismissals within two government ministries alone—the Ministry of Revenue and the Ministry of Foreign Affairs.³³⁸ An official in the Ministry of Agriculture disclosed that he resigned after being downgraded at his job as the result of the government-implemented Business Process Re-Engineering (BPR) process, which many feel is a tool to politicize companies and public institutions.³³⁹ Said the official: "They asked me so many times to join the party—I don't want to, I was fed up."³⁴⁰ Further, several trainee judges reported that they and 28 others were unfairly dismissed by the Regional Supreme Court of Amhara for "publicly objecting to the political content of the judicial training curriculum," which "focused on the EPRDF ideology of Revolutionary Democracy, and was conducted by party officials, not legal scholars."³⁴¹ Ethiopia's Periodic Report makes no reference to these complaints.
182. Discrimination based on ethnicity in Ethiopia violates the right to work. For example, according to a report prepared by The Advocates, Oromos have names that distinguish

³³⁴ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples' Rights in Ethiopia, April 2014, at 75.

³³⁵ The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, supra note 289, at 71–72.

³³⁶ *Id.* at 72.

³³⁷ U.S. Dept. of State, Human Rights Reports, *Ethiopia* (2010) at 25, available at <http://www.state.gov/documents/organization/160121.pdf> (last visited Sept. 8, 2014).

³³⁸ Human Rights Watch, *Development Without Freedom: How Aid Underwrites Repression in Ethiopia* (October 2010), at 62, available at <http://www.hrw.org/reports/2010/10/19/development-without-freedom> (last accessed Sept. 8, 2014).

³³⁹ *Id.* at 58, 62.

³⁴⁰ *Id.* at 62.

³⁴¹ *Id.* at 63.

themselves from other ethnicities in Ethiopia, and this fact especially works to their disadvantage when they seek employment in the capital of Addis Ababa.³⁴² An interviewee reported that “many Oromos seeking employment in the capital adopt Amharic names in order to not stand out as Oromos.”³⁴³ Another interviewee relayed the following story:

My [first] name helped me not to be discriminated against. It is an Amharic name. We were in an Amharic-dominated [part of the] country, and the priest came to our house and gave me my Amharic-Orthodox name I also don’t look Oromo, so I could pass and speak Amharic. I didn’t want to expose myself as an Oromo.³⁴⁴

183. The U.S. Department of State also reported that “[s]everal teachers who were members of, or were perceived to support, opposition parties—particularly in the Oromia, Tigray, Amhara, and the SNNPR—reported being harassed by local officials and threatened with the loss of their jobs or transfers to distant locations.”³⁴⁵ Teachers especially have been subject to “immense pressure by local administrations to join the ruling party, pay annual party contributions, and attend training conferences that included EPRDF indoctrination.”³⁴⁶ One person reported that once a person becomes a member of the EPRDF, he or she must allow party dues to be deducted from salary because “it’s not prudent to be openly defiant.”³⁴⁷ The Advocates has received numerous consistent accounts of Oromo teachers being terminated and even arrested based on the government’s suspicion of OLF involvement.³⁴⁸ Oromo teachers reported that in order to obtain employment or promotions in government schools, they must become members of the OPDO.³⁴⁹
184. The Advocates’ interviews with members of the Oromo diaspora painted a picture of systematic government oppression of Oromo intellectual elites, including university students and professors.³⁵⁰ College students are reportedly “pressured to pledge allegiance to the EPRDF to secure enrollment in . . . postgraduation government jobs.”³⁵¹
185. Oromos interviewed by The Advocates have reported many other instances of employment discrimination, including termination without cause and other discriminatory treatment.³⁵²
186. Through the villagization program, discussed in the previous section, many of the displaced families are left without an avenue to pursue employment and are without the

³⁴² The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 289, at 64.

³⁴³ *Id.* at 54.

³⁴⁴ *Id.* at 64.

³⁴⁵ U.S. Dept. of State, Human Rights Reports, *Ethiopia*, *supra* note 337, at 25.

³⁴⁶ Human Rights Watch, “*One Hundred Ways of Putting Pressure*”: *Violations of Freedom of Expression and Association in Ethiopia* (March 2010), at 30, available at <http://www.hrw.org/sites/default/files/reports/ethiopia0310webwcover.pdf> (last accessed 12 March 2012).

³⁴⁷ *Id.*

³⁴⁸ The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 289, at 51.

³⁴⁹ *Id.* at 52.

³⁵⁰ *Id.* at 53–54.

³⁵¹ U.S. Dept. of State, Human Rights Reports, *Ethiopia*, *supra* note 337, at 25.

³⁵² The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 289, at 71–72.

ability to maintain a livelihood. Villagers who rely on farming as means of survival have been sent to areas consisting of unfertile lands.

187. **Suggested questions for the Ethiopian Government:**

- What steps has the Ethiopian Government taken to significantly reduce unemployment and to enhance access to employment for women, people with disabilities, and members disadvantaged ethnic groups?
- What measures is the Ethiopian Government taking to ensure that individuals may obtain business licenses without politicization?
- What redress is available for employees who allege they have been transferred, not hired, or passed over for promotion on account of their status as individuals who are not members of the EPRDF or allied political parties? What have been the results of these redress mechanisms?
- Does the ethnic composition of the civil service at all levels reflect the ethnic composition of the country as a whole? What measures are in place to ensure that government positions are open to people from all ethnic groups?

3. The right to health (Article 16 of the African Charter)

188. The Periodic Report states that, “to the extent the country’s resources permit, policies shall aim to provide all Ethiopians with access to public health and education, clean water, housing, food and social security.”³⁵³

189. During the Commission’s last periodic review of Ethiopia, the Commission noted “the existence of interregional and urban/rural disparities, in particular with regard to the availability of resources and infrastructure, which may lead to discrimination in the enjoyment of the rights provided for in the African Charter.”³⁵⁴ These disparities persist, particularly with regard to the right to health.

190. The Commission also expressed concern about “the high incidence of infant and maternal mortality in” Ethiopia³⁵⁵ and recommended that the Ethiopian Government “[i]ntroduce appropriate policies to address the high incidence of infant and maternal mortality.”³⁵⁶

191. In 2011, the Committee on the Elimination of Discrimination against Women expressed its continued concern about “[t]he high maternal mortality rate (470 per 100,000 live births) due to obstetric complications such as fistulae, early pregnancy, unsafe abortion, harmful practices and other factors; [and] [t]he low rate of skilled birth attendance (18 per cent) and the shortage of emergency obstetric services, especially in rural areas.”³⁵⁷ The committee

³⁵³ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 72.

³⁵⁴ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 60.

³⁵⁵ *Id.*, ¶ 41.

³⁵⁶ *Id.*, ¶ 62.

³⁵⁷ Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/ETH/CO/6-7 (July 27, 2011), ¶ 34(a)–(c).

called on the Ethiopian Government to “[c]ontinue training health extension workers on referring women to maternal health-care facilities . . . [and to] [a]ddress the lack of medical personnel in rural health-care facilities and the shortage of emergency obstetric services in rural areas.”³⁵⁸

192. The CEDAW Committee expressed further “concern that the majority of the rural population has no sustainable access to safe drinking water and adequate sanitation, forcing many women and girls to walk long distances to collect water, exposing them to an increased risk of sexual violence, and preventing girls from attending school.”³⁵⁹ The committee recommended that the Ethiopian Government “[c]ontinue improving access to safe drinking water and adequate sanitation in rural areas by building new wells, taps and sanitation facilities.”³⁶⁰

193. In 2012, the Committee on Economic, Social and Cultural Rights expressed concern that Ethiopia lacks “universal health-care coverage,” as well as concern “about the low number of qualified health-care professionals per capita in certain regions and critical shortages at health centres, both in medical equipment and staff.”³⁶¹ The committee also expressed concern about “the high rate of maternal and infant mortality, and the low number of births that are assisted by a skilled attendant, especially in rural areas.”³⁶² The committee recommended that the Ethiopian Government “intensify its efforts to improve health services, including through allocation of increased resources and measures to address significant rural and urban disparities in health-care provision.”³⁶³ The committee also recommended that “these efforts in particular focus on the training of health extension workers and the adequate provision of medical equipment and staff at health centres.”³⁶⁴ The committee recommended “urgent steps to reduce the high rate of maternal and infant mortality and to ensure that births are assisted by a skilled attendant.”³⁶⁵ And the committee recommended that the Ethiopian Government “intensify its efforts to improve access by women to basic obstetric and neo natal care, reproductive health services, and to basic health-care centres, in particular in rural areas.”³⁶⁶

194. The Ethiopian Government’s Periodic report states that the country’s Health Policy has “preventive measures to be taken to advance the right of citizens to life.”³⁶⁷ It further states that “the government has been successfully implementing a number of projects aimed at reducing the infant mortality rate and maternal mortality,”³⁶⁸ and that government policies aim “to provide comprehensive and integrated primary care services, primarily based on

³⁵⁸ Id., ¶ 35(a)–(b).

³⁵⁹ Id., ¶ 36.

³⁶⁰ Id., ¶ 37(d).

³⁶¹ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 25.

³⁶² Id.

³⁶³ Id.

³⁶⁴ Id.

³⁶⁵ Id.

³⁶⁶ Id.

³⁶⁷ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 43.

³⁶⁸ Id. at 46.

community level health facilities.”³⁶⁹ Yet the government’s villagization program has separated people from health facilities, placing the health of rural populations at risk and exacerbating urban/rural disparities in health care. Although the government reports a decline in the under 5 mortality rate and in the infant mortality rate,³⁷⁰ those rates are substantially higher in populations that have been relocated under the villagization program.

195. The Ethiopian Government asserts that “[i]mportant steps have also been taken in the decentralization of the health care system,”³⁷¹ and that “remarkable achievements have been realized in the expansion and construction of health facilities and improvement of the quality of health service provision.”³⁷² Yet there are stark regional disparities in health care.

The villagization program places health of people in rural areas at risk.

196. The lack of infrastructure in the areas to which people are relocated in the villagization program has threatened the health of these displaced populations.³⁷³ The absence of clean water supplies and other infrastructure in these villages has resulted in high rates of infant mortality as well as respiratory infections and diarrhea.³⁷⁴
197. Several violations of the right to health resulted from the villagization programs discussed above. As previously discussed, these villagization programs disproportionately affect disadvantaged ethnic groups, such as the Anuak tribe, living in the Gambella and other regions. Because the new villages lack basic infrastructure, “few residents are receiving basic healthcare services.”³⁷⁵ Although the government promised that villages would have health clinics, the government’s plan “shows that these were not planned for the majority of villages.”³⁷⁶ As reported above, the absence of clean water supplies and other infrastructure in the villages has resulted in high rates of infant mortality as well as respiratory infections and diarrhea.³⁷⁷ This critical lack of health care infrastructure violates the right to health of the ethnic groups targeted for villagization.
198. “Villages” where people are relocated lack health facilities and clean water, jeopardizing health. The Government is forcibly moving thousands of people throughout the country, including the Oromo people, from their homes. Reports indicate that the fertile farm lands on which these people have lived for generations are being sold to foreign and domestic investors.³⁷⁸ The people are moved to areas where land is not suitable for agricultural use.³⁷⁹ As part of the villagization program, the Government has promised to supply food and agricultural assistance as well as access to health facilities and educational institutions, but numerous reports indicate that no such support is provided to many of those who are forced

³⁶⁹ Id. at 79.

³⁷⁰ Id. at 82.

³⁷¹ Id. at 80.

³⁷² Id.

³⁷³ The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 289, at 67.

³⁷⁴ Id.

³⁷⁵ Human Rights Watch, “*Waiting Here for Death*,” *supra* note 316, at 3.

³⁷⁶ Id. at 26.

³⁷⁷ The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 289, at 67.

³⁷⁸ Human Rights Watch, “*Waiting Here for Death*,” *supra* note 316.

³⁷⁹ Id.

to relocate.³⁸⁰ Without access to proper infrastructure or basic necessities such as clean water, the relocated population has been subject to high rates of infant mortality as well as respiratory infections and diarrhea.³⁸¹ The Ethiopian Government has not addressed the stark rural disparities in access to health care. Indeed, the villagization program moves families away from available health facilities.

The State of Oromia faces striking health disparities.

199. According to Medical Doctor Gudata Hinika, who is an Oromo and the founder and director of the diaspora-based Ethiopia Health Aid, “the health disparities in rural Oromia and her urban neighbors are so vast, that there [are] not enough community health workers to address rural needs. Many of the people we served during our last mission had not seen the doctor in their entire lives. And often, many patients die just trying to get to the hospital because emergency care and transport are scarce.”³⁸² He observed that rural Oromia has been facing a brain drain of medical professionals for generations.³⁸³

200. **Suggested questions for the Ethiopian Government:**

- How does the Government ensure that families who are resettled have access to clean water, sanitation, and health services?
- What is the Ethiopian Government doing to address rural health disparities, particularly in Oromia?

4. The right to education (Article 17(1) of the African Charter)

201. The Periodic Report states that the constitution “establishes a universal right to education”³⁸⁴ and that the Ethiopian Government’s “education policy aims at ensuring equitable and fair distribution of educational opportunities across regions, religion, gender, social class and any other considerations.”³⁸⁵ The Periodic Report asserts that education “[d]isparities decreased through more than average improvement of the situation of disadvantaged and deprived groups and of emerging regions,”³⁸⁶ and that gender disparities in school are declining (with gender disparities of .93 at the primary level, .79 at the secondary level, and .36 at the tertiary level).³⁸⁷

Children in many rural areas are denied the right to education, and gender disparities persist.

202. In 2011, the Committee on the Elimination of Discrimination against Women expressed its continuing concern about “[r]egional disparities and low enrolment rates of women and/or

³⁸⁰ The Advocates for Human Rights, ICESCR Submission, *supra* note 146, ¶¶ 42–60.

³⁸¹ *Id.*

³⁸² Dr. Gudata Hinika, *Why Building Medical Capacity in Oromia Is Our ‘Fierce Urgency of Now,’* O-Pride, Aug. 13, 2014, available at <http://www.opride.com/oromsis/articles/opride-contributors/3769-building-medical-capacity-in-oromia-is-our-fierce-urgency-of-now>.

³⁸³ *Id.*

³⁸⁴ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 84.

³⁸⁵ *Id.*

³⁸⁶ *Id.* at 85.

³⁸⁷ *Id.* at 87.

girls in primary education in rural and pastoralist areas and in secondary and higher education,” as well as about “[t]he high dropout rate and the low retention and completion rates of girls, in particular at the primary level,” and “[t]he limited access of poor girls, girls in pastoralist areas and girls with disabilities to education due to economic and sociocultural barriers, such as indirect costs of schooling, unfavourable attitudes by male students and teaching staff, verbal and physical abuse and harassment, and long distances to schools.”³⁸⁸

203. The CEDAW Committee called on the Ethiopian Government to “[e]nsure enrolment, retention and completion by women and girls at all levels of education, especially in rural and pastoralist areas, including by making primary education compulsory . . . [c]ontinue raising awareness among communities, families, students, teachers and officials, especially men, about the importance of women’s and girls’ education; . . . [s]trengthen support services . . . for disadvantaged girls, such as poor girls, girls in pastoralist areas and girls with disabilities, as well as incentives and subsidies for their families.”³⁸⁹

204. Despite the Periodic Report’s assertion that “[p]rimary education is free to all citizens, and all children of school age are strongly encouraged to attend school,”³⁹⁰ the Committee on Economic, Social and Cultural Rights expressed concern “that primary education is neither free nor compulsory,” and also expressed concern “about low primary school enrolment and attendance rates, . . . high dropout rates, the gender gap in enrolment, the insufficient number of trained teachers, and the poor quality of education.”³⁹¹ The committee recommended that the Ethiopian Government “strengthen its efforts and take urgent measures to ensure that primary education is free and compulsory for all children, . . . and that the age of completion of compulsory schooling is set at 14 years.”³⁹² The committee also recommended “urgent steps to increase primary school enrolment and attendance rates, including for children with disabilities, decrease the high dropout rate, and address indirect and hidden costs of school education, and the gender gap in enrolment rates.”³⁹³ The committee also recommended “measures to train more teachers, especially female, and further increase the number of school facilities, in particular in rural areas.”³⁹⁴

205. In 2006, the Committee on the Rights of the Child expressed serious concern “that primary education is still not free nor compulsory and that net enrolment is still very low.”³⁹⁵ The Committee noted particular concern with respect to inequalities affecting children’s access to education in rural areas.³⁹⁶ The U.S. Department of State recently reported that, although primary education in Ethiopia was universal, tuition free, and compulsory in policy,

³⁸⁸ Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/ETH/CO/6-7 (July 27, 2011), ¶ 30.

³⁸⁹ *Id.*, ¶ 31.

³⁹⁰ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 86.

³⁹¹ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 26.

³⁹² *Id.*

³⁹³ *Id.*

³⁹⁴ *Id.*

³⁹⁵ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 63.

³⁹⁶ *Id.*

“there were not enough schools to accommodate the country’s youth, particularly in rural areas.”³⁹⁷ Further, “the cost of school supplies was prohibitive for many families, and there was no legislation to enforce compulsory primary education.”³⁹⁸

206. Several members of the Oromo diaspora interviewed by The Advocates reported concern about unequal educational opportunities for Oromo students.³⁹⁹ One Oromo reported:

[P]articular regions, like that of the Tigray, have the best teachers and materials. In Oromia, people are learning in their language, but there is no material supply. So we have the right to learn our language, but no access. As far as the future, there is not enough education and [Oromos] cannot compete.⁴⁰⁰

207. The average drop-out rate in rural Oromia between primary school and secondary school is nearly 90%.⁴⁰¹ Lack of accessible schools, libraries, and technology encourage this phenomenon.⁴⁰² “Many interviewees have noted that conditions for students are better in Addis Ababa than in rural regions of Ethiopia. Despite the fact that more than 85 percent of Ethiopia’s population live in rural areas, resources for education are directed to Addis Ababa and other large cities rather than to the rural areas. . . . [S]ince many Oromos live in rural areas, it is even more difficult for Oromos to access adequate education. According to the U.S. Department of State, there were ‘not enough schools to accommodate the country’s youth, particularly in rural areas.’ Despite obligations under regional and international treaties and the Constitution’s requirement to provide education to all to the extent resources allow, there were many reports of the lack of materials and resources for Oromo students.”⁴⁰³

208. Students in Oromia are required to receive academic instruction in Oromiffa, and they receive only anemic and delayed instruction in English. Many feel that these practices are systematically designed to deny Oromo students admission to university, where fluency in Amharic is required.⁴⁰⁴ A nationwide exam policy also requires all tenth-grade students to take and pass an exam, in English, which will determine if they continue on an academic track or shift to vocational schools.⁴⁰⁵ This testing practice disproportionately affects Oromos, because while other schools teach English from a very young age, Oromo students have only had one year of English by the time they take the exam, resulting in consistently lower scores.⁴⁰⁶ Although the Periodic Report states that “[t]he entrance requirement is lessened for students coming from less-developed regions of the country, including the Benishangul, Gambela, Afar and Somali Regional States, and for those coming from pastoralist and semi-pastoralist areas of the Southern nations Nationalities and peoples’ and Oromia Regional

³⁹⁷ U.S. Dept. of State, Human Rights Reports, *Ethiopia* (2010), at 45, available at <http://www.state.gov/documents/organization/160121.pdf>.

³⁹⁸ *Id.*

³⁹⁹ *Id.* at 54.

⁴⁰⁰ *Id.* at 55.

⁴⁰¹ Dr. Gudata Hinika, *Why Building Medical Capacity in Oromia Is Our ‘Fierce Urgency of Now,’* O-Pride, Aug. 13, 2014, available at <http://www.opride.com/oromsis/articles/opride-contributors/3769-building-medical-capacity-in-romia-is-our-fierce-urgency-of-now>.

⁴⁰² *Id.*

⁴⁰³ The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 289, at 55 (footnotes omitted).

⁴⁰⁴ *Id.* at 54.

⁴⁰⁵ *Id.* at 55.

⁴⁰⁶ *Id.*

States,⁴⁰⁷ this adjustment cannot make up for such vast discrepancies in language instruction for nearly all Oromo students.

209. The lack of access to education in rural areas has been felt even more so by the disadvantaged ethnic groups subject to villagization programs. Ethnic groups subject to villagization have been moved from villages where schools existed and were operational to villages where schools and other infrastructure are non-existent.⁴⁰⁸ Further, villagers reported that they “had been cautiously optimistic about moving to the new villages in part because they were led to believe that their children would be closer to schools” but that “not only have operational schools been completely absent from new villages, but the government’s villagization plan did not even envision schools for the majority of new villages.”⁴⁰⁹ Many schoolchildren in the villagization population were being forced to work instead of attend class, and specifically that “government officials had compelled students to provide labor for *tukul* construction at nearby villages.”⁴¹⁰ *Woreda* officials reportedly told schoolchildren that they would “not be allowed to ‘write their Grade 10 examination’ if they did not come” to do labor.⁴¹¹

210. Government sensitization efforts are ineffective in areas where children lack access to schools or lack funds to attend school. The Periodic Report asserts that “[t]he key priority of the education sector development program has been to improve and ensure the quality and efficiency of education at all levels.”⁴¹² In some rural areas, however, local schools are nonexistent or relocated families cannot afford to send their children to school.

Access to education is highly politicized, and Oromos face discrimination in education.

211. Contrary to the explicit guarantees in the Ethiopian constitution, reports indicate that all levels of education are politically influenced. This practice violates the right of all ethnic groups and people of all political views to receive education. For example, the U.S. Department of State has observed that “[s]ome college students reportedly were pressured to pledge allegiance to the EPRDF to secure enrollment in universities.”⁴¹³ High-school students were subject to week-long school closures so that they would attend workshops on EPRDF government policy.⁴¹⁴ One student reported:

We have learned in civics class that politics and school have no relationship, but in our school there is propaganda—we are learning about EPRDF. The amazing thing is the teachers are the head of our sub-city, the government officials, they come and teach us about EPRDF. They say, “EPRDF is good, huh?”⁴¹⁵

⁴⁰⁷ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 87.

⁴⁰⁸ Human Rights Watch, “*Waiting Here for Death*,” *supra* note 316, at 49.

⁴⁰⁹ *Id.* at 49.

⁴¹⁰ Human Rights Watch, “*Waiting Here for Death*,” *supra* note 316, at 49.

⁴¹¹ *Id.* at 49.

⁴¹² Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 86.

⁴¹³ U.S. Dept. of State, Human Rights Reports, *Ethiopia*, *supra* note 337, at 25.

⁴¹⁴ Human Rights Watch, *Development Without Freedom*, *supra* note 338, at 53.

⁴¹⁵ *Id.*

212. Students above ninth grade are required to “attend five-day trainings on Revolutionary Democracy and EPRDF policy on economic development, land, and education,” for which they were paid 25 Birr (approximately \$2) per day, and asked to join the EPRDF at the end of the week.⁴¹⁶ Some students thought they needed EPRDF membership cards to be accepted to university.⁴¹⁷
213. Students face ethnic discrimination in exercising their right to education. Members of the Oromo diaspora, for example, have reported to The Advocates their concerns about unequal access to education for Oromo students, who are often suspected of being affiliated with the Oromo Liberation Front, a banned opposition political party.⁴¹⁸ One Oromo interviewed by The Advocates stated that “the government [is using] the OLF as an excuse in expelling students . . . who advocate for the cause and rights of the Oromo, which the government considers a crime.”⁴¹⁹

Teachers reportedly rape students with impunity

214. The Periodic Report states that “[t]he government has taken [a] series of positive measures in terms of enabling women to get education by highlighting the importance of increasing women education”⁴²⁰ Yet one grave barriers to girls accessing their right to education is the prevalence of sexual violence in the schools.
215. Students turn to foreign worker for support after they are raped by their teachers. As noted above, in 2011, the Committee on the Elimination of Discrimination against Women expressed its continuing concern about “[t]he limited access of poor girls, girls in pastoralist areas and girls with disabilities to education due to economic and sociocultural barriers, such as . . . unfavourable attitudes by male students and teaching staff, [and] verbal and physical abuse and harassment.”⁴²¹ The committee called on the Ethiopian Government to “[i]mprove the quality of education and make it more attractive and safer for women and girls, including by increasing the number of girl-friendly schools . . . and by investigating and adequately punishing any abuse of women and girls by other students or by teachers.”⁴²²
216. A foreign worker in Ethiopia reports that “multiple students approached [her] in search of advice and support” after the students experienced sexual harassment and assault perpetrated by their teachers.⁴²³
217. Investigation confirms teachers demanding sex in exchange for grades. The foreign worker “interviewed several female students, along with teachers and school directors from primary and secondary schools in the region.”⁴²⁴ The students reported that at least one or

⁴¹⁶ Id. at 54.

⁴¹⁷ Id.

⁴¹⁸ The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, supra note 289, at 53.

⁴¹⁹ Id.

⁴²⁰ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 40.

⁴²¹ Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/ETH/CO/6-7 (July 27, 2011), ¶ 30.

⁴²² Id., ¶ 31(c).

⁴²³ Email Correspondence No. 1, June 27, 2014 (on file with The Advocates for Human Rights).

⁴²⁴ Id.

two teachers in every school they had attended “forced female students to have sex in exchange for passing grades. Fellow teachers and school directors at some of these schools agreed that they knew male teachers who were engaging in this . . . behavior.”⁴²⁵ The foreign worker learned that “[m]ale teachers . . . tell young girls that they must have sex with them, or else they will fail the girls in their class. This invokes fear and shame into the female students. They feel unsupported by school staff, and are too embarrassed to talk about it with family members. Sometimes the female students will drop out of school to avoid the threats. Those who choose to continue in school strategically walk in large groups, cover their bodies and hair in loose garments . . . , and avoid speaking and eye contact, as a hope that this will deter the teacher from wanting to have sex with them.”⁴²⁶

218. Authorities foster culture of impunity for teachers who rape students. Teachers are frequently aware when their colleagues demand sex in exchange for grades.⁴²⁷ The foreign worker describes sexual abuse in schools as “rampant” in Ethiopia.⁴²⁸ Yet the practice is rarely reported to school boards or to police “due to fear of violent backlash from the assailant teacher and lack of confidentiality among police enforcement or the school board.”⁴²⁹ In many cases, “a group of male teachers within one school or community . . . hold[s] power over other members by making violent threats” that allow them to continue their conduct with impunity.⁴³⁰ The foreign worker, after learning that more than eight girls were being raped by a single teacher at a secondary school, confronted the school director.⁴³¹ According to the foreign worker, the director “responded very casually, explaining that he knew that the teacher had raped students before, but that he was ‘changing’ and that [the director] didn’t believe [the teacher] was still engaging in his old habits.”⁴³² The director confirmed that the teacher had raped at least three students before, on multiple occasions with each victim.⁴³³

219. Official school policies protect teachers who perpetrate rape. The foreign worker reported that the director recited the four stages of action contained in the region’s secondary school board rules and regulations manual.⁴³⁴ According to the school director, only after the fourth offense is the teacher to be removed from the school, but the teacher may thereafter be relocated to another location, even within the same town.⁴³⁵ Ironically, the Ethiopian Government’s recent report to the Committee on the Rights of the Child boasts that the Education Ministry’s “school improvement programs encourage teachers to educate students on the topic of sexual abuse and neglect and discuss ways of protection and reporting where necessary.”⁴³⁶

⁴²⁵ Id.

⁴²⁶ Id.

⁴²⁷ Id.

⁴²⁸ Id.

⁴²⁹ Id.

⁴³⁰ Id.

⁴³¹ Id.

⁴³² Id.

⁴³³ Id.

⁴³⁴ Id.

⁴³⁵ Id.

⁴³⁶ Committee on the Rights of the Child, Fourth and fifth periodic reports of States parties due in 2001: Ethiopia, May 18, 2012, UN Doc. CRC/C/ETH/4-5, ¶ 149.

220. **Suggested questions for the Ethiopian Government:**

- What efforts has the Ethiopian Government made to ensure that all children have proximate access to a school, and to ensure that primary education is both compulsory and free of charge? What measures will the Government take to ensure that localities do not impose fees for children to attend primary schools?
- What subsidies and other supports does the Ethiopian Government provide to the families of disadvantaged girls, including poor girls, girls in pastoralist areas, and girls with disabilities, to ensure that those girls attend and do not drop out of school?
- How can the Ethiopian Government prevent de facto educational discrimination based on ethnicity when there are vast disparities within the ethnic federal system in the quality of teaching and educational resources, prompting many students in disadvantaged areas to drop out of school?
- How does the Ethiopian Government ensure that students who receive instruction in their own language are not disadvantaged when they sit for nationwide examinations in Amharic and English?
- What safeguards are in place to ensure that students do not feel pressure to join the EPRDF at the end of their political indoctrination trainings?
- What safeguards are in place to ensure that alleged membership in the Oromo Liberation Front is not used as a pretext for expelling students who advocate for the rights of the Oromo people?
- Describe the measures taken to hold teachers accused of raping students accountable for their conduct and to deter future acts of rape. What procedures are in place for students to report this conduct? How many reports have been received? What measures have been taken to investigate the reports? What actions were taken in response to the investigations? What measures are taken to protect and provide support services to the victim and to ensure her confidentiality?

5. The right to culture (Article 17(2) of the African Charter)

221. The Periodic Report states that “equality of languages and preservation of historical and cultural legacies are guaranteed”⁴³⁷ It further recognizes that the Ethiopian Government “shall have the duty to support, on the basis of equality, the growth and enrichment of all cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and the ideals and provisions of the constitution.”⁴³⁸

222. The Periodic Report asserts that “[a]ll the nations, nationalities and peoples’ of Ethiopia have the right to express, develop and promote their culture and preserve their own history,”⁴³⁹ yet certain disadvantaged ethnic groups, like the Oromo, face pervasive discrimination when they attempt to exercise their right to culture.

⁴³⁷ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 88.

⁴³⁸ Id.

⁴³⁹ Id. at 89.

223. Diaspora Oromos have reported particular concern about restrictions on speaking Oromiffa, the Oromo language and widespread discrimination against the Oromos.⁴⁴⁰
224. Although the EPRDF officially restored the Oromo people’s language rights in 1994, Oromos do not feel free to speak Oromiffa in public because “speaking Oromiffa has been used to identify actual or suspected OLF members.”⁴⁴¹ The Advocates has heard substantial evidence that Oromos are persecuted for the use of Oromiffa.⁴⁴² When one Oromo pastor began preaching in Oromiffa, members of the government discouraged him from continuing this practice, telling him “that Oromiffa was a politically-affiliated language.”⁴⁴³ “The inability to freely use their own language and culture has restricted the Oromo’s access to information, education, and employment. For those seeking job opportunities, language is a primary concern because Amharic is principally used and Oromiffa is discriminated against.”⁴⁴⁴
225. As discussed in greater detail in paragraphs 313–317 below, the Ethiopian Government has targeted prominent Oromo cultural figures for persecution. And the Charities and Societies Proclamation, discussed in paragraphs 64–78 above, inhibits the ability of members of disadvantaged ethnic groups in Ethiopia to develop and maintain cultural contacts with members of the Ethiopian diaspora.
226. **Suggested question for the Ethiopian Government:**
- What training does the Ethiopian Government provide to law enforcement, military personnel, and hiring officers to ensure that they do not discriminate against or profile individuals who speak Oromiffa or have Oromo names?

6. Protection of the family and the rights of women, children, aged, and the disabled (Article 18 of the African Charter)

227. Article 18 of the African Charter recognizes the importance of protecting the family.⁴⁴⁵ As discussed in more detail below with respect to the right to property (article 14) and the right of peoples to freely dispose of their wealth (article 21), Ethiopia has violated the right to protection for the family in a way that discriminates against disadvantaged ethnic groups through its forced relocation programs. These “villagization” programs routinely have the effect of breaking up the family unit. For example, in response to forced relocation, “many of the able-bodied men fled into the bush, to South Sudan, or to the UNHCR refugee camps in Kenya, leaving women, children, the sick, and the elderly behind.”⁴⁴⁶
228. During the Commission’s last periodic review of Ethiopia, the Commission expressed concern that “children from rural areas have been imported to towns and compelled to work in . . . exploitative and unsafe conditions with or without the prior permission of their

⁴⁴⁰ The Advocates for Human Rights, ICESCR Submission, *supra* note 146, ¶¶ 75–77.

⁴⁴¹ The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 289, at 60.

⁴⁴² *Id.* at 61.

⁴⁴³ *Id.*

⁴⁴⁴ *Id.* at 62.

⁴⁴⁵ ICESCR, *supra* note 17, art. 10.

⁴⁴⁶ Human Rights Watch, “*Waiting Here for Death*,” *supra* note 316.

parents.”⁴⁴⁷ The Commission recommended that the Ethiopian Government “address through legislative measures concerns regarding resources allocation for the prevention of practices such as . . . child labour.”⁴⁴⁸

229. In 2012, the Committee on Economic, Social and Cultural Rights expressed concern about “the prevalence of child labour, with a large percentage of children under the age of 14 who are engaged in economic activity and do not attend school.”⁴⁴⁹ The committee called on the Ethiopian Government to “adopt measures to combat, prevent and eliminate the practice of child labour” and to “adopt targeted measures to ensure that children . . . from disadvantaged and marginalized families are not engaged in child labour.”⁴⁵⁰

230. The Periodic Report asserts that “[t]he educational policy providing free primary education also considerably helped reduce child labour by relieving parents from school payments.”⁴⁵¹ As demonstrated above in paragraphs 201–213, however, dropout rates are high, particularly in rural areas, and many children do not attend school. And the Ethiopian Government’s efforts “to prevent the violence and exploitation of child labour”⁴⁵² have not demonstrated significant results for most children in Ethiopia.

Children are exploited as domestic workers.

231. Government efforts to combat child labor ignore prevalence of child domestic workers, who are often exploited and denied the right to education. In 2006, the Committee on the Rights of the Child expressed deep concern “at the prevalence of child labour among young children including as young as 5 and that the State party has not taken comprehensive measures to prevent and combat this large-scale economic exploitation of children.”⁴⁵³ The Government’s efforts, however, have focused on “combat[ing] the work of illegal private employment agencies,”⁴⁵⁴ and have therefore neglected the exploitation of domestic workers, called *seratenyas*, who are usually children, sometimes as young as nine years old.⁴⁵⁵ These child domestic workers are not employed through “private employment agencies,” but rather are sent to the homes of strangers or to other people with vague connections to the child’s family.⁴⁵⁶ *Seratenyas* “typically wake up before the rest of the family to prepare the meals,

⁴⁴⁷ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 44.

⁴⁴⁸ *Id.*, ¶ 71.

⁴⁴⁹ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 15.

⁴⁵⁰ *Id.*

⁴⁵¹ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 92–93.

⁴⁵² *Id.* at 92.

⁴⁵³ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 71.

⁴⁵⁴ Committee on the Rights of the Child, Fourth and fifth periodic reports of States parties due in 2001: Ethiopia, May 18, 2012, UN Doc. CRC/C/ETH/4-5, ¶ 30.

⁴⁵⁵ Email correspondence with person who had recently worked with children in Ethiopia, June 25 & 26, 2014 (on file with The Advocates for Human Rights).

⁴⁵⁶ *Id.*

fetch large containers of water, clean the house, tend to animals, tend to other children, etc.”⁴⁵⁷ They work seven days per week.⁴⁵⁸

232. Government efforts to support vulnerable families have not stopped the exploitation of child domestic workers. The Government of Ethiopia describes [] Yet child domestic workers typically come from “poor, large farming families” in the countryside.⁴⁵⁹ “When they are old enough or capable enough to perform daily household tasks, like cooking, cleaning, making coffee from scratch, tending to younger children, etc., they are sent into bigger towns or villages” to serve as *seratenyas*.⁴⁶⁰

233. Child domestic workers are often unable to attend school regularly and complete their studies. “Many days, [*seratenyas*] have so many household duties that they don’t have time to attend . . . school.”⁴⁶¹ “Many nights, the only time they have for school work is after the family goes to sleep.”⁴⁶² An 11-year-old *seratenya*, who is responsible for taking care of a 3-year-old child, reports, “When I have free time, I like to study. I try to spend about two hours a day studying and doing homework, but it can be difficult to find time for school work because of my responsibilities at home.”⁴⁶³

Government efforts to address street children ignore children with disabilities begging on the streets.

234. During the Commission’s last periodic review of Ethiopia, the Commission expressed concern “[t]hat Proclamation No. 568/2008 on the employment of persons with disabilities has not yet been implemented thereby leaving these segments of the population unprotected.”⁴⁶⁴

235. The Government of Ethiopia neglects the exploitation of children with disabilities on the streets. In 2006, the Committee on the Rights of the Child expressed deep concern “at the increasing number of street children . . . who are also victims of . . . sexual exploitation, harassment and victimization by members of the police force,” as well as concern about “the stigmatization of street children and negative attitudes in society towards them based upon their social condition.”⁴⁶⁵ The committee recommended that the Government of Ethiopia “[d]evelop and implement . . . a comprehensive policy which should address the root causes, in order to prevent and reduce this occurrence.”⁴⁶⁶

⁴⁵⁷ Id.

⁴⁵⁸ Id.

⁴⁵⁹ Id.

⁴⁶⁰ Id.

⁴⁶¹ Id.

⁴⁶² Id.

⁴⁶³ Jennifer Klein and Josh Cook, *International Day of the Girl, Jen & Josh in Ethiopia: A Chronicle of Our Peace Corps Experience*, Oct. 12, 2013, <http://www.jenandjoshinethiopia.blogspot.com/2013/10/international-day-of-girl.html>.

⁴⁶⁴ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 51.

⁴⁶⁵ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 69.

⁴⁶⁶ Id., ¶ 70.

236. In 2011, the Committee on the Elimination of Discrimination against Women expressed its continued concern about [t]he high number of girls and boys, including those living in the street, who are exploited in situations of child labour and are vulnerable to sexual violence and abuse.⁴⁶⁷ The committee recommended that the Ethiopian Government “expand existing and adopt additional measures for girls and boys living in the street, such as comprehensive skills programmes and family reunification initiatives, and provide them with basic services.”⁴⁶⁸
237. In 2012, the Committee on Economic, Social and Cultural Rights expressed concern about “a high number of children [who] continue to live in the street,” and called on the Ethiopian Government to “intensify its efforts to address the root causes of the issue of street children, with the aim of their protection, rehabilitation and social integration, and to ensure that they have access to education, shelter and health care.”⁴⁶⁹
238. The Periodic Report makes reference to a “program of reintegration and assimilation of street children with their families” as well as to government efforts of “working to prevent children from dropping out of their families and become street children” and “working on building up the psychology of street children, providing them with life skill trainings and re-integrating them with society.”⁴⁷⁰ Yet the Government’s response ignores that these children “are often exploited as beggars,” rendering such government assistance ineffective.⁴⁷¹ An educator who works with children with disabilities reports that “[i]t is quite typical to see a child with a disability, like cerebral palsy or various syndromes, out on the street begging for money. Many times, no family member is present to supervise the child.”⁴⁷² One foreign worker reported observing “that a boy in the community with cerebral palsy who could not walk was put out to beg by himself on the street almost every day, oftentimes on the main road very close to traffic.”⁴⁷³

The Ethiopian Government fails to promote and protect rights of many children with disabilities.

239. During the Commission’s last review of Ethiopia, the Commission recommended that the Ethiopian Government “[p]ut in place mechanisms to address the plight of persons with disabilities in the country.”⁴⁷⁴

⁴⁶⁷ Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/ETH/CO/6-7 (July 27, 2011), ¶ 32(g).

⁴⁶⁸ Id., ¶ 33(h).

⁴⁶⁹ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 17.

⁴⁷⁰ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 96.

⁴⁷¹ Email correspondence with non-Ethiopian who had recently worked with children with disabilities in Ethiopia, June 25 & 26, 2014 (on file with The Advocates for Human Rights).

⁴⁷² Id.

⁴⁷³ Id.

⁴⁷⁴ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 81.

240. The Periodic Report’s discussion of the rights of persons with disabilities is silent on the pressing concerns of improving access to education, mainstreaming children with disabilities, or overcoming discrimination and parental assumptions about the value of education for children with disabilities.⁴⁷⁵
241. In 2011, the Committee on the Elimination of Discrimination against Women expressed its continuing concern about “[t]he limited access of . . . girls with disabilities to education due to economic and sociocultural barriers, such as indirect costs of schooling, unfavourable attitudes by male students and teaching staff, verbal and physical abuse and harassment, and long distances to schools.”⁴⁷⁶ The committee called on the Ethiopian Government to “[s]trengthen support services, including scholarships, transport and tutorial support, for disadvantaged girls, such as . . . girls with disabilities, as well as incentives and subsidies for their families[, and to] [e]nsure adequate educational opportunities for girls and boys with disabilities, including by integrating them into mainstream education.”⁴⁷⁷
242. The Ethiopian Government underreports the number of disabled children. In 2006, the Committee on the Rights of the Child expressed concern about “lack of statistical data on the number of disabled children”⁴⁷⁸ and recommended that the Ethiopian Government “[c]ollect adequate disaggregated statistical data on children with disabilities and use such data in developing policies and programmes to promote equal opportunities for them in society, paying particular attention to children living in the most remote areas of the country.”⁴⁷⁹ The Ethiopian Government has not responded to this recommendation. It recently reported to that committee, based on the 2007 census as well as data from 1984 and 1995, that “the prevalence of disability in the country ranges from 1.2% to 5.48%,” including 232,585 children.⁴⁸⁰ The World Health Organization’s Report on Disability from 2011 estimates that 17.6% of people in Ethiopia have disabilities. Moreover, government estimates of the prevalence of disabilities among children in particular are likely to be inaccurate because severe social stigma in Ethiopia is likely to result in under-reporting.⁴⁸¹
243. The Ethiopian Government’s efforts fail to take into account the circumstances in which most children with disabilities live. The Government reports some progress in the area of disability awareness, such as interpreting mainstream television programs with sign language. But most children in Ethiopia do not have access to television, and few deaf children receive

⁴⁷⁵ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 96–98.

⁴⁷⁶ Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/ETH/CO/6-7 (July 27, 2011), ¶ 30.

⁴⁷⁷ *Id.*, ¶ 31(d), (e).

⁴⁷⁸ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 51.

⁴⁷⁹ *Id.*, ¶ 52(b).

⁴⁸⁰ Committee on the Rights of the Child, Fourth and fifth periodic reports of States parties due in 2001: Ethiopia, May 18, 2012, UN Doc. CRC/C/ETH/4-5, ¶ 151.

⁴⁸¹ Email correspondence with non-Ethiopian who had recently worked with children with disabilities in Ethiopia, June 25 & 26, 2014 (on file with The Advocates for Human Rights).

sign language instruction.⁴⁸² Schools for children who are deaf are not widely available, and they typically rely on external sources of funding.⁴⁸³

244. Families with children with disabilities face additional financial burdens. Most children with disabilities live in single-parent households.⁴⁸⁴ Due to the stigma associated with disabilities, when a mother gives birth to a child with a disability, the father typically leaves the family, thereby placing “an even greater economic[] burden on the mother.”⁴⁸⁵ One NGO survey found that 80% of fathers were not present in families who had a child with a disability.⁴⁸⁶ In 2006, the Committee on the Rights of the Child expressed its “concern[] about the persisting de facto discrimination” against children with disabilities.⁴⁸⁷

245. Children with disabilities are denied their right to education. In 2006, the Committee on the Rights of the Child recommended that the Ethiopian Government “[p]rovide children with disabilities with access . . . to quality education,” and “[e]nsure that . . . teachers and social workers are adequately trained.”⁴⁸⁸ Yet an educator who works with children with disabilities in Ethiopia recently observed that “[c]hildren with disabilities are typically kept inside the home and do not attend school. . . . One baseline survey from an NGO found that only 2% of children with disabilities attend school.”⁴⁸⁹ A school of 3,000 students typically has only one or two students with disabilities, and those disabilities are typically minor physical birth defects.⁴⁹⁰ Two factors contribute to the absence of children with disabilities in schools. First, parents “can often contribute to poor or nonexistent school attendance, as they typically share the attitude that children with disabilities cannot learn.”⁴⁹¹ Second, “[f]ew teachers in the country are trained or are willing to work with students with disabilities,” due to the misperception that “children with disabilities [are] unable to learn or ‘dumb,’ as they are often” called.⁴⁹² The Ethiopian Government has not responded to the Committee on the Rights of the Child’s recommendation to “take all necessary measures to . . . [r]aise awareness about children with disabilities, including their rights, special needs and potential, in order to change prevailing prejudices against children.”⁴⁹³

246. Government accessibility efforts have been minimal. The overwhelming majority of facilities are not accessible for children with disabilities.⁴⁹⁴ “Schools, police stations, [and] clinics, for example, do not have ramps for wheelchairs, handrails for those with walking

⁴⁸² Id.

⁴⁸³ Id.

⁴⁸⁴ Id.

⁴⁸⁵ Id.

⁴⁸⁶ Id.

⁴⁸⁷ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 51.

⁴⁸⁸ Id., ¶ 52.

⁴⁸⁹ Email correspondence with non-Ethiopian who had recently worked with children with disabilities in Ethiopia, June 25 & 26, 2014 (on file with The Advocates for Human Rights).

⁴⁹⁰ Id.

⁴⁹¹ Id.

⁴⁹² Id.

⁴⁹³ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 52.

⁴⁹⁴ Email correspondence with non-Ethiopian who had recently worked with children with disabilities in Ethiopia, June 25 & 26, 2014 (on file with The Advocates for Human Rights).

impairments, accessible bathrooms, or staff who are comfortable working with people with disabilities.”⁴⁹⁵

247. Children with disabilities face sexual abuse, and perpetrators are not held accountable. An educator who works with children with disabilities reports that “[c]hildren with disabilities are often sexually abused, with the abusers not being prosecuted, despite the general community being aware of the abuse. Even when the children are brave enough to report the abuse, adults in the community (parents, teachers, health workers) do not pursue any legal action.”⁴⁹⁶ One NGO worker reported that in one community, “a deaf man was repeated[ly] raping young deaf children. The local community and his wife were well aware of the abuse, but no action has been taken. They are reportedly afraid of the man since he owns a pistol and knows martial arts.”⁴⁹⁷

The Ethiopian Government fails to protect children from abuse in the family.

248. During the Commission’s last periodic review of Ethiopia, the Commission expressed concern “[a]bout the lack of concrete legislation at the national level on gender based violence . . . and discrimination against women.”⁴⁹⁸ The Commission expressed further concern that “sexual exploitation of children . . . is still prevalent and widespread.”⁴⁹⁹

249. In 2012, the Committee on Economic, Social and Cultural Rights expressed concern about “the high level of child abuse, in particular sexual abuse” in Ethiopia.⁵⁰⁰ The committee recommended that the Ethiopian Government “take urgent steps to combat and prevent child abuse and neglect, including through establishing effective mechanisms for the reception, monitoring and investigation of reports of cases of child abuse.”⁵⁰¹

250. Government efforts on behalf of child victims of abuse fall short. The Periodic Report notes that the Federal Supreme Court has raised “the level and rank of criminal punishments committed against children.”⁵⁰² “The Ministry of Justice has provided mandatory training on strict application of relevant provisions of the Criminal Code of Ethiopia for more than 150 prosecutors particularly, on sexual, physical and domestic violence against women and children and how to protect them by implementing the criminal Code.”⁵⁰³ The Periodic Report further notes that the Ministry of Justice, the Ministry of Women, Children and Youth Affairs, and UNICEF have “established children’s violence, investigation and prosecution centers. The two ministries give psychological and legal advice to victims before they appear before a court of law.”⁵⁰⁴ And three cities have “victim Friendly Benches” and plus juvenile

⁴⁹⁵ Id.

⁴⁹⁶ Id.

⁴⁹⁷ Id.

⁴⁹⁸ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 40.

⁴⁹⁹ Id., ¶ 52.

⁵⁰⁰ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 18.

⁵⁰¹ Id.

⁵⁰² Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 93.

⁵⁰³ Id. at 103.

⁵⁰⁴ Id. at 93.

justice offices with free legal aid and psychiatric services for victims.⁵⁰⁵ Moreover, the Periodic Report notes, “[a] special prosecutors group has been established in Addis Ababa to cover the issue of violence and exploitation of children.”⁵⁰⁶

251. But these protections seem to apply only if criminal charges are brought against the offender,⁵⁰⁷ and individuals on the ground report that officials ignore children’s complaints of abuse in the home. Despite the Committee on the Rights of the Child’s 2006 concerns about “the lack of a comprehensive policy to counteract child abuse,”⁵⁰⁸ the Ethiopian Government has not heeded the committee’s recommendation to “[e]stablish effective mechanisms to receive, monitor and investigate reports of cases of child abuse and, where required, initiate prosecutions of perpetrators in a manner that is child sensitive.”⁵⁰⁹ The Periodic Report does not provide any statistics about the number of prosecutions of perpetrators of sexual violence against children. Nor does it include information on training for police to recognize and respond to sexual violence against children, or on the establishment of standards for prosecutions of perpetrators. There is no suggestion in the Periodic Report that the Ethiopian Government’s programs account for the prevalence of perpetrators of sexual violence against children who are members of the child’s immediate family.
252. Police and other government entities fail to intervene when children are abused in the home. The Periodic Report states that the Ministry of Women, Children and Youth Affairs has distributed a guideline to “encourag[e] women and girls to report the act of violence.”⁵¹⁰ Yet girls who attempt to report sexual violence are repeatedly rebuffed. As recounted in greater detail in paragraphs 255–260 below, educators advocating on behalf of children abused at home report numerous barriers and government inaction when children report abuse. The two sisters described below had been abused by their uncle for seven years, beginning when the girls were eight years old.⁵¹¹ They “experienced innumerable counts of sexual, verbal and physical abuse over the course of 7 years.”⁵¹² When they reached out to other family members and to people in the community for help, they were told to “‘deal with it’ for two more years until they graduate high school,” and were told “to keep quiet about the situation in order to protect their uncle . . . from prosecution.”⁵¹³ Their teacher and school director “told them they could not help because they didn’t think it was their place to interfere with family issues.”⁵¹⁴

⁵⁰⁵ Id.

⁵⁰⁶ Id. at 95.

⁵⁰⁷ Committee on the Rights of the Child, Fourth and fifth periodic reports of States parties due in 2001: Ethiopia, May 18, 2012, UN Doc. CRC/C/ETH/4-5, ¶ 16.

⁵⁰⁸ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 45.

⁵⁰⁹ Id., ¶ 46.

⁵¹⁰ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 104.

⁵¹¹ Email Correspondence No. 1, June 27, 2014 (on file with The Advocates for Human Rights).

⁵¹² Id.

⁵¹³ Id.

⁵¹⁴ Id.

253. Witnesses to child abuse fear that the government will charge them if they intervene. Others in the girls' community "could hear [the girls] screaming or see them in visible pain or crying when leaving the house," but "did nothing, out of fear that if they intervened the Ethiopian government would identify them as witnesses to the offense, and therefore charge them with involvement in the crime; an error that is consistently made in the Ethiopian justice system."⁵¹⁵ According to one educator who has worked with child survivors of domestic abuse, "incidents of sexual harassment and assault are [conservatively] estimated (by [local] police officials) to reach over 25% of women and girls in urban towns annually."⁵¹⁶
254. Child victims of abuse face evidentiary and attitudinal barriers to holding perpetrators accountable. Children (and adults) seeking to report abuse, "in order to proceed in court to convict the assailant, . . . must have 2–3 'eye witnesses' and/or physical evidence written by a doctor in order to have a 'valid' case. In many cases the victim cannot provide this [evidence], and therefore most [cases] are dismissed."⁵¹⁷ According to one educator with experience assisting child victims of abuse, children who request assistance from the government face additional barriers, because "many governmental institutions [assume] that children lie about abuse to try to get to a bigger city, or better yet, out of the country. Very few reports are taken seriously."⁵¹⁸

Perpetrators of physical and sexual violence against children enjoy impunity.

255. Government authorities lack resources to intervene on behalf of child victims of physical and sexual violence. The Ethiopian Government recently asserted to the Committee on the Rights of the Child that "[t]he Special Prosecution Unit dealing with cases of [violence against women and children] under the [Ministry of Justice] has deployed social workers who provide counselling to survivors of violence while they are in preparation for court hearings. Support is provided to child victims and witnesses by experts in a way that is friendly and sensitive to the privacy and personal safety of the persons involved."⁵¹⁹ Last year, one educator intervened on behalf of two sisters who had faced seven years of physical and sexual abuse while living with their grandmother and two uncles, one who was the perpetrator.⁵²⁰ The educator's "first instinct . . . was to report the incident to the Women's Affairs Office. This office is a governmental organization created by the Ethiopian government to support women and children who fall victim of verbal, physical or sexual abuse."⁵²¹ But the educator noted that even though the Women's Affairs Office has "a budget assigned annually to support women [and girls in] these circumstances," they "are consistently 'lacking money' even in the beginning of the fiscal year."⁵²²
256. The Government does not prosecute perpetrators of physical and sexual violence against children. The Ethiopian Government reports that the revised criminal code includes steep

⁵¹⁵ Id.

⁵¹⁶ Id.

⁵¹⁷ Id.

⁵¹⁸ Id.

⁵¹⁹ Committee on the Rights of the Child, Fourth and fifth periodic reports of States parties due in 2001: Ethiopia, May 18, 2012, UN Doc. CRC/C/ETH/4-5, ¶ 306

⁵²⁰ Email Correspondence No. 1, June 27, 2014 (on file with The Advocates for Human Rights).

⁵²¹ Id.

⁵²² Id.

criminal penalties for child sexual abuse,⁵²³ yet the Periodic Report offers no evidence to suggest that authorities ever prosecute offenders. Shortly before the above-mentioned sisters approached the educator for assistance, the girls' family had threatened them, saying that if they reported the abuse they would be abandoned.⁵²⁴ The perpetrator threatened to kill them if they spoke out.⁵²⁵ When the educator and two sisters went to the Women's Affairs Office, staff "questioned the girls and required 'proof' of the abuse" in the form of eye witnesses.⁵²⁶ The local police department, when approached, also required the girls to provide eye witness evidence.⁵²⁷ In light of threats from their family, the girls were afraid to report the details of the abuse to government officials.⁵²⁸ The girls ultimately searched for assistance for nine months before they were removed from their abusive home.⁵²⁹ The perpetrator has not been held accountable.⁵³⁰

257. The Periodic Report states that the Ethiopian Government has established a "national steering committee . . . to give directions, strategies and recommendations on child sexual violence . . . and the rehabilitation of victims of sexual violence."⁵³¹ The Periodic Report points to the government's collaboration with the United Nations, as well as with international and domestic NGOs "to assist and rehabilitate victims of sexual violence."⁵³²

258. Despite these claims, the Ethiopian Government bars non-Ethiopian NGOs from addressing "child sexual abuse" and "gender empowerment." Non-Ethiopian NGOs are prohibited from working in the field of "child rape" or "child sexual abuse."⁵³³ One foreign worker reported: "[w]hen all outside (non-Ethiopian) NGOs enter Ethiopia, they must sign an agreement that they will not work in 'gender empowerment' or 'child sexual abuse,' giving the Ethiopian government power . . . to punish members of the organization if the contract is broken. Therefore, NGOs have to be very careful selecting the projects they work on, and reports they write about the work they are doing."⁵³⁴ This worker explained that non-Ethiopian NGOs working on permissible "child welfare" activities must be "very careful in their reporting process, making sure that they do not hint that a child has [experienced] sexual abuse, out of fear that the Ethiopian government will shut down the operations of the NGO." In the view of this worker, "[i]t is very obvious that the Ethiopian government has made [it] illegal for NGOs to report child sexual abuse in order to mask the level of severity

⁵²³ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples' Rights in Ethiopia, April 2014, at 93.

⁵²⁴ Email Correspondence No. 1, June 27, 2014 (on file with The Advocates for Human Rights).

⁵²⁵ Id.

⁵²⁶ Id.

⁵²⁷ Id.

⁵²⁸ Id.

⁵²⁹ Id.

⁵³⁰ Id.

⁵³¹ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples' Rights in Ethiopia, April 2014, at 92.

⁵³² Id. at 93.

⁵³³ Email Correspondence No. 1, June 27, 2014 (on file with The Advocates for Human Rights).

⁵³⁴ Id.

and frequency [with which] young women and girls experience sexual harassment and abuse within the country.”⁵³⁵

259. The Ethiopian Government perpetuates the misconception that child sexual abuse is limited to certain racial, socio-economic, or religious groups. Sexual abuse happens throughout Ethiopia, in both rural and urban areas, and among all identified religions.⁵³⁶ Yet NGOs that are permitted to work in the field of “child welfare” and that attempt to serve girls who are victims of sexual assault or abuse “must fit [their work] into a racial, socioeconomic or religious label,” based on the Government’s misconception that “only certain populations fall victim to sexual assault or abuse.”⁵³⁷ The Ethiopian Government “typecasts” certain tribes and regions, as well as people living in rural areas and Muslims, as “more likely to fall subject to abuse.”⁵³⁸ The educator who attempted to help the above-mentioned sisters described their experience of approaching NGOs for help.⁵³⁹ “Many NGOs were surprised that [the sisters] identified as Orthodox Christian and lived in a[] city, and showed obvious skepticism of their situation (since they didn’t fit the ‘normal criteria’).”⁵⁴⁰ Five of the six NGOs they approached said they were unable to help, offering “various excuses” and “often stating that they were only allowed to support girls who were Muslim or from rural areas.”⁵⁴¹ In the educator’s view, this typecasting is part of the government’s effort to blame certain groups for political and social problems.⁵⁴²

260. Support for child victims of sexual abuse can be slow to obtain, placing children at additional risk. The educator who advocated for the two sisters reported that the one foreign NGO that was willing to help was overwhelmed with cases, and as a result the girls had to wait three additional months (after 6 months of searching for assistance) to be removed from their abusive home.⁵⁴³ The girls are now living in an orphanage, and the NGO provided financial support for transportation, orphanage fees, school fees, and medical expenses.⁵⁴⁴

261. **Suggested questions for the Ethiopian Government:**

- What information does the Government have about the prevalence of children working as *seratenyas*, or domestic workers? What efforts does the Government take to ensure that child *seratenyas* are not exploited, are able to attend school and complete their homework on a regular basis, and have adequate play and leisure time? How do Government measures to support vulnerable families guard against these families sending their children away to be exploited as *seratenyas*?
- What measures is the Ethiopian Government taking to end the practice of families exploiting their children with disabilities by placing them in the streets to beg?

⁵³⁵ Id.

⁵³⁶ Id.

⁵³⁷ Id.

⁵³⁸ Id.

⁵³⁹ Id.

⁵⁴⁰ Id.

⁵⁴¹ Id.

⁵⁴² Id.

⁵⁴³ Id.

⁵⁴⁴ Id.

- How does the Ethiopian Government explain the discrepancy between outside reports of the number of people with disabilities in Ethiopia and official reports? How does the Government identify children with disabilities?
- What measures are taken to educate parents of children with disabilities about the child's ability to learn and about the child's right to education? How does the Government ensure that children with disabilities attend school? What efforts does the Government of Ethiopia make to ensure that parents of children with disabilities who do not live with the child provide financial support to the child and the child's custodial parent or guardian?
- What training is provided to current mainstream teachers about providing adapted learning environments and other accommodations to children with disabilities? What assistance does the Ethiopian Government provide to teachers who teach children with disabilities?
- What measures does the Government take to ensure that children with disabilities are not victims of sexual abuse and to ensure that perpetrators of such sexual abuse are held accountable?
- How many reports of child abuse have authorities received? How do officials track those numbers? How many reports have been fully investigated by authorities? How many perpetrators of child abuse have been held responsible for their actions? How many children have been removed from abusive homes?
- What measures will the Ethiopian Government take to raise public awareness about child abuse and the importance of reporting abuse to authorities? What measures will the Government take to ensure that all reports of abuse received by authorities—including police, teachers, religious leaders, and health care workers—are thoroughly investigated in a manner that protects the rights of the victim?
- What measures does the Ethiopian Government take to educate children that child abuse is wrong and should be reported?
- What steps will the Ethiopian Government take to eliminate barriers to the reporting of suspicions of child abuse by witnesses who fear that they will be charged with involvement in the crime?
- What is the Ethiopian Government doing to address the lack of financial and human resources in governmental offices tasked with responding to the physical and sexual abuse of children to ensure that all child victims of abuse receive prompt, appropriate services and protection and to ensure that perpetrators of abuse are held accountable?
- What steps does the Ethiopian Government take to ensure that staff in governmental offices tasked with responding to the physical and sexual abuse of children treat child victims with dignity, thoroughly investigate their complaints, and do not impose undue evidentiary burdens on the children?
- What is the Ethiopian Government's rationale for prohibiting non-Ethiopian NGOs from assisting and advocating on behalf of child victims of sexual abuse? What evidence does the Government have that Ethiopian NGOs and government offices

have sufficient financial and human resources and capacity to address the needs of child victims of sexual abuse without outside assistance?

- Please provide an explanation for the Ethiopian Government’s programs to address child sexual abuse that are limited to children from particular ethnicities, religions, and socio-economic backgrounds.

7. Measures taken to prevent harmful traditional practices, FGM, abduction, and early marriage (Article 18 of the African Charter)

262. During the Commission’s last periodic review of Ethiopia, the Commission noted “that certain traditional practices and customs, prevailing particularly in rural areas, hamper the effective implementation of the provisions of the African Charter, especially with regard to the girl child.”⁵⁴⁵ In fact, these practices persist in rural and urban areas.

263. The Commission also expressed concern “[a]bout the lack of concrete legislation at the national level on . . . Female Genital Mutilation (FGM).”⁵⁴⁶ The Commission recommended that the Ethiopian Government “enact at the Federal level, legislation prohibiting FGM, violence and discriminatory practices against women.”⁵⁴⁷ The Commission further recommended that the Ethiopian Government “establish mechanisms for generating accurate statistical data on gender related issues, such as . . . the prevalence of FGM in each State of the Federation.”⁵⁴⁸ The Commission recommended that the Ethiopian Government “address through legislative measures concerns regarding resources allocation for the prevention of practices such as harmful traditional practices.”⁵⁴⁹ The Commission further recommended that the Ethiopian Government “[p]ut in place concrete legislative measures on gender-based violence at the national level to address the problem of FGM.”⁵⁵⁰

264. The Committee against Torture expressed concern “about the lack of implementation of criminal law provisions criminalizing violence against women and harmful traditional practices,” and regretted “the lack of information on complaints, prosecutions and the sentences imposed on perpetrators, as well as on victim assistance and compensation.”⁵⁵¹ The Committee called on the Ethiopian Government to “provide training to judges, prosecutors, police, and community leaders on the strict application of the revised Criminal Code and on the criminal nature of harmful traditional practices.”⁵⁵² The Committee also called on the Ethiopian Government to provide “updated statistical data on the number of complaints, investigations, prosecutions and on the sentences imposed on perpetrators, as well as on victim assistance and compensation.”⁵⁵³

⁵⁴⁵ African Commission on Human and Peoples’ Rights, 47th Ordinary Session, Concluding Observations and Recommendations on the Initial, 1st, 2nd, 3rd and 4th Periodic Report of the Federal Democratic Republic of Ethiopia (12–26 May 2010), ¶ 61.

⁵⁴⁶ Id., ¶ 40.

⁵⁴⁷ Id., ¶ 60.

⁵⁴⁸ Id., ¶ 61.

⁵⁴⁹ Id., ¶ 71.

⁵⁵⁰ Id., ¶ 75.

⁵⁵¹ Committee against Torture, Concluding Observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 32.

⁵⁵² Id.

⁵⁵³ Id.

265. In 2011, the Committee on the Elimination of Discrimination against Women urged the Ethiopian Government to implement, “without delay, a comprehensive strategy to eliminate harmful practices and stereotypes that discriminate against women,” including “more concerted efforts, in collaboration with civil society, to educate and raise awareness about this subject, targeting women and men at all levels of society, especially at the woreda and kebele levels,” and to “involve community and religious leaders.”⁵⁵⁴
266. The CEDAW Committee further urged the Ethiopian Government to “[a]ddress harmful practices such as female genital mutilation . . . by expanding public education programmes and by effectively enforcing the prohibition of such practices.”⁵⁵⁵ The committee expressed concern that FGM “remains highly prevalent in rural and pastoralist areas . . . and that the penalties for female genital mutilation stipulated in . . . the Criminal Code (2005) are too lenient.”⁵⁵⁶
267. The CEDAW Committee expressed further concern that “female genital mutilation and sexual, domestic and other forms of violence against women are underreported owing to cultural taboos and victims’ lack of trust in the legal system, and that criminal law provisions are not consistently enforced because of insufficient allocation of funds, lack of coordination among the relevant actors, low awareness of existing laws and policies on the part of law enforcement officials, lack of capacity to apply the law in a gender-sensitive manner and discriminatory societal attitudes.”⁵⁵⁷
268. The CEDAW Committee urged the Ethiopian Government to “[a]mend the Criminal Code (2005), with a view to increasing the penalties for female genital mutilation in articles 561-562, 567, 569 and 570, . . . [e]ffectively enforce the provisions of the Criminal Code (2005) criminalizing female genital mutilation and sexual and domestic violence, prosecute any such acts upon complaint by the victim or ex officio, and impose appropriate penalties commensurate with the gravity of the crime on perpetrators; . . . [p]rovide mandatory training to judges, including local and sharia court judges, prosecutors and the police on the strict application of relevant provisions of the Criminal Code; . . . [e]ncourage women and girls to report acts of violence to the competent authorities, by continuing to raise awareness about the criminal nature and harmful effects of female genital mutilation and other forms of violence on their health, eradicating the underlying cultural justifications of such violence and practices, destigmatizing victims, and training law enforcement and medical personnel on standardized, gender-sensitive procedures for dealing with victims and effectively investigating their complaints; . . . [e]nhance victim assistance and rehabilitation, by strengthening the legal aid services of the Ministry of Justice, providing psychological counseling, supporting local women’s rights organizations which offer shelter and assistance to victims, and establishing victim support centres in the regional states; . . . [and] [c]ollect disaggregated data on the number of complaints against, prosecutions or convictions of, and sentences imposed on perpetrators of female genital mutilation and sexual and domestic violence.”⁵⁵⁸

⁵⁵⁴ Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/ETH/CO/6-7 (July 27, 2011), ¶ 19(a).

⁵⁵⁵ *Id.*, ¶ 19(b).

⁵⁵⁶ *Id.*, ¶ 20.

⁵⁵⁷ *Id.*

⁵⁵⁸ *Id.*, ¶ 21.

269. Also in 2011, the Human Rights Committee expressed its regret about “the discrepancy in the statistics related to [the practices of FGM and other harmful] practices presented by different sources, which makes it difficult for the Committee to have a clear picture of the situation in the country.”⁵⁵⁹ The committee also expressed regret about “the lack of information on possible cases of prosecution of perpetrators” of FGM.⁵⁶⁰ The committee recommended that the Ethiopian Government “strengthen its awareness-raising and education programs . . . , in particular in those communities where the practice remains widespread,” and “ensure that perpetrators are brought to justice.”⁵⁶¹
270. In 2012, the Committee on Economic, Social and Cultural Rights expressed “concern that, in spite of the criminalization of the practice of female genital mutilation (FGM), it remains highly prevalent in rural areas.”⁵⁶² The committee called on the Ethiopian Government to “ensure effective enforcement of the Criminal Code provisions criminalizing FGM and domestic violence” and to “raise awareness among women and girls so as to encourage reporting of acts of violence, and ensure the availability of adequate victim assistance and rehabilitation services.”⁵⁶³
271. In 2009, the Committee on the Elimination of Racial Discrimination expressed concern “at the prevalence of [FGM] in some communities,” and called on the Ethiopian Government to “reinforce the measures adopted to eradicate harmful traditional practices through awareness-raising strategies, among other methods, and in consultation with communities engaging in these practices.”⁵⁶⁴
272. The Periodic Report states that the constitution “requires the elimination of the influences of harmful customs to enforce the rights of women. It prohibits laws, customs and practices that oppress or cause bodily or mental harm to women.”⁵⁶⁵ The Periodic Report identifies several approaches that the Ethiopian Government has taken to address FGM, including “legal literacy and awareness about the illegality of FGM/C, punishing perpetrators, increasing accessibility of law enforcement bodies, accelerating the legal process whereby the police acts as a prosecutor and investigator at the same time and establishing circuit courts that move into the rural areas.”⁵⁶⁶ The report further notes that “Prosecutors have been appointed in every prosecution office to deal exclusively with the affairs of women and children on a rati[o] of 1/4.”⁵⁶⁷ Despite claims that these programs and policies are in place, the Periodic Report does not identify whether or how the policies actually protect children or whether perpetrators of FGM are prosecuted and held accountable.

⁵⁵⁹ Human Rights Committee, Concluding observations of the Human Rights Committee: Ethiopia (Aug. 19, 2011), ¶ 10.

⁵⁶⁰ *Id.*

⁵⁶¹ *Id.*

⁵⁶² Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 14.

⁵⁶³ *Id.*

⁵⁶⁴ Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/7-16 (Sept. 7, 2009), ¶ 16.

⁵⁶⁵ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 38.

⁵⁶⁶ *Id.* at 102.

⁵⁶⁷ *Id.*

Most Ethiopian girls are subjected to FGM, and government efforts to address FGM have been ineffective; perpetrators are not held accountable.

273. FGM is widespread in all communities. In 2006, the Committee on the Rights of the Child expressed its continued concern “that FGM . . . [is] still widely practiced and that a comprehensive strategy to counteract harmful traditional practices has not been developed.”⁵⁶⁸ The committee recommended that the Government of Ethiopia “adopt a comprehensive strategy to prevent and combat harmful traditional practices and ensure resources for its implementation, in particular in rural areas.”⁵⁶⁹ The committee called for “[a]wareness-raising campaigns . . . for the general public as well as community, traditional and religious leaders,” as well as for strict enforcement of legislation prohibiting harmful traditional practices.⁵⁷⁰
274. One educator reported that FGM “is a cultural epidemic in Ethiopia,” and is “often done to young girls between the ages of 5-7 years old.”⁵⁷¹ This educator cautions: “The Ethiopian government will tell you that the incidence of [FGM] is significantly decreasing, and that it only happens among rural and/or Muslim women. There is absolutely no evidence to support this position.”⁵⁷² The educator reported that over half of the girls who participated in a gender camp did not recognize the images of the female anatomy displayed during a session on puberty and reproductive health, and they later self-identified as victims of FGM.⁵⁷³ The girls participating in the camp “were all selected due to high levels of academic achievement,” came from urban areas, and represented many different religions and a variety of socio-economic backgrounds.⁵⁷⁴ The educator reported that FGM “is so imbedded into the culture” that these well-educated girls “had no idea what natural female [genitalia were] supposed to look like.”⁵⁷⁵
275. The Ethiopian Government prohibits foreign NGOs from working on FGM prevention and awareness efforts or even reporting the prevalence of FGM. The educator mentioned above reports that “[t]he Ethiopian government has made it illegal for any outside [NGO] to work in the field of female genital mutilation. Which means that if any projects are done (or reports are made) by an NGO regarding FGM in Ethiopia [of which] the government doesn’t approve, [the Government has] the right to stop all actions of the NGO and/or force them to leave.”⁵⁷⁶

Human trafficking is widespread and the Ethiopian Government fails to assist victims.

276. The Periodic Report acknowledges that “[t]he illegal trafficking of persons has increased at an alarming rate and has been having an impact on the economy and on the social

⁵⁶⁸ Committee on the Rights of the Child, 43rd Session, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention, Concluding Observations: Ethiopia, Nov. 1, 2006, UN Doc. CRC/C/ETH/CO/3, ¶ 59.

⁵⁶⁹ Id., ¶ 60.

⁵⁷⁰ Id., ¶ 60.

⁵⁷¹ Email Correspondence No. 1, June 27, 2014 (on file with The Advocates for Human Rights).

⁵⁷² Id.

⁵⁷³ Id.

⁵⁷⁴ Id.

⁵⁷⁵ Id.

⁵⁷⁶ Id.

wellbeing of the people”⁵⁷⁷ The Ethiopian Government reports that it has adopted a National Action Plan to address human trafficking, and that it has held consultations and meetings on awareness creation and mobilizing women and other stakeholders.⁵⁷⁸

277. The Committee against Torture expressed “concern about the low prosecution and conviction rates in relation to child abduction and human trafficking, in particular internal trafficking of women and children for forced labour and sexual and other forms of exploitation.”⁵⁷⁹ The committee expressed further concern “at the general lack of information on the extent of trafficking in [Ethiopia], including the number of complaints, investigations, prosecutions and convictions of perpetrators of trafficking, and on the practical measures taken to prevent and combat human trafficking.”⁵⁸⁰ The committee called on the Ethiopian Government to step up its efforts to prevent and combat trafficking and to provide protection and services for victims.⁵⁸¹ The committee also requested that the Ethiopian Government “provide information on measures taken to provide assistance to victims of trafficking and statistical data on the number of complaints, investigations, prosecutions and sentences in relation to trafficking.”⁵⁸²

278. The Committee on the Elimination of Discrimination against Women in 2011 expressed concern “about the lack of data and the low prosecution and conviction rates in relation to, in particular, internal trafficking in women and children for forced labour and sexual exploitation, the limited measures to address poverty as the root cause of trafficking, the lack of victim assistance and the lack of protection of refugee and internally displaced women and children vulnerable to becoming victims of trafficking.”⁵⁸³ The committee recommended that the Ethiopian Government “[a]dopt a national plan of action to combat trafficking in human beings, in particular women and girls, . . . [c]ontinue raising awareness about human trafficking and training law enforcement officials on the strict application of relevant criminal provisions; . . . [a]ddress the root causes of trafficking by further enhancing the economic potential of women, including by expanding the Ethiopian Women’s Development Fund to cover more regional states and beneficiaries and by further enhancing women’s access to land; . . . [e]stablish appropriate mechanisms aimed at early identification, referral, assistance and support for victims of trafficking . . . ; [and] [c]ollect disaggregated data on the number of complaints, investigations, prosecutions and sentences in relation to trafficking.”⁵⁸⁴

279. Also in 2011, the Human Rights Committee expressed its continued concern about the prevalence of trafficking in women and children in Ethiopia, “about the lack of information on the investigation and prosecution of trafficking cases and the protection of the rights of

⁵⁷⁷ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 104.

⁵⁷⁸ *Id.* at 104–105.

⁵⁷⁹ Committee against Torture, Concluding Observations of the Committee against Torture: Ethiopia, UN Doc. CAT/C/ETH/CO/1 (Jan. 20, 2011), ¶ 33.

⁵⁸⁰ *Id.*

⁵⁸¹ *Id.*

⁵⁸² *Id.*, ¶ 10.

⁵⁸³ Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/ETH/CO/6-7 (July 27, 2011), ¶ 24.

⁵⁸⁴ *Id.*, ¶ 25.

victims.”⁵⁸⁵ The committee called on the Ethiopian Government to “reinforce its measures to combat trafficking in women and children and prosecute and punish perpetrators,” to collect data in this regard, and to “put in place strong programmes to support the human rights of the victims” of trafficking.⁵⁸⁶

280. In 2012, the Committee on Economic, Social and Cultural Rights expressed concern “that despite concerted efforts by the [Ethiopian Government] to address internal trafficking and sexual exploitation of children, the problem remains widely prevalent.”⁵⁸⁷ The committee recommended that the Ethiopian Government “intensify its efforts to prevent and combat the trafficking and sexual exploitation of children, including through the adoption of a new national plan of action to combat the problem.”⁵⁸⁸

281. Reports indicate that Ethiopia does not provide adequate safeguards or remedies for victims of human trafficking. This trafficking reportedly affects almost exclusively women—especially women from rural areas who are typically members of disadvantaged ethnic groups. The government’s practices, therefore, violate articles 2 and 18 of the African Charter. Trafficking of Ethiopian domestic workers into Lebanon and other parts of the Middle East is prolific, and “neither government nor influential transnational human rights actors have instituted any meaningful measures to prevent it.”⁵⁸⁹ Poverty, lack of viable employment alternatives, and desperation establish “fertile ground” for traffickers’ exploitation of Ethiopian women.⁵⁹⁰ Further, women trafficked as domestic workers who later return to Ethiopia reportedly receive no assistance from the Ethiopian government and “[a]lthough Ethiopia is fully aware that its nationals are working abroad under terrible circumstances, and often flee because their lives are endangered, there is no established government program to assist returnees.”⁵⁹¹ Those who return with psychological trauma “have no access to counseling unless their families can afford to pay for such services.”⁵⁹²

282. **Suggested questions for the Ethiopian Government:**

- How many complaints have been received, and how many individuals have been criminally prosecuted under Ethiopia’s FGM law? What have been the outcomes of those prosecutions? What efforts has the Ethiopian Government made to divert FGM practitioners into other employment? Describe how specific girls have benefitted from the National Criminal Justice Policy’s protections for girls who are victims of FGM.
- What mechanisms has the Ethiopian Government put in place to generate accurate statistical data on the prevalence of FGM in each State of Ethiopia and to address the problem of underreporting?

⁵⁸⁵ Human Rights Committee, Concluding observations of the Human Rights Committee: Ethiopia (Aug. 19, 2011), ¶ 11.

⁵⁸⁶ *Id.*

⁵⁸⁷ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 16.

⁵⁸⁸ *Id.*

⁵⁸⁹ Beydoun, *The Trafficking of Ethiopian Domestic Workers into Lebanon: Navigating Through a Novel Passage of the International Maid Trade*, 24 BERKELEY J. INT’L L. 1009 (2006) at 1010.

⁵⁹⁰ *Id.* at 1018.

⁵⁹¹ *Id.*

⁵⁹² *Id.*

- What is the rationale for limiting anti-FGM efforts to Muslim girls and girls living in rural communities? What is the rationale for prohibiting “foreign” NGOs, including local NGOs that receive 10% or more of their funding from outside Ethiopia, from doing work to combat FGM?
- Describe in detail the awareness-raising campaigns implemented to date to address FGM, the rationale and research behind the particular campaigns, how their efficacy has been measured, and how those evaluations have shaped further awareness-raising campaigns.
- What victim assistance and rehabilitation programs are in place for victims of FGM and sexual and domestic violence? How many victims have they served? What assistance and rehabilitation do they provide?
- How many complaints have been received, and how many criminal cases have been brought against perpetrators of human trafficking? What have been the outcomes of these cases? What assistance, services, and remedies are provided to victims of trafficking, and in which areas of the country?
- What measures is the Ethiopian Government taking to address the root causes of human trafficking?

D. Promotion and protection of peoples’ rights

283. The Periodic Report states that all sovereign power resides in nations, nationalities and peoples of Ethiopia.⁵⁹³ “The Constitution also conferred the right to self-determination on these nations, nationalities and peoples.” Ethiopia, the Periodic Report asserts, “is indeed an admirable model where many nations, nationalities and peoples live in mutual respect and harmony.”⁵⁹⁴ As demonstrated below, in practice the Ethiopian Government often attempts to subvert the rights of the peoples of Ethiopia.

1. Rights of all peoples to equality, existence, and self-determination (Articles 19–20 of the African Charter)

284. Article 39.2 of the Constitution of Ethiopia recognizes the right to self-determination: “Nations, Nationalities, and Peoples have the right to speak, write and develop their own languages, to express, develop and preserve their culture and their history.”⁵⁹⁵ The Periodic Report contends that the Ethiopian Government “provides special assistance to the Nations, nationalities, and peoples least advantaged in economic and social development.”⁵⁹⁶

285. The Government of Ethiopia contends that it “at all times promotes the participation of the people in the formulation of national development policies and programs; and has the

⁵⁹³ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 108.

⁵⁹⁴ *Id.*

⁵⁹⁵ Constitution of the Federal Democratic Republic of Ethiopia, art. 39, para. 2.

⁵⁹⁶ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 109.

duty to support the initiatives of the people in their development endeavors.”⁵⁹⁷ As discussed in greater detail below, in practice these government programs—particularly at the local levels in rural areas populated by disadvantaged ethnic groups—are used to stifle dissent.

286. The Ethiopian Government has impeded the right of disadvantaged ethnic groups to self-determination, especially with respect to ethnic groups perceived to be aligned with opposition political parties. The Ethiopian Government has specifically inhibited Oromo efforts at self-determination, for example, by creating the Oromo People’s Democratic Organization (or “OPDO”) with the goal of diffusing support for the highly organized Oromo Liberation Front (“OLF”) and weakening the push for Oromo independence.⁵⁹⁸

287. “Alleged ties to the OLF may serve as justification for arrest, detention, firing, expulsion, or confiscation of property.”⁵⁹⁹ “Often Oromo ethnicity is the sole basis of suspicion of OLF association.”⁶⁰⁰ In many situations, Oromos are assumed to support the OLF unless they actively express support for the EPRDF.⁶⁰¹ Both individual Oromos and Oromo non-governmental organizations are subjected to this pretextual targeting. For example, Government shut down the Mecha Tulema Self-Help Association, an organization formed to promote Oromo culture, based on assertions that the organization was affiliated with the OLF.⁶⁰² The Human Rights League, another Oromo human rights organization, faced similar treatment.⁶⁰³ One Oromo woman who runs a non-governmental organization reported to The Advocates that she has been subject to constant covert government monitoring and interference.⁶⁰⁴

288. Moreover, as discussed in greater detail in paragraph 114 above, the central government recently announced a plan to, in effect, annex a large portion of the State of Oromia and subject it to direct control by the national government in Addis Ababa. This plan prompted waves of protests in Oromia—protests that federal forces met with violence.

289. **Suggested questions for the Ethiopian Government:**

- How is the Integrated Development Master Plan for Addis Ababa, both in substance and in the way in which it was adopted, consistent with the rights of the Oromo people to self-determination?
- What safeguards has the Ethiopian Government put in place to ensure that Oromos who advocate for self-determination are not targeted as terrorists and do not face restrictions on freedom of expression?

⁵⁹⁷ Id.

⁵⁹⁸ McCracken, *supra* note 3, at 198–199.

⁵⁹⁹ The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 289, at 39.

⁶⁰⁰ Id.

⁶⁰¹ Id. at 41–42

⁶⁰² Id. at 40.

⁶⁰³ Id.

⁶⁰⁴ Id. at 43.

2. The right of peoples to freely dispose of their wealth and natural resources (Article 21 of the African Charter)

290. As discussed in paragraphs 166–172 above, the Ethiopian Government’s villagization program has resulted in the forced or coerced resettlement of many rural peoples. The Periodic Report makes reference to “an action plan prepared in 2011/12 and developmental offices established to effect resettlement on the basis of free consent to ensure availability of public services for all areas and people. Consultations were held at various levels within the relevant areas of the four support deserving regions before the resettlement programs were launched. The government allocated a special budget for the regions to ensure the rights of the people to public services and all facilities were provided. These include: water well constructions, health facilities, educational institutions, health centers, preparation and harvesting of farm land, resource provisions including human, material and technical assistance, construction of houses, agricultural sector assistance including veterinary services, skills training and infrastructure provision and sanitation development.”⁶⁰⁵

291. The Periodic Report also makes reference to a “Commune Development Program,” which “is aimed at realizing the aspiration of historically disadvantaged communities for equitable and accelerated development in line with the development of others in the country.”⁶⁰⁶ According to the Periodic Report, “[k]ey aspects of these provisions [of the Commune Development Program] concern the voluntary movement and consent of peoples.”⁶⁰⁷ The Periodic Report asserts that “[p]articipation in the commune program has been fully voluntary. Regional and local authorities started the process with rounds of consultation to inform people about the rationale and objectives of the program as well as its benefits and challenges. This constitutional provision has been strictly pursued. The decision is then left entirely to the households concerned. People who decide to move to new sites retain full rights to return to their old places if they desire to do so. Those who chose not to participate in the commune development program face no discrimination in access to services or otherwise.”⁶⁰⁸ The Periodic Report acknowledges “challenges, particularly at the beginning of the program, in the development of infrastructure and services These arose mainly from circumstance of limited delivery capacity and access to infrastructure in these areas.”⁶⁰⁹

292. UN treaty bodies have expressed concern that resettlement programs are not truly voluntary. The CERD Committee expressed concern “at the programme of voluntary resettlements of rural communities,” and recommended that the Ethiopian Government “adopt all necessary measures to ensure that resettlements occur on a genuinely voluntary basis and that, especially when in a different region, the resettled population is guaranteed

⁶⁰⁵ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 112.

⁶⁰⁶ Id. at 113.

⁶⁰⁷ Id.

⁶⁰⁸ Id. at 113–114.

⁶⁰⁹ Id. at 114.

non-discriminatory enjoyment of economic, social and cultural rights, in particular regarding adequate infrastructure for an effective improvement in their living conditions.”⁶¹⁰

293. In 2011, the Committee on the Elimination of Discrimination against Women expressed concern “about the leasing of vast areas of arable land to foreign companies, which may result in the displacement of local communities and further contribute to women’s food insecurity and the feminization of poverty.”⁶¹¹ The committee called on the Ethiopian Government to “[e]nsure that land lease contracts with foreign companies do not result in the forced eviction and internal displacement, or the increased food insecurity and poverty, of local populations, including women and girls, and that such contracts stipulate that the company concerned and/or the State party must provide the affected communities, including pastoralist communities, with adequate compensation and alternative land.”⁶¹²

294. In 2012, the Committee on Economic, Social and Cultural Rights expressed concern “about reports that the Voluntary Resettlement Program, as described in the State party report, entails the forced eviction of thousands of people in various regions of the State party, who are relocated to villages that lack basic infrastructure, such as health clinics, clean water supplies and schools, as well as agricultural assistance or food assistance.”⁶¹³ The committee “urge[d] the [Ethiopian Government] to ensure that the relocation of people is done on a voluntary basis, following prior consultation, to provide adequate compensation or alternative accommodation to those people that have been forcibly evicted, and to guarantee that people living in relocation sites are provided with basic services (including drinking water, electricity, and washing, sanitation and transportation facilities) and adequate facilities (including schools and health-care centres).”⁶¹⁴

Reports confirm that relocation is not genuinely voluntary and that villages to which groups are relocated lack basic infrastructure.

295. Although the relocations are purportedly voluntary, in practice, the government has used violent and oppressive tactics to compel people to move, such as using militia to burn down houses and destroy crops.⁶¹⁵ According to the Oakland Institute, “one villager reportedly was told that if community members did not move, ‘the federal police would come and arrest them.’ The vast majority of villagers interviewed throughout the [Gambella and Benishangul] regions said they did not want to relocate, but if ‘government tells you to go, you go.’”⁶¹⁶ In some instances, although people have been allowed to return to their original homes from the villages, they have returned to find their maize crops destroyed by baboons, termites, or rats.⁶¹⁷

⁶¹⁰ Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ethiopia, UN Doc. CERD/C/ETH/CO/15 (June 20, 2007), ¶ 20.

⁶¹¹ Committee on the Elimination of Discrimination against Women, Concluding observations of the Committee on the Elimination of Discrimination against Women, UN Doc. CEDAW/C/ETH/CO/6-7 (July 27, 2011), ¶ 36.

⁶¹² *Id.*, ¶ 37(c).

⁶¹³ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 21.

⁶¹⁴ *Id.*

⁶¹⁵ *Id.* at 29.

⁶¹⁶ The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 324, at 39.

⁶¹⁷ Human Rights Watch, “*Waiting Here for Death*,” *supra* note 316, at 40.

296. The “villages” to which disadvantaged ethnic groups are relocated typically lack needed food, infrastructure, or agricultural assistance such as seeds, fertilizers, tools, and training.⁶¹⁸ Much of the land in the new villages is not cleared or ready to cultivate, and the relocated villagers instead must depend on government food assistance.⁶¹⁹ However, only one-third of villages had received any food delivery at all, and those deliveries are reportedly small and only last about two weeks.⁶²⁰ According to one community resident:

The government would not provide food if people did not come [to the new villages]. There was a tiny distribution of wheat at first. When they saw people starting to come to the village they stopped distribution [of food]. Then the World Food Program came with 50 kilograms [of wheat] for every three families, as well as some beans.⁶²¹

297. Many people directly affected by the villagization program have reported many further examples of the government depriving them the right to adequate food and housing. For example, a woman from a village forced to move during harvest time and whose crops were destroyed by monkeys said that “now we eat only green leaves” and that “on the riverbank we had much more food: our crops, our fish, and our fruit.”⁶²² An Anuak man relayed the following story about his 25-year-old son who had just died from what seems to be literal starvation:

He was out to look for wild fruits because he and his family are so hungry He was out with two friends, and then just collapsed. He was carried back very weak to the village by his two friends. Some watered-down maize was given to him. He took a few sips, said he needed a nap, and never woke up.

298. A recent report by the Oakland Institute found that “the vast majority of locals receive no compensation” when they are relocated as part of the villagization program.⁶²³ “No legislative expropriation or compensation procedures exist for those who do not have title, which is the rule in the areas where [commercial agricultural] investment is currently focused.”⁶²⁴ Moreover, “[e]ven if land, titled or not, was compensated at a fair value, the land itself cannot be replaced, as land cannot be purchased in Ethiopia. This compensation is thus not sufficient to restore livelihoods and only leads to increased farmer landlessness.”⁶²⁵

299. The Periodic Report notes that the constitution provides “no one shall be required to perform forced or compulsory labor with the exception of any work or service normally required of a person who is under detention in consequence of a lawful order; . . . or any economic and social development activity voluntarily performed by a community within its

⁶¹⁸ Id. at 3.

⁶¹⁹ Id. at 45.

⁶²⁰ Id.

⁶²¹ Id. at 46.

⁶²² Id. at 48.

⁶²³ The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 324, at 1.

⁶²⁴ Id. at 44.

⁶²⁵ Id.

locality.”⁶²⁶ Nonetheless, villagers who moved away from their homes to new locations “were all required to build their own *tukuls* without any compensation” and that the army supervised this project and “slowdowns in work were met with intimidation, beatings, and other abuses.”⁶²⁷

Villagization exacerbates food insecurity for rural peoples.

300. The ESCR Committee expressed concern over “the prevalence of chronic food insecurity and malnutrition,” and called on the Ethiopian Government to “take steps to address chronic food insecurity, chronic malnutrition and the critical nutritional needs of children.”⁶²⁸ The committee also expressed concern “that a large percentage of households in rural areas . . . do not have ready access to safe drinking water and sanitation,” and called on the Ethiopian Government to “take steps to improve the accessibility to safe drinking water and sanitation, in particular in rural areas.”⁶²⁹
301. The report from the Oakland Institute concluded that the villagization program threatens the livelihood and culture of indigenous populations: “As part of the villagization process, the government has pledged that land will be given for food production and training provided on new techniques; but, to date, there is no evidence of this land provision or worker training. Decreased food security, the likely increase in natural resource related conflict, loss of self-worth, and erosion of cultural identity are all probably outcomes of livelihood loss. Thus, the adverse impact of land investment on the lives of local people will be dramatic, long term, and potentially irreversible.”⁶³⁰
302. The lease contracts that give commercial investors access to the lands vacated through villagization impose few if any restrictions on water usage, even though such projects sometimes involve water-intensive cultivars targeted at the export market, such as rice.⁶³¹ These lease contracts make no provisions for local food security,⁶³² despite the Periodic Report’s assertion that “[l]and is a common property . . . and is not subject to sale or to other means of exchange,”⁶³³ and that “[t]he Government . . . undertakes various measures to ensure that the first beneficiary of natural resources is the society in which the resource is found.”⁶³⁴ These water-intensive agri-business projects also threaten traditional farming in the areas downstream from those projects—areas to which disadvantaged ethnic groups have been relocated as part of the villagization program.⁶³⁵ Moreover, national and regional

⁶²⁶ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 47.

⁶²⁷ The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 324, at 52.

⁶²⁸ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 22.

⁶²⁹ *Id.*, ¶ 23.

⁶³⁰ The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 324, at 39.

⁶³¹ Center for Investigative Reporting, *Ethiopia: A Battle for Land and Water*, *supra* note 325.

⁶³² *Id.*

⁶³³ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 112.

⁶³⁴ *Id.* at 113.

⁶³⁵ Center for Investigative Reporting, *Ethiopia: A Battle for Land and Water*, *supra* note 325.

governments do not engage in community consultation before entering into leases with commercial entities,⁶³⁶ and “[t]here is virtually no transparency regarding land investment negotiations and agreements.”⁶³⁷

Villagization threatens the culture and identity of rural peoples in Ethiopia.

303. “[L]and in Ethiopia is not only an economic resource, but is also strongly connected to culture and identity.”⁶³⁸ As the Oakland Institute observed, land is a critical ingredient for cultural and economic survival: “The issue of land is very sensitive, and to many Ethiopians, land is not merely a commodity but is a critical component of their identity The loss of land, whether farmland, communal areas, grazing areas, or areas of religious or cultural value, has serious adverse impacts on local people, their food security, their identity and their socioeconomic conditions.”⁶³⁹
304. As part of these villagization programs, tens of thousands of disadvantaged indigenous ethnic groups in the Afar, Amhara, Benishangul-Gumuz, Gambella, Oromia, Somali, and Southern regions are in the process of being forcibly relocated away from places where the Government of Ethiopia anticipates significant commercial land investment.⁶⁴⁰ “In Gambella and Benishangul, respectively, 45,000 and 90,000 households are slated for relocation due to villagization and land investment displacements, resulting in a loss of livelihood for over 650,000 people. The total number of people affected is estimated to exceed one million considering those affected by villagization or land investment in SNNPR, Oromia, Afar, and other regions.”⁶⁴¹ Oromia is Ethiopia’s most productive agricultural region, and most Oromos are farmers whose lives are tied to the land.⁶⁴² Yet the Ethiopian Government has shifted its focus from subsistence farming to commercial farming, including commercial farming for export.⁶⁴³ Oromos reported being relocated from fertile to infertile areas.⁶⁴⁴
305. The villagization program disproportionately affects disadvantaged ethnic groups, such as members of the minority Anuak population in Gambella.⁶⁴⁵ According to the Oakland Institute, “many of the larger lease areas include lands traditionally inhabited by the Gumuz,

⁶³⁶ The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 324, at 30–31.

⁶³⁷ *Id.* at 31.

⁶³⁸ The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 289, at 65.

⁶³⁹ The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 324, at 38.

⁶⁴⁰ *Id.* at 1–2; Human Rights Watch, “*Waiting Here for Death*,” *supra* note 316, at 2–3.

⁶⁴¹ The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 324, at 38.

⁶⁴² Dr. Gudata Hinika, *Why Building Medical Capacity in Oromia Is Our ‘Fierce Urgency of Now,’* O-Pride, Aug. 13, 2014, available at <http://www.opride.com/oromsis/articles/opride-contributors/3769-building-medical-capacity-in-oromia-is-our-fierce-urgency-of-now>.

⁶⁴³ *Id.*

⁶⁴⁴ The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 289, at 66.

⁶⁴⁵ Center for Investigative Reporting, *Ethiopia: A Battle for Land and Water*, *supra* note 325.

Anuak, Oromo and other peoples, further exacerbating their already precarious sociopolitical position.”⁶⁴⁶

306. The Government of Ethiopia incorrectly claims that these lands have been “abandoned”; in fact, many lands are used by pastoralists and groups using shifting cultivation agricultural practices.⁶⁴⁷ The Oakland Institute characterized as “clearly arbitrary” the designation of lands as lacking human settlement.⁶⁴⁸

307. **Suggested questions for the Ethiopian Government:**

- What is the difference between the resettlement plan discussed on page 112 of the Periodic Report and the Commune Development Program discussed on page 113 of the Periodic Report?
- Three UN treaty bodies have expressed concern that the rural resettlement programs are not voluntary and may contribute to food insecurity. What remedies are in place for individuals who allege that they were resettled involuntarily?
- How does the Ethiopian Government ensure that resettled families and communities have the ability to pursue a livelihood in their new location?
- What data are available to assess the effects of the resettlement program on food security for rural peoples?
- What measures are in place to ensure that resettlement of disadvantaged ethnic groups does not result in a loss of cultural identity, which is often tied to the land where peoples live?
- How can the Ethiopian Government ensure that land is in fact abandoned if it is used by pastoralist peoples?

3. The right to economic, social and cultural development (Article 22 of the African Charter)

308. The Periodic Report asserts that “[c]itizens are consulted and able to decide on development projects affecting the areas they inhabit and in which they participate. Decentralization has been effectively established to enable citizens to develop themselves and their region and lead prosperous lives.”⁶⁴⁹ As demonstrated above, however, with respect to at least two large-scale programs—villagization and the Integrated Development Master Plan for Addis Ababa—consultations have been incomplete at best, and policies are directed in a top-down, non-participatory manner.

⁶⁴⁶ The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, supra note 324, at 5.

⁶⁴⁷ Center for Investigative Reporting, *Ethiopia: A Battle for Land and Water*, supra note 325; The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, supra note 324, at 10.

⁶⁴⁸ The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, supra note 324, at 26.

⁶⁴⁹ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 116.

309. The Periodic Report contends that the Ethiopian Government’s “agricultural-led industrial development policies, which center on the rural sector . . . , creat[e] an all-inclusive and sustainable land utilization system”⁶⁵⁰ As demonstrated in the previous section, however, the government’s export-oriented agricultural policies undermine food security and increase the dependence of rural peoples on food assistance.

Local Government officials use economic development assistance as a political tool.

310. The Ethiopian Government routinely violates the right to economic development by systematically and insidiously discriminating against disadvantaged ethnic groups and people supporting opposition political parties. *Kebeles*, which are rural villages or neighborhoods usually containing several hundred households and which make up 85 percent of Ethiopia’s population, are administered by councils and officials from the ruling EPRDF party that exert crucial control over rural communities.⁶⁵¹ *Kebele* officials “determine eligibility for food assistance, recommend referrals to secondary health care and schools, and help provide access to state-distributed resources such as seeds, fertilizers, credit, and other essential agricultural inputs.”⁶⁵² By controlling these resources through the *kebele* officials, the EPRDF is able to use a “carrot-and-stick” approach against political minorities wherein the “carrot” is access to these needed resources and the “stick” is a combination of threats, harassment, and cutting off resources.⁶⁵³

311. For example, supporters of opposition political parties in Amhara described “a trend of discriminatory resource allocation, with farmers unable to access seeds and fertilizers if perceived to support the opposition”:

The co-operative gets [the hybrid maize seeds] from the government, but the co-op selects whom to give them to and UDJ [Unity for Democracy and Justice] members cannot get them. The same with fertilizer or seedlings for cattle fodder from the rural development office. Those who do not support the government get nothing.⁶⁵⁴

312. Opposition party members in the Awassa area reported similar stories, and an EPRDF member in the Sidama zone stated that he was a member of the EPRDF only because he needed relief assistance and that “[t]he list of receipts—the proof that I am paying my dues to the party—are required to get relief assistance.”⁶⁵⁵ In the SNNPR, people reported that distribution of plumpy-nut (a soya and peanut high-protein food for children) was being used to discriminate against opposition supporters.⁶⁵⁶ Opposition supporters in five *kebeles* (villages) in the Boricha *woreda* (district) claimed that their children were denied emergency feeding.⁶⁵⁷ Overall, one organization received reports of political-based discrimination for

⁶⁵⁰ Id.

⁶⁵¹ Human Rights Watch, “*One Hundred Ways of Putting Pressure*,” *supra* note 346, at 2.

⁶⁵² Id. at 17.

⁶⁵³ Id. at 22.

⁶⁵⁴ Id. at 25.

⁶⁵⁵ Id. at 27.

⁶⁵⁶ Human Rights Watch, *Development Without Freedom*, *supra* note 338, at 47.

⁶⁵⁷ Id.

doling out resources from over 50 farmers in 38 *kebeles* in the regions of Amhara, SNNPR and Oromia.⁶⁵⁸

The Ethiopian Government interferes with the Oromo people's enjoyment of the right to cultural development.

313. The Periodic Report notes that the constitution guarantees the peoples of Ethiopia “[t]he right to speak, to write and develop their own language, to develop and promote their own culture”⁶⁵⁹

314. In 2012, the Committee on Economic, Social and Cultural Rights expressed concern that “ethnic groups continue in practice to suffer from discrimination in the exercise of their right to participate fully in cultural life.”⁶⁶⁰ The committee expressed further concern “that many of these ethnic groups suffer from stigmatization and hostility, including by law enforcement officials.”⁶⁶¹ The committee recommended that the Ethiopian Government “strengthen necessary measures to ensure equal treatment for all ethnic groups thereby guaranteeing their right to a cultural identity.”⁶⁶²

315. The Government of Ethiopia has targeted Oromo public cultural figures for persecution.⁶⁶³ “Oromo artists, athletes, and other professionals have . . . been targeted for persecution by the government because of their public image and suspected links to the OLF.”⁶⁶⁴ The right to cultural expression is a central focus of Oromo activism in Ethiopia; an Oromo student who had been involved in the 2004 student protests at Addis Ababa University “told The Advocates that rights to Oromo cultural expression were at the heart of the . . . protests.”⁶⁶⁵ One Oromo professor told The Advocates that Oromo arts, literature, and drama have been on the decline since the Ethiopian Government began targeting Oromo cultural elites.⁶⁶⁶ Another Oromo leader reported to The Advocates that Oromo singers have been detained and beaten.⁶⁶⁷ “Interviewees reported incidents of persecution of Oromo singers as a means to suppress Oromo culture and nationalism.”⁶⁶⁸ “One Oromo in Minnesota reported that ‘you should not even listen to Oromo music.’”⁶⁶⁹

316. The Government of Ethiopia has done nothing to combat the widespread hostility Oromos face from members of other ethnic groups.⁶⁷⁰ On a daily basis, Oromos are called “Galla,” a derogatory word for Oromo used by other ethnic groups.⁶⁷¹ The term reflects

⁶⁵⁸ Id. at 36.

⁶⁵⁹ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 108.

⁶⁶⁰ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 27.

⁶⁶¹ Id.

⁶⁶² Id.

⁶⁶³ Human Rights Watch, *Development Without Freedom*, *supra* note 338, at 62–63.

⁶⁶⁴ Id. at 63.

⁶⁶⁵ Id. at 62.

⁶⁶⁶ Id. at 63.

⁶⁶⁷ Id.

⁶⁶⁸ Id. at 63.

⁶⁶⁹ Id.

⁶⁷⁰ Id. at 64.

⁶⁷¹ Id.

hostility not only toward Oromos, but toward Oromo culture; it reportedly means “pagan” or “without religion or background,” thereby “insinuating that [Oromos] have no culture of their own and . . . no religion or tradition linked to their ethnicity.”⁶⁷²

317. The Charities and Societies Proclamation has discouraged international contacts and cooperation in cultural fields. Members of the Ethiopian diaspora are eager to maintain and develop cultural and other contacts with people in Ethiopia for the promotion of human rights.⁶⁷³ The Proclamation, however, “prohibits organizations which receive more than ten per cent of their funding from foreign sources from working on a number of human rights issues.”⁶⁷⁴ By erecting barriers to cooperation between Ethiopians in Ethiopia and those in the diaspora, the Proclamation interferes with the development of international cultural contacts and co-operation.

318. **Suggested questions for the Ethiopian Government:**

- How does the Ethiopian Government oversee local authorities responsible for distributing food and economic development assistance to ensure that assistance is distributed in a fair and equitable manner, without regard for the political views or political party affiliation of the recipient or the recipient’s ethnic group?
- What efforts is the Ethiopian Government undertaking to protect and promote the right of the Oromo people to cultural development? How is the Ethiopian Government combatting widespread hostility that Oromos face from members of other ethnic groups?

4. Rights of all peoples to national and international peace and security (Article 23 of the African Charter)

319. The Periodic Report states that “[t]he government has devised the necessary strategies and proper legislations to protect the public from such . . . horrendous crimes as terrorism, religious extremism and human trafficking”⁶⁷⁵ As noted in paragraphs 52–60 above, the Ethiopian Government has used the pretext of combatting terrorism to justify violations of civil and political rights. Moreover, as discussed in paragraph 126, it has invoked the threat of religious extremism to restrict freedom of assembly for Muslims. Finally, the Ethiopian Government’s efforts to combat human trafficking have been ineffective, as discussed in paragraphs 276–281 above.

5. Peoples’ right to satisfactory environment (Article 24 of the African Charter)

320. The Periodic Report states that, “[i]n order to upgrade land and water resources, the Government has engaged in watershed management activities and environmental protection

⁶⁷² Id.

⁶⁷³ Dr. Gudata Hinika, *Why Building Medical Capacity in Oromia Is Our ‘Fierce Urgency of Now,’* O-Pride, Aug. 13, 2014, available at <http://www.opride.com/oromsis/articles/opride-contributors/3769-building-medical-capacity-in-oromia-is-our-fierce-urgency-of-now>.

⁶⁷⁴ Amnesty International, *Stifling Human Rights Work*, *supra* note 99, at 7.

⁶⁷⁵ Federal Democratic Republic of Ethiopia, Ministry of Foreign Affairs, Fifth and Sixth Periodic Country Report (2009–2013) on the Implementation of the African Charter on Human and Peoples’ Rights in Ethiopia, April 2014, at 121.

and rehabilitation programs, aimed at enhancing the country's water resources and at safeguarding these resources from pollution."⁶⁷⁶

321. In 2012, the Committee on Economic, Social and Cultural Rights expressed concern "that the construction and operation of the Gilgel Gibe III hydro-electric dam will have a significant negative impact on the traditional practices and means of subsistence of indigenous peoples who rely on the Omo River, potentially endangering local food security."⁶⁷⁷ The committee recommended that the Ethiopian Government "identify and address the adverse social and environmental impact of the Gibe III dam" and "initiate, prior to construction of hydro-electric projects, comprehensive impact assessments as well as extensive consultations with affected communities, involving genuine opportunities to present views and influence decision-making."⁶⁷⁸

322. Moreover, as discussed in paragraph 302 above, the Ethiopian Government's focus on leasing lands to export-oriented agri-businesses, often for the production of water-intensive cultivars, has undermined peoples' access to water in the downstream locales where rural farmers are relocated.

323. **Suggested questions for the Ethiopian Government:**

- Explain how the Ethiopian Government pursues water resource diversion projects, including commercial agriculture irrigation and hydro-electric dams, so as to ensure that rural agrarian and pastoralist peoples who depend on those water resources are not deprived of their right to a satisfactory environment?

⁶⁷⁶ Id. at 123.

⁶⁷⁷ Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, UN Doc. E/C.12/ETH/CO/1-3 (May 31, 2012), ¶ 24.

⁶⁷⁸ Id.