



**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,**  
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**Statement submitted by The Advocates for Human Rights, a non-governmental  
organization in special consultative status with ECOSOC**

**I. Executive Summary**

1. The Advocates for Human Rights (“The Advocates” or “AHR”) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. AHR 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.
2. 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 the United States of human rights abuses they and their friends and family have experienced in Ethiopia. The Advocates conducted over 65 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 monitored news and human rights reporting on events in Ethiopia.
3. AHR is 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 the news media, and by members of the Ethiopian diaspora living in the United States. As highlighted in this submission, the Government of Ethiopia engages in practices that violate its obligations under articles 1, 2, 6–8, 10–13, and 15 of the International Covenant on Economic, Social and Cultural Rights.
4. Article 2, paragraph 2 of the ICESCR obliges each State Party to guarantee that the rights enunciated in the Covenant are exercised without discrimination as to, *inter alia*, ethnic origin. In practice, however, the Government of Ethiopia directly and

indirectly discriminates against several disadvantaged ethnic groups, including but not limited to the Oromo and the Anuak.

5. This report focuses on discrimination under the ICESCR on the basis of ethnicity. 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 rights under the ICESCR. Moreover, affiliation—real or perceived—with certain ethnically based political groups is sometimes the Government's asserted basis for the discrimination discussed herein.
6. 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.<sup>1</sup> 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 (SEPFD), the TPLF—which began as a student movement at Addis Ababa University under Marxist-Leninist guerilla principles—was the dominant and driving political force.<sup>2</sup> Commentators have stated that the EPRDF and TPLF are essentially one in the same.<sup>3</sup> 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).
7. The Government of Ethiopia actively impedes the rights of disadvantaged ethnic groups to self-determination (article 1). 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.
8. The Government of Ethiopia interferes with the rights of disadvantaged ethnic groups to work and to enjoy just and favorable conditions of work (articles 6 and 7). For example, Oromo business people are denied business licenses without explanation and face police harassment targeted at customers, suppliers, and

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

<sup>2</sup> *Id.* at 4

<sup>3</sup> 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").

employees. In government employment, individuals suspected of not supporting the ruling party face discriminatory treatment at work and unfair dismissals, and teachers suspected of supporting opposition parties are harassed by local officials. In the private sector, Oromos report facing discrimination when they seek employment in urban areas.

9. The Government of Ethiopia interferes with the rights of individuals to form and join trade unions (article 8). In practice, the right to form and join trade unions is available only to people who support the ruling party. For example, the Ethiopian Government engages in intimidation of leaders of trade unions that are not government-affiliated and has dismantled trade unions that challenged government policies and actions. In some instances, individuals have been forced to make contributions to government-affiliated trade unions.
10. The Government of Ethiopia interferes with the rights of disadvantaged ethnic groups to protection and assistance for the family (article 10). The Government's "villagization" (forced relocation) program routinely has the effect of breaking up the family unit. Moreover, women and children in rural areas typically populated by disadvantaged ethnic groups are often victims of human trafficking. The Government has taken no meaningful measures to prevent such trafficking or to provide assistance or support to victims.
11. The Government of Ethiopia interferes with the rights of disadvantaged ethnic groups to adequate food and housing (article 11). The most egregious example of this conduct is the Government's villagization program, which it describes as a "Voluntary resettlement program." 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.
12. Another example of the Government's interference with the right to adequate food is the use of 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.

13. The Government of Ethiopia interferes with the rights of disadvantaged ethnic groups to health (article 12). 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.
14. The Government of Ethiopia interferes with the rights of disadvantaged ethnic groups to education (article 13). 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. 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.
15. The Government of Ethiopia interferes with the rights of disadvantaged ethnic groups to take part in cultural life (article 15). 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.

## **II. Discrimination Against Disadvantaged Ethnic Groups in Violation of Article 2, Paragraph 2 of the ICESCR**

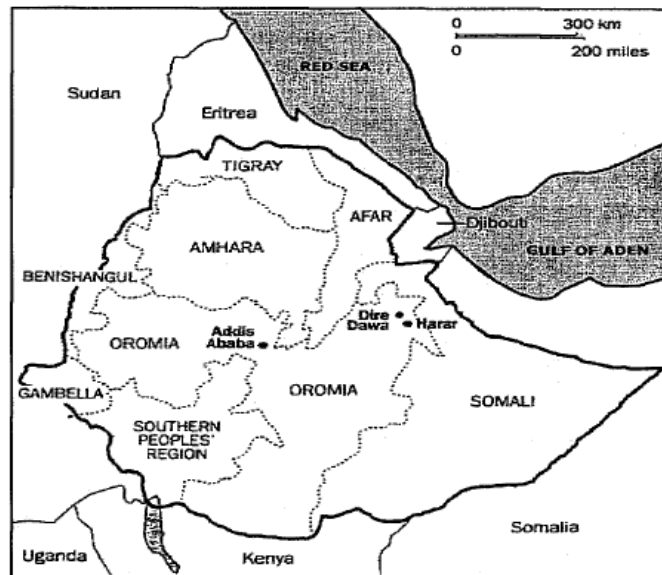
16. The Committee recognized in General Comment 20 that “[n]on-discrimination is an immediate and cross-cutting obligation of the Covenant.”<sup>4</sup> Article 2, paragraph 2 of the ICESCR obliges each State Party “to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin,

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<sup>4</sup> 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.

property, birth or other status.”<sup>5</sup> In General Comment 20, the Committee recognized that “[d]iscrimination on the basis of ‘race and colour’ . . . includes an individual’s ethnic origin.”<sup>6</sup>

17. 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.”<sup>7</sup> 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.<sup>8</sup>
18. 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.<sup>9</sup> These are: Afar; Amhara; Benishangul-Gumuz; Gambella; Harar; Oromia; Somali; Tigray; and the state of the Southern, Nations, Nationalities and Peoples’ Region (SNNPR).<sup>10</sup> A map of these regions<sup>11</sup> is displayed below.



<sup>5</sup> *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.

<sup>6</sup> *General Comment No. 20*, *supra* note 4, para. 19.

<sup>7</sup> *Id.* at 2.

<sup>8</sup> *Id.* at 3.

<sup>9</sup> 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.

<sup>10</sup> Constitution of the Federal Democratic Republic of Ethiopia, art. 47, para. 1.

<sup>11</sup> Van der Beken, *supra* note 9, at 116.

The Afar, Amhara, Oromia, Somali, and Tigray states are dominated by the population groups that give rise to their names.<sup>12</sup> 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.<sup>13</sup> Finally, in the SNNPR (or simply “Southern” region), there are no less 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.<sup>14</sup>

19. Notwithstanding the federalist system, Ethiopia overall is highly ethnically diverse, with some estimating upwards of 80 distinct ethnic groups.<sup>15</sup> A 2007 census lists Oromo at 34.5% of the total Ethiopian population and Amhara at 26.9%.<sup>16</sup> 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%).<sup>17</sup> 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.<sup>18</sup> Despite constituting a large portion of the population, the Oromo people face discrimination with respect to the rights recognized by the ICESCR.
20. Ethiopia’s Common Core Document contends that “[t]he Ethiopian legal system unequivocally guarantees equality before the law and equal protection of the law. Accordingly, the FDRE Constitution states that all persons are equal before the law and are entitled without discrimination to equal protection of the law.”<sup>19</sup> As demonstrated in this submission, however, in practice there is pervasive discrimination on the basis of ethnicity with respect to the rights recognized in the ICESCR. Notably, neither the Common Core Document nor the Combined initial, second and third periodic reports (hereinafter “Combined Reports”) even acknowledge the existence of discrimination directed toward members of the Oromo or Anuak ethnic groups.

#### **A. Article 1: Right to Self-Determination**

21. The first article of the ICESCR recognizes that “all peoples have the right to self-determination” and a freedom to “pursue their economic, social and cultural development.”<sup>20</sup> Article 39.2 of the Constitution of Ethiopia recognizes the right to

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<sup>12</sup> *Id.* at 115.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> Federal Democratic Republic of Ethiopia Population Census Commission, *Summary and Statistical Report of the 2007 Population and Housing Census* (December 2008) at 16.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> U.S. Dept. of State, Bureau of African Affairs, *Background Note: Ethiopia* (June 2009).

<sup>19</sup> Core Document Forming the Initial Part of the Reports of States Parties: Ethiopia, HRI/CORE/ETH/2008, para. 262.

<sup>20</sup> *ICESCR*, *supra* note 5, art. 1.

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.”<sup>21</sup>

22. In its Combined Reports, the Government of Ethiopia contends that it promotes and supports “the people’s self-rule at all levels,” and observes that “all Regional States, Zones, and *Woredas* have their own government structure allowing them to administer their day to day affairs by themselves.”<sup>22</sup> As discussed in greater detail below in paragraphs 60 to 61, in practice these government structures—particularly at the local levels in rural areas populated by disadvantaged ethnic groups—are used to stifle dissent.
23. The EPRDF regime 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 EPRDF 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.<sup>23</sup>
24. “Alleged ties to the OLF may serve as justification for arrest, detention, firing, expulsion, or confiscation of property.”<sup>24</sup> “Often Oromo ethnicity is the sole basis of suspicion of OLF association.”<sup>25</sup> In many situations, Oromos are assumed to support the OLF unless they actively express support for the EPRDF.<sup>26</sup> 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.<sup>27</sup> The Human Rights League, another Oromo human rights organization, faced similar treatment.<sup>28</sup> 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.<sup>29</sup>

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<sup>21</sup> Constitution of the Federal Democratic Republic of Ethiopia, art. 39, para. 2.

<sup>22</sup> Committee on Economic, Social and Cultural Rights, *Combined Initial, second and third periodic reports submitted by States parties under article 16 and 17 of the Covenant: Ethiopia*, United Nations Economic and Social Council E/C.12/ETH/1-3, 28 July 2009, para. 6 (hereinafter Combined Reports).

<sup>23</sup> McCracken, *supra* note 3, at 198–199.

<sup>24</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora* (December 2009) at 39, available at

[http://www.theadvocatesforhumanrights.org/uploads/oromo\\_report\\_2009\\_color.pdf](http://www.theadvocatesforhumanrights.org/uploads/oromo_report_2009_color.pdf) (last accessed 12 March 2012).

<sup>25</sup> *Ibid.*

<sup>26</sup> *Id.* at 41–42

<sup>27</sup> *Id.* at 40.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Id.* at 43.

**B. Articles 6 and 7: The Right to Work and The Right to Just and Favorable Conditions of Work**

25. Under article 6 of the ICESCR, signatories, including Ethiopia, recognize the right of their citizens to work, including the right of everyone to access the opportunity to gain his or her living by work which he or she freely chooses or accepts.<sup>30</sup> Under article 7 of the ICESCR, signatories, including Ethiopia, recognize the right of everyone to “just and favorable conditions of work,” specifically remuneration that is adequate to provide a decent living for the worker and his/her family, fair and equal wages and opportunity for promotion regardless of race, gender or any such factor, safe and healthy working conditions, and “reasonable limitation of working hours,” including periodic/public holidays with pay.<sup>31</sup> In General Comment 20, the Committee recognized that “[d]iscrimination is frequently encountered in . . . workplaces[] and other sectors of society. . . . States parties must therefore adopt measures . . . to ensure that individuals and entities in the private sphere do not discriminate on prohibited grounds.”<sup>32</sup> In General Comment 18, the Committee confirmed that “[w]ork as specified in article 6 of the Covenant must be *decent work*,” and that “[t]he characterization of work as decent presupposes that it respects the fundamental rights of the worker.”<sup>33</sup>
26. Although the Covenant allows for progressive realization of the right to work, “States parties have immediate obligations in relation to the right to work, such as the obligation to ‘guarantee’ that it will be exercised ‘without discrimination of any kind.’”<sup>34</sup> “The principle of non-discrimination mentioned in article 2, paragraph 2, of the Covenant is immediately applicable and is neither subject to progressive implementation nor dependent on available resources. It is directly applicable to all aspects of the right to work.”<sup>35</sup> Two of a State Party’s “core obligations” with respect to the right to work are “[t]o ensure the right of access to employment, especially for disadvantaged and marginalized individuals and groups, permitting them to live a life of dignity,” and “[t]o avoid any measure that results in discrimination and unequal treatment in the private and public sectors of disadvantaged and marginalized individuals and groups or in weakening mechanisms for the protection of such individuals and groups.”<sup>36</sup>
27. Ethiopia’s Combined Reports state that “[e]qual protection of the law without any discrimination based on grounds of race, ethnic, or other social origin, . . . language, . . . political or other opinion . . . is a cross-sectional notion applicable to effective implementation of all rights incorporated in the Constitution. . . . Opportunities of employment cannot be denied to an individual on prohibited discriminatory

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<sup>30</sup> ICESCR, *supra* note 5, art. 6.

<sup>31</sup> *Id.*, art. 7.

<sup>32</sup> *General Comment No. 20, supra* note 4, para. 11.

<sup>33</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 18: The Right to Work*, United Nations Economic and Social Council E/C.12/GC/18, paras. 7–8.

<sup>34</sup> *Id.*, para. 19.

<sup>35</sup> *Id.*, para. 33.

<sup>36</sup> *Id.*, para. 13.



grounds.”<sup>37</sup> In practice, however, members of disadvantaged ethnic groups and individuals who do not openly support the EPRDF face discrimination in exercising their right to work.

28. 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.<sup>38</sup> “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.”<sup>39</sup>
29. 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.”<sup>40</sup>
30. As reported by Human Rights Watch (HRW), 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.<sup>41</sup> An official in the Ministry of Agriculture told HRW 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.<sup>42</sup> Said the official to HRW, “They asked me so many times to join the party—I don’t want to, I was fed up.”<sup>43</sup> Further, several trainee judges told HRW 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.”<sup>44</sup> Ethiopia’s Combined Reports make no reference to these complaints.

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<sup>37</sup> Combined Reports, *supra* note 22, para. 46.

<sup>38</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 24, at 71–72.

<sup>39</sup> *Id.* at 72.

<sup>40</sup> U.S. Dept. of State, Human Rights Reports, *Ethiopia* (2010) at 25, available at <http://www.state.gov/documents/organization/160121.pdf> (last visited 14 March 2012).

<sup>41</sup> 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 12 March 2012).

<sup>42</sup> *Id.* at 58, 62.

<sup>43</sup> *Id.* at 62.

<sup>44</sup> *Id.* at 63.

31. 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 themselves from other ethnicities in Ethiopia, and this especially works to their disadvantage when they seek employment in the capital of Addis Ababa.<sup>45</sup> An interviewee reported that “many Oromos seeking employment in the capital adopt Amharic names in order to not stand out as Oromos.”<sup>46</sup> 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.<sup>47</sup>

32. 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.”<sup>48</sup> HRW also reports that 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.”<sup>49</sup> One interviewee told HRW 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.”<sup>50</sup> The Advocates has received numerous consistent accounts of Oromo teachers being terminated and even arrested based on the government’s suspicion of OLF involvement.<sup>51</sup> Ethiopia’s Combined Reports state that “[a]ny civil servant is eligible to compete for promotion.”<sup>52</sup> Oromo teachers, however, reported that in order to obtain employment or promotions in government schools, they must become members of the OPDO.<sup>53</sup>
33. The Advocates’ interviews with members of the Oromo diaspora painted a picture of systematic government oppression of Oromo intellectual elites, including university

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<sup>45</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 24, at 64.

<sup>46</sup> *Id.* at 54.

<sup>47</sup> *Id.* at 64.

<sup>48</sup> U.S. Dept. of State, Human Rights Reports, *Ethiopia*, *supra* note 40, at 25.

<sup>49</sup> 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).

<sup>50</sup> *Ibid.*

<sup>51</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 24, at 51.

<sup>52</sup> Combined Reports, *supra* note 22, para. 87.

<sup>53</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 24, at 52.

students and professors.<sup>54</sup> College students are reportedly “pressured to pledge allegiance to the EPRDF to secure enrollment in . . . postgraduation government jobs.”<sup>55</sup>

34. Oromos interviewed by The Advocates have reported many other instances of employment discrimination, including termination without cause and other discriminatory treatment.<sup>56</sup>

### **C. Article 8: The Right to Form and Join Trade Unions**

35. Under article 8 of the ICESCR, State Parties must ensure the right of everyone to form and join trade unions for the promotion and protection of economic and social interests, and no restrictions may be placed on the exercise of this right other than those necessary in protecting the interests of national security, public order or the rights and freedoms of others.<sup>57</sup> Additionally trade unions have the right to establish national federations or confederations or to join international trade-union organizations, and union members are further afforded the right to strike “provided that it is exercised in conformity with the laws of the particular country.”<sup>58</sup> In the List of Issues, the Committee requested that Ethiopia “specify whether there is any limitation, in law or fact, on the right to form and/or join trade unions” and “clarify which legal safeguards exist to ensure non-interference of employers in union activities.”<sup>59</sup> To date, Ethiopia has not responded to the List of Issues.
36. Ethiopia’s Combined Reports state that, “[w]ith the exception of Government employees, the police and the armed forces, all categories of workers can form a trade union” and “[t]he right of trade unions to function freely is constitutionally guaranteed.”<sup>60</sup> The U.S. Department of State confirms that the Ethiopian government permits trade unions in practice, but notes that approximately two-thirds of union members “belong to organizations affiliated with the Confederation of Ethiopian Trade Unions, which is under the influence of the government.”<sup>61</sup> Other reports indicate that the EPRDF government exerted oppressive tactics, interfering with the right to form trade unions. In its 2009 Annual Survey of violations of trade union rights, the International Trade Union Confederation reported that the Ethiopian government “blatantly interfered in trade union affairs in all sectors” and that “[m]any trade union leaders are regularly intimidated, and most are removed

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<sup>54</sup> *Id.* at 53–54.

<sup>55</sup> U.S. Dept. of State, Human Rights Reports, *Ethiopia*, *supra* note 40, at 25.

<sup>56</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 24, at 71–72.

<sup>57</sup> *ICESCR*, *supra* note 5, art. 8.

<sup>58</sup> *Ibid.*

<sup>59</sup> Committee on Economic, Social and Cultural Rights, *List of issues to be taken up in connection with the consideration of the combined initial to third periodic reports of Ethiopia concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights*, United Nations Economic and Social Council E/C.12/ETH/Q/1-3, 10 January 2012, at 2, para. 10 (hereinafter List of Issues).

<sup>60</sup> Combined Reports, *supra* note 22, paras. 104, 107.

<sup>61</sup> U.S. Dept. of State, Human Rights Reports, *Ethiopia*, *supra* note 40, at 50–51.

from their posts and/or forced to leave the country, whilst others have been detained without trial.”<sup>62</sup>

37. HRW has also reported specifically on the Ethiopian Teachers’ Association trade union, which “brought together teachers across the country in one of the country’s oldest independent associations, and was increasingly bold about challenging government policies and actions.” HRW reports that “[a]fter 15 years of legal maneuvering, the government managed to dismantle the Ethiopian Teachers’ Association and replace it with a government-controlled entity [the Ethiopian Teachers’ Association] in 2008.”<sup>63</sup> HRW further reports that teachers in Arba Minch, Addis Ababa, Awassa, Dessie, Gonder, and Ambo complained that they have been forced to contribute a percentage of their salary to the Ethiopian Teachers’ Association and in some cases directly to the EPRDF party.<sup>64</sup> Similarly, the Ethiopian Bar Association was rendered insignificant by a successful effort to replace “what was a largely independent association with a government-controlled group.”<sup>65</sup> These examples show that the right to form and join trade unions is available only to people who are associated with the EPRDF. This indirect discrimination in access to rights under article 8 is prohibited under article 2.

#### **D. Article 10: Protection and Assistance for the Family**

38. Article 10 of the ICESCR recognizes the importance of protecting and assisting the family.<sup>66</sup> As discussed in more detail below with respect to the right to adequate food and housing under article 11, Ethiopia has violated the right to protection and assistance for the family in a way that discriminates against disadvantaged ethnic groups through its forced relocation programs. HRW reports in detail about these “villagization” programs, which routinely have the effect of breaking up the family unit. For example, HRW reports that 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.”<sup>67</sup>
39. Ethiopia’s Combined Report states that “[t]rafficking in human beings for whatever purpose is prohibited under the Constitution. Furthermore, trafficking in children is a punishable act under the criminal code. Despite this, child trafficking is reported to be widely practiced in Ethiopia. In response the government has intervened to control such activities.”<sup>68</sup> In the List of Issues, the Committee requested that Ethiopia “provide information on the measures taken . . . to combat the problems of . . . trafficking in persons (including internal trafficking of women and children) and the

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<sup>62</sup> Human Rights Watch, “*One Hundred Ways of Putting Pressure*,” *supra* note 49, at 39.

<sup>63</sup> *Id.* at 40.

<sup>64</sup> Human Rights Watch, *Development Without Freedom*, *supra* note 41, at 56.

<sup>65</sup> Human Rights Watch, “*One Hundred Ways of Putting Pressure*,” *supra* note 49, at 40.

<sup>66</sup> ICESCR, *supra* note 5, art. 10.

<sup>67</sup> Human Rights Watch, “*Waiting Here for Death*”: *Displacement and “Villagization” in Ethiopia’s Gambella Region* (January 2012), at 27, available at

[http://www.hrw.org/sites/default/files/reports/ethiopia0112webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/ethiopia0112webwcover_0.pdf) (last accessed 12 March 2012).

<sup>68</sup> Combined Reports, *supra* note 22, para. 194.

results achieved.”<sup>69</sup> As noted above, to date, Ethiopia has not responded to the List of Issues.

40. 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 10 of the ICESCR. 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.”<sup>70</sup> Poverty, lack of viable employment alternatives, and desperation establish “fertile ground” for traffickers’ exploitation of Ethiopian women.<sup>71</sup> 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.”<sup>72</sup> Those who return with psychological trauma “have no access to counseling unless their families can afford to pay for such services.”<sup>73</sup>

#### **E. Article 11: Rights to Adequate Food and Housing**

41. Under article 11 of the ICESCR, signatories are obligated to recognize the “right of everyone to an adequate standard of living for himself and his family,” including provisions for adequate food and housing, with a further mandate of continuously improving such living conditions.<sup>74</sup> Article 11 also recognizes that State Parties undertake to ensure freedom from hunger, and to take, both “individually and through international co-operation” any measure to improve methods of food production and distribution.<sup>75</sup> In General Comment 4, the Committee recognized that enjoyment of the right to adequate housing “must, in accordance with article 2(2) of the Covenant, not be subject to any form of discrimination.”<sup>76</sup> Adequacy of housing includes “[l]egal security of tenure,” and the Committee has stated that “all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.”<sup>77</sup> “The non-discrimination provisions of articles 2.2 and 3 of the Covenant impose an additional

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<sup>69</sup> List of Issues, *supra* note 59, at 2, para. 13.

<sup>70</sup> 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.

<sup>71</sup> *Id.* at 1018.

<sup>72</sup> *Id.* at 1018

<sup>73</sup> *Id.* at 1038.

<sup>74</sup> ICESCR, *supra* note 5, art. 11.

<sup>75</sup> *Ibid.*

<sup>76</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 4: The Right to Adequate Housing*, United Nations Economic and Social Council (13 December 1991), para. 6.

<sup>77</sup> *Id.*, para. 8.

obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.”<sup>78</sup>

42. Ethiopia’s Combined Reports identify several “key interventions designed to attain household food security,” including “supporting voluntary resettlement to more productive areas.”<sup>79</sup> The Reports describe the “Voluntary resettlement program” as follows:

Over the years, a large portion of the country’s population has lost the capacity to be productive mainly due to land degradation and high population pressure, while at the same time Ethiopia has a considerable amount of land currently under-utilized but still suitable for farm activities. To rationalize resource use, and thereby help the food insecure households, the Government is supporting voluntary resettlement as part of its food security program. Accordingly, it has targeted to help resettle 440,000 households or 2.2 million people and by the end of 2004/05, 50% have been settled and the remaining 50% will be settled during the period of the [Plan for Accelerated and Sustained Development to End Poverty].

Resettlement is on a purely voluntary basis, and each settler household is guaranteed a package of assistance that includes provision of up to 2 hectares of fertile land, seed, oxen, hand tools, utensils, and food rations for the first eight months. Settlers are also provided with access to essential social infrastructures (clean water, health post, feeder road), and logistics support. To ensure the efficient and effective implementation of the program, an implementation manual has been prepared, and extensive training and awareness creation activities have been carried out at federal, regional, *woreda* and *kebele* levels. Recent assessments have shown that the majority of the settlers have attained food self-sufficiency and their livelihoods have improved considerably.<sup>80</sup>

As demonstrated below, the Ethiopian Government’s characterization of the voluntary resettlement program is inaccurate.

43. In practice, the EPRDF regime has engaged in extreme violations of the right to adequate food and housing. These practices discriminate especially against

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<sup>78</sup> *Id.*, para. 10.

<sup>79</sup> Combined Reports, *supra* note 22, para. 226.

<sup>80</sup> Combined Reports, *supra* note 22, paras. 228–229.

disadvantaged ethnic groups. One major way in which these rights are currently being violated is through forced “villagization” programs. 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.”<sup>81</sup> 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.<sup>82</sup>

44. 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.”<sup>83</sup> 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 to hunger. The underlying causes for food insecurity . . . are all present in the areas of intensive land investment.”<sup>84</sup>
45. “[L]and in Ethiopia is not only an economic resource, but is also strongly connected to culture and identity.”<sup>85</sup> 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.”<sup>86</sup>
46. In the List of Issues, the Committee requested that Ethiopia “provide information on the occurrence of forced evictions in the State party.”<sup>87</sup> As noted above, to date, Ethiopia has not responded to the List of Issues. HRW and the Oakland Institute

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<sup>81</sup> 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](http://media.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_Ethiopa_Land_Investment_report.pdf) (last accessed 12 March 2012).

<sup>82</sup> 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 81, at 39.

<sup>83</sup> The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 81, at 20.

<sup>84</sup> *Id.* at 36.

<sup>85</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 24, at 65.

<sup>86</sup> The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 81, at 38.

<sup>87</sup> List of Issues, *supra* note 59, at 3, para. 19.

report that under 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.<sup>88</sup> “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.”<sup>89</sup> Oromos reported being relocated from fertile to infertile areas.<sup>90</sup>

47. The villagization program disproportionately affects disadvantaged ethnic groups, such as members of the minority Anuak population in Gambella.<sup>91</sup> According to the Oakland Institute, “many of the larger lease areas include lands traditionally inhabited by the Gumuz, Anuak, Oromo and other peoples, further exacerbating their already precarious sociopolitical position.”<sup>92</sup>
48. 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.<sup>93</sup> The Oakland Institute characterized as “clearly arbitrary” the designation of lands as lacking human settlement.<sup>94</sup>
49. In General Comment 15, the Committee confirmed that “[a]ttention should be given to ensuring that disadvantaged and marginalized farmers . . . have equitable access to water and water management systems.”<sup>95</sup> Ethiopia’s Combined Reports state that the Government of Ethiopia has “formulated and implemented a set of interconnected policies, legislations, and strategies with a view to reverse the situation and to ensure adequate, accessible, clean, and affordable water for all.”<sup>96</sup> The lease contracts that give commercial investors access to the lands vacated through villagization, however, impose few if any restrictions on water usage, even though such projects sometimes involve water-intensive cultivars targeted at the export market, such as

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<sup>88</sup> The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 81, at 1–2; Human Rights Watch, “*Waiting Here for Death*,” *supra* note 67, at 2–3.

<sup>89</sup> The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 81, at 38.

<sup>90</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 24, at 66.

<sup>91</sup> Center for Investigative Reporting, *Ethiopia: A Battle for Land and Water*, *supra* note 82.

<sup>92</sup> The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 81, at 5.

<sup>93</sup> Center for Investigative Reporting, *Ethiopia: A Battle for Land and Water*, *supra* note 82; The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 81, at 10.

<sup>94</sup> The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 81, at 26.

<sup>95</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The Right to Water*, United Nations Economic and Social Council, E/C.12/2002/1, para. 7.

<sup>96</sup> Combined Reports, *supra* note 22, para. 240.



rice.<sup>97</sup> These lease contracts make no provisions for local food security.<sup>98</sup> 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.<sup>99</sup> Moreover, national and regional governments do not engage in community consultation before entering into leases with commercial entities,<sup>100</sup> and “[t]here is virtually no transparency regarding land investment negotiations and agreements.”<sup>101</sup>

50. In its Combined Reports, the Ethiopian Government acknowledges that it “has the power to expropriate rural or urban landholdings for public purpose where it believes that it should be used for a better development project to be carried out by public entities, private investors, cooperatives societies or other organs,” and states that “[i]n such cases the Government is duty bound to pay in advance compensation in accordance with the Proclamation on Expropriation of Landholdings for Public Purposes and Payment of Compensation (Proclamation No. 455/2005).”<sup>102</sup> The Committee has commented specifically on such cases of forced displacement, including programs initiated in the name of development.<sup>103</sup> The Committee in General Comment No. 7 noted that authorities must explore all feasible alternatives, in consultation with affected groups, before an eviction can occur.<sup>104</sup> When eviction does occur, those evicted must receive adequate compensation for affected property.<sup>105</sup> As discussed below, the Ethiopian Government has not followed these practices in conducting the villagization program.
51. Ethiopia’s Combined Reports state that “[f]ood security has been the primary agenda in the development policies of [the Sustainable Development and Poverty Reduction Program and the Plan for Accelerated and Sustained Development to End Poverty]. The Government has emphasized the importance of agriculture to ensure food security and eradicate hunger owing to the fact that the economy of the country is to a larger extent dependent on agriculture and most food-poor people reside in agricultural (rural) areas.”<sup>106</sup>
52. The List of Issues requests that Ethiopia “provide information on steps taken, and in particular the impact measured, to address chronic food insecurity,”<sup>107</sup> as well as “information on measures taken and the results achieved for the provision of accessible and affordable housing for all sections of the population, especially . . .

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<sup>97</sup> Center for Investigative Reporting, *Ethiopia: A Battle for Land and Water*, *supra* note 82.

<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid.*

<sup>100</sup> The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 81, at 30–31.

<sup>101</sup> *Id.* at 31.

<sup>102</sup> Combined Reports, *supra* note 22, para. 265.

<sup>103</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 7*, paras. 1–7.

<sup>104</sup> *Ibid.*

<sup>105</sup> *Ibid.*

<sup>106</sup> Combined Reports, *supra* note 22, para. 219.

<sup>107</sup> List of Issues, *supra* note 59, at 3, para. 17.

disadvantaged and marginalized individuals and groups.”<sup>108</sup> As noted above, to date, Ethiopia has not responded to the List of Issues. In General Comment 12, the Committee confirmed that a State Party’s “obligation to *fulfil (facilitate)* [the right to adequate food] means the State must pro-actively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security.”<sup>109</sup> The Committee emphasized that the Covenant prohibits “any discrimination in access to food, as well as to means and entitlements for its procurement, on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social or cultural rights.”<sup>110</sup>

53. In General Comment 4, the Committee emphasized that “[e]victions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”<sup>111</sup>
54. The Ethiopian Government’s villagization program violates the right to adequate food and housing. HRW reports that the “villages” to which the Anuaks and other disadvantaged ethnic groups are relocated typically lack needed food, infrastructure, or agricultural assistance such as seeds, fertilizers, tools, and training.<sup>112</sup> HRW reports that 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.<sup>113</sup> 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.<sup>114</sup> According to a community resident interviewed by HRW:

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.<sup>115</sup>

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<sup>108</sup> *Id.* at 3, para. 19.

<sup>109</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 12: The Right to Adequate Food*, United Nations Economic and Social Council, E/C.12/1999/5, para. 15.

<sup>110</sup> *Id.*, para. 18.

<sup>111</sup> *General Comment No. 4*, *supra* note 76, para. 16.

<sup>112</sup> Human Rights Watch, “*Waiting Here for Death*,” *supra* note 67, at 3.

<sup>113</sup> *Id.* at 45.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Id.* at 46.

55. Although the relocations are purportedly voluntary, HRW reports that, 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.<sup>116</sup> 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.’”<sup>117</sup> In some instances, reports HRW, 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.<sup>118</sup>
56. HRW has interviewed many people directly affected by the villagization program and collected many further examples of the government depriving 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 told HRW that “now we eat only green leaves” and that “on the riverbank we had much more food: our crops, our fish, and our fruit.”<sup>119</sup> An Anuak man relayed the following story to HRW 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.

Additionally, HRW reports that villagers 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.”<sup>120</sup>

57. The List of Issues requests that Ethiopia “provide information on steps taken to improve the accessibility to safe drinking water, in particular in rural areas, as well as sanitation.”<sup>121</sup> As noted above, to date, Ethiopia has not responded to the List of Issues. In General Comment 15, the Committee observed that one aspect of the obligation to make water accessible is “Non-discrimination: Water and water facilities and services must be accessible to all, including the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination

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<sup>116</sup> *Id.* at 29.

<sup>117</sup> The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 81, at 39.

<sup>118</sup> Human Rights Watch, “*Waiting Here for Death*,” *supra* note 67, at 40.

<sup>119</sup> *Id.* at 48.

<sup>120</sup> *Id.* at 52.

<sup>121</sup> List of Issues, *supra* note 59, at 3, para. 18.

on any of the prohibited grounds . . . .”<sup>122</sup> The lack of infrastructure in the areas to which people are relocated in the villagization program has threatened the health of these displaced populations.<sup>123</sup> 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.<sup>124</sup>

58. 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.<sup>125</sup> “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.”<sup>126</sup> 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.”<sup>127</sup>
59. 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.”<sup>128</sup>
60. In addition to the villagization program discussed above, the EPRDF routinely violates the right to adequate food and housing by systematically and insidiously discriminating against disadvantaged ethnic groups and people supporting opposition political parties. In General Comment 20, the Committee recognized that “[p]olitical and other opinions are often grounds for discriminatory treatment and include both the holding and not-holding of opinions . . . . Access to food assistance schemes, for example, must not be made conditional on an expression of allegiance to a particular party.”<sup>129</sup> HRW reports that *kebeles*, which are rural villages or neighborhoods usually containing several hundred households and make up 85 percent of Ethiopia’s population, are administered by councils and officials from the EPRDF party that exert crucial control over rural communities.<sup>130</sup> HRW reports that

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<sup>122</sup> *General Comment No. 15*, *supra* note 95, para. 12(c).

<sup>123</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 24, at 67.

<sup>124</sup> *Ibid.*

<sup>125</sup> The Oakland Institute, *Understanding Land Investment Deals in Africa: Country Report: Ethiopia*, *supra* note 81, at 1.

<sup>126</sup> *Id.* at 44.

<sup>127</sup> *Ibid.*

<sup>128</sup> *Id.* at 39.

<sup>129</sup> *General Comment No. 20*, *supra* note 4, para. 23.

<sup>130</sup> Human Rights Watch, “*One Hundred Ways of Putting Pressure*,” *supra* note 49, at 2.

*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.”<sup>131</sup> By controlling these resources through the *kebele* officials, reports HRW, 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.<sup>132</sup>

61. For example, supporters of opposition political parties in Amhara described to HRW “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.<sup>133</sup>

Opposition party members in the Awassa area told similar stories to HRW, 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.”<sup>134</sup> In the SNNPR, interviewees told HRW that distribution of plumpy-nut (a soya and peanut high-protein food for children) was being used to discriminate against opposition supporters.<sup>135</sup> Opposition supporters in five *kebeles* (villages) in the Boricha *woreda* (district) claimed to HRW that their children were denied emergency feeding.<sup>136</sup> Overall, HRW received reports of political-based discrimination for doling out resources from over 50 farmers in 38 *kebeles* in the regions of Amhara, SNNPR and Oromia.<sup>137</sup>

## F. Article 12: Right to Health

62. The general right to health under article 12 of the ICESCR involves several specific mandates, including the duty of State Parties to grant provisions to prevent infant mortality and to provide conditions that assure all medical services and attention can be available in the event of illness.<sup>138</sup> The Committee recognized in General Comment 14 that “the right to health embraces a wide range of socio-economic

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<sup>131</sup> *Id.* at 17.

<sup>132</sup> Human Rights Watch, “*One Hundred Ways of Putting Pressure*,” *supra* note 49, at 22.

<sup>133</sup> *Id.* at 25.

<sup>134</sup> *Id.* at 27.

<sup>135</sup> Human Rights Watch, *Development Without Freedom*, *supra* note 41, at 47.

<sup>136</sup> *Ibid.*

<sup>137</sup> *Id.* at 36.

<sup>138</sup> ICESCR, *supra* note 5, art. 12.

factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as food and nutrition, housing, access to safe and potable water and adequate sanitation, safe and healthy working conditions, and a healthy environment.”<sup>139</sup> “Health facilities, goods and services have to be accessible to everyone without discrimination” and “must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.”<sup>140</sup>

63. Ethiopia’s Combined Reports state that “assurance of accessibility of health care for all segments of the population” is “among the general policy frameworks integrated in the health policy concerning health care service delivery,” and “[d]eveloping a health service system that will reach to all segments of the population is one of the main objectives of the health policy.”<sup>141</sup> “The National Health Policy demands special attention be given to most neglected regions and segments of the population including the majority of the rural population, pastoralists, the urban poor and national minorities.”<sup>142</sup> The Reports acknowledge, however, that “the health care service coverage remains at a low level in rural parts of the country.”<sup>143</sup> In the List of Issues, the Committee requested that Ethiopia “provide information on the percentage of the population that benefit from health-care coverage, disaggregated by economic sector and geographic region,” and “provide information on the number of qualified health-care professionals per capita and per region.”<sup>144</sup> The Committee further requested that Ethiopia “provide information on measures taken to reduce infant mortality rates.”<sup>145</sup> As noted above, to date, Ethiopia has not responded to the List of Issues.
64. 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. HRW reports that, because the new villages lack basic infrastructure, “few residents are receiving basic healthcare services.”<sup>146</sup> Although the government promised that villages would have health clinics, reports HRW, the government’s plan “shows that these were not planned for the majority of villages.”<sup>147</sup> 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

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<sup>139</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 14: The Right to the Highest Attainable Standard of Health*, United Nations Economic and Social Council, E/C.12/2000/, para. 4.

<sup>140</sup> *Id.*, para. 12(b).

<sup>141</sup> Combined Reports, *supra* note 22, paras. 310–311.

<sup>142</sup> *Id.*, para. 319.

<sup>143</sup> *Ibid.*

<sup>144</sup> List of Issues, *supra* note 59, at 3, para. 20.

<sup>145</sup> *Id.* at 3, para. 21.

<sup>146</sup> Human Rights Watch, “*Waiting Here for Death*,” *supra* note 67, at 3.

<sup>147</sup> *Id.* at 26.

respiratory infections and diarrhea.<sup>148</sup> This critical lack of health care infrastructure violates the right to health of the ethnic groups targeted for villagization.

### **G. Article 13: Right to Education**

65. Article 13 of the ICESCR recognizes the right to access free and universally available primary education and the right to secondary, technical, and tertiary education.<sup>149</sup> In General Comment 13, the Committee observed that “[t]he prohibition against discrimination enshrined in article 2(2) of the Covenant is subject to neither progressive realization nor the availability of resources; it applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination.”<sup>150</sup> The Committee noted that “[s]harp disparities in spending policies that result in differing qualities of education for persons residing in different geographic locations may constitute discrimination under the Covenant.”<sup>151</sup>
66. The Ethiopian constitution “establishes a universal right to education and emphasizes the need to allocate resources to provide education for all.”<sup>152</sup> Ethiopia specifically notes that its constitution “provides that education should be free of any religious influences, political partisanship or cultural prejudices.”<sup>153</sup> Ethiopia’s Combined Reports state that “Ethiopia accepts primary education to be compulsory and to be available to all persons free of charge without discrimination.”<sup>154</sup>
67. The List of Issues requests that Ethiopia “indicate the measures taken by the State party to ensure that primary education is free and compulsory for all children,” and “provide information on steps taken to increase primary school enrolment and attendance rates, decrease the high dropout rate, address the gender gap in enrolment rates, and the overcrowding in primary schools.”<sup>155</sup> As noted above, to date, Ethiopia has not responded to the List of Issues.
68. The U.S. Department of State reported that, although primary education in Ethiopia was universal, tuition-free, and compulsory in policy, “there were not enough schools to accommodate the country’s youth, particularly in rural areas.”<sup>156</sup> Further, “the cost of school supplies was prohibitive for many families, and there was no legislation to enforce compulsory primary education.”<sup>157</sup>

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<sup>148</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 24, at 67.

<sup>149</sup> ICESCR, *supra* note 5, art. 13.

<sup>150</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 13: The Right to Education*, United Nations Economic and Social Council, E/C.12/1999/1, para. 31.

<sup>151</sup> *Id.*, para. 35.

<sup>152</sup> Combined Reports, *supra* note 22, at 54.

<sup>153</sup> *Id.* at 55.

<sup>154</sup> *Id.*, para. 338.

<sup>155</sup> List of Issues, *supra* note 59, at 3, para. 23.

<sup>156</sup> U.S. Dept. of State, Human Rights Reports, *Ethiopia*, *supra* note 40, at 45.

<sup>157</sup> *Ibid.*

69. The lack of access to education in rural areas has been felt even more so by the disadvantaged ethnic groups subject to the EPRDF's villagization programs. HRW reports that ethnic groups subjected to villagization, including the Anuaks, have been moved from villages where schools existed and were operational to villages where schools and other infrastructure are non-existent.<sup>158</sup> Further, villagers reported to HRW 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."<sup>159</sup>
70. Ethiopia's Combined Reports state that "[t]he Labor Proclamation . . . explicitly prohibits the employment of persons less than 14 years of age," but recognize that "[t]he exploitation of child labor . . . is a long-standing problem."<sup>160</sup> In the List of Issues, the Committee requested that Ethiopia "elaborate upon measures to combat, prevent and eliminate the prevalence of child labour" and "specify whether the State party has adopted targeted measures to ensure that . . . children from disadvantaged and marginalized families are not engaged in child labour."<sup>161</sup> As noted above, to date, Ethiopia has not responded to the List of Issues. HRW reported that 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."<sup>162</sup> *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.<sup>163</sup>
71. In General Comment 13, the Committee emphasized that "the right to education can only be enjoyed if accompanied by the academic freedom of staff and students."<sup>164</sup> Ethiopia's Combined Reports contend that "[a]cademic freedom is . . . one of the main elements of the education system which has been afforded a special protection as per the provisions of the country's Higher Education Proclamation No. 351/2003."<sup>165</sup> 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."<sup>166</sup> HRW further reported that high-school students

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<sup>158</sup> Human Rights Watch, "Waiting Here for Death," *supra* note 67, at 49.

<sup>159</sup> *Id.* at 49.

<sup>160</sup> Combined Reports, *supra* note 22, paras. 195, 198.

<sup>161</sup> List of Issues, *supra* note 59, at 3, para. 15.

<sup>162</sup> Human Rights Watch, "Waiting Here for Death," *supra* note 67, at 49.

<sup>163</sup> *Id.* at 49.

<sup>164</sup> *General Comment No. 13*, *supra* note 150, para. 38.

<sup>165</sup> Combined Reports, *supra* note 22, para. 343.

<sup>166</sup> U.S. Dept. of State, Human Rights Reports, *Ethiopia*, *supra* note 40, at 25.



were subject to week-long school closures so that they would attend workshops on EPRDF government policy.<sup>167</sup> A student interviewed by HRW stated:

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?”<sup>168</sup>

HRW also reported that students above ninth grade were 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.<sup>169</sup> HRW reports that some students thought they needed EPRDF membership cards to be accepted to university.<sup>170</sup>

72. 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, an opposition political party.<sup>171</sup> 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.”<sup>172</sup>
73. Several members of the Oromo diaspora interviewed by The Advocates reported concern about unequal educational opportunities for Oromo students.<sup>173</sup> 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.<sup>174</sup>

“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

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<sup>167</sup> Human Rights Watch, *Development Without Freedom*, *supra* note 41, at 53.

<sup>168</sup> *Ibid.*

<sup>169</sup> *Id.* at 54.

<sup>170</sup> *Ibid.*

<sup>171</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora*, *supra* note 24, at 53.

<sup>172</sup> *Ibid.*

<sup>173</sup> *Id.* at 54.

<sup>174</sup> *Id.* at 55.

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."<sup>175</sup>

74. The Committee observed in General Comment 20 that "[l]anguage barriers can hinder the enjoyment of many Covenant rights," and therefore "States parties should ensure that any language requirements relating to . . . education are based on reasonable and objective criteria."<sup>176</sup> 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.<sup>177</sup> 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.<sup>178</sup> This testing practice disproportionately affects Oromos, reports HRW, 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.<sup>179</sup> Although Ethiopia's Combined Reports state that "the entrance requirement is lowered by two points for students applying from those less-developed regions such as Benishangul-Gumuz, Gambella, Afar and Somali as well as from pockets of pastoralist and semi-pastoralist areas of Southern and Oromia States,"<sup>180</sup> this adjustment cannot make up for such vast discrepancies in language instruction for nearly all Oromo students.

## H. Article 15: Right to Take Part in Cultural Life

75. Article 15 of the ICESCR recognizes the right of everyone "[t]o take part in cultural life."<sup>181</sup> Under article 15 of the ICESCR, State Parties "recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields."<sup>182</sup> In General Comment 21, the Committee observed that the right to culture "includes the right not to be subjected to any form of discrimination based on cultural identity, exclusion or forced assimilation, and the right of all persons to express their cultural identity freely and

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<sup>175</sup> *Id.* at 55 (footnotes omitted).

<sup>176</sup> *General Comment No. 20, supra* note 4, para. 21.

<sup>177</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora, supra* note 24, at 54.

<sup>178</sup> *Id.* at 55.

<sup>179</sup> *Ibid.*

<sup>180</sup> Combined Reports, *supra* note 22, para. 358.

<sup>181</sup> ICESCR, *supra* note 5, art. 15(1)(a).

<sup>182</sup> *Id.*, art. 15(4).

to exercise their cultural practices and way of life.”<sup>183</sup> Ethiopia’s Combined Reports state that the Cultural Policy adopted in 2004 “aims to ensure that all languages, historical and cultural heritages, fine arts, oral literatures and other features of nations, nationalities and peoples receive equal recognition, respect, preservation and conservation.”<sup>184</sup> In the List of Issues, the Committee requested that Ethiopia “provide information on legislative and other measures taken to protect, preserve and promote the cultural heritage and traditional way of life of minorities and indigenous peoples in the State party, including the Oromo and Anuak, and to facilitate the access to cultural goods and services, particularly for disadvantaged and marginalized individuals and groups.”<sup>185</sup> As noted above, to date, Ethiopia has not responded to the List of Issues.

76. In General Comment 20, the Committee observed that “[d]iscrimination on the basis of language . . . is often closely linked to unequal treatment on the basis of national or ethnic origin. Language barriers can hinder the enjoyment of many Covenant rights, including the right to participate in cultural life as guaranteed by article 15 of the Covenant.”<sup>186</sup> Although the EPRDF officially restored the Oromo’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.”<sup>187</sup> The Advocates has heard substantial evidence that Oromos are persecuted for the use of Oromiffa.<sup>188</sup> 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.”<sup>189</sup> “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.”<sup>190</sup>
77. The Government of Ethiopia has targeted Oromo public cultural figures for persecution.<sup>191</sup> “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.”<sup>192</sup> 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

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<sup>183</sup> Committee on Economic, Social and Cultural Rights, *General Comment No. 21: The Right of everyone to take part in cultural life*, United Nations Economic and Social Council, E/C.12/GC/21, para. 49.

<sup>184</sup> Combined Reports, *supra* note 22, para. 373.

<sup>185</sup> List of Issues, *supra* note 59, at 4, para. 26.

<sup>186</sup> *General Comment No. 20, supra* note 4, para. 21.

<sup>187</sup> The Advocates for Human Rights, *Human Rights in Ethiopia: Through the Eyes of the Oromo Diaspora, supra* note 24, at 60.

<sup>188</sup> *Id.* at 61.

<sup>189</sup> *Ibid.*

<sup>190</sup> *Id.* at 62.

<sup>191</sup> *Id.* at 62–63.

<sup>192</sup> *Id.* at 63.

Oromo cultural expression were at the heart of the . . . protests.”<sup>193</sup> One Oromo professor told The Advocates that Oromo arts, literature, and drama have been on the decline since the Government began targeting Oromo cultural elites.<sup>194</sup> Another Oromo leader reported to The Advocates that Oromo singers have been detained and beaten.<sup>195</sup> “Interviewees reported incidents of persecution of Oromo singers as a means to suppress Oromo culture and nationalism.”<sup>196</sup> “One Oromo in Minnesota reported that ‘you should not even listen to Oromo music.’”<sup>197</sup>

78. The Government of Ethiopia has done nothing to combat the widespread hostility Oromos face from members of other ethnic groups.<sup>198</sup> On a daily basis, Oromos are called “Galla,” a derogatory word for Oromo used by other ethnic groups.<sup>199</sup> The term reflects 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.”<sup>200</sup>
79. In General Comment 21, the Committee called on State Parties to “recognize and promote the essential role of international cooperation in the achievement of the rights recognized in the Covenant, including the right of everyone to take part in cultural life, and should fulfil their commitment to take joint and separate action to that effect.”<sup>201</sup> The Charities and Societies Proclamation of 2009 (No.621/2009), however, has discouraged international contacts and cooperation in cultural fields, in violation of Ethiopia’s obligations under article 15(4). Although the Proclamation has faced criticism from the Committee on the Elimination of Discrimination against Women, the Committee Against Torture, and the Committee on the Elimination of Racial Discrimination,<sup>202</sup> Ethiopia’s Combined Reports make no reference to the Proclamation.
80. Members of the Ethiopian diaspora are eager to maintain and develop cultural contacts with people in Ethiopia for the promotion of social and cultural rights. 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.”<sup>203</sup> According to a recent report by Amnesty International, “[t]he law also established a Charities and Societies Agency (CSA or the Agency) with broad discretionary powers over non-governmental organizations, including surveillance

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<sup>193</sup> *Id.* at 62.

<sup>194</sup> *Id.* at 63.

<sup>195</sup> *Ibid.*

<sup>196</sup> *Id.* at 63.

<sup>197</sup> *Ibid.*

<sup>198</sup> *Id.* at 64.

<sup>199</sup> *Ibid.*

<sup>200</sup> *Ibid.*

<sup>201</sup> *General Comment No. 21, supra* note 183, para. 56.

<sup>202</sup> Amnesty International, *Stifling Human Rights Work: The Impact of Civil Society Legislation in Ethiopia* (March 2012), at 11, available at <http://files.amnesty.org/archives/afr250022012eng.pdf> (last accessed 12 March 2012).

<sup>203</sup> *Id.* at 7.

and direct involvement in the management and operations of organizations, which could amount to undue interference.”<sup>204</sup> Amnesty International has documented the negative effects of the Proclamation on many human rights organizations, including Ethiopia’s leading human rights organizations.<sup>205</sup> The law has impeded civil society submissions to the Committee on Economic, Social and Cultural Rights and other U.N. Treaty Bodies.<sup>206</sup> 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 co-operation.

### **III. Recommendations**

81. There are no simple solutions to the violations of rights afforded to disadvantaged ethnic groups under the ICESCR described above. Many of the most serious violations, such as those resulting from forced relocations and “villagization” in Gambella and elsewhere, or those resulting from political indoctrination in schools, result from systematic efforts by the Ethiopian government to exert near-absolute control over its people. Such control has resulted from decades of calculated human rights abuses, such as suppression and violence against political dissent during the 2005 and 2008 national elections.
82. The Ethiopian Government should immediately impose a moratorium on the villagization program and begin an in-depth consultation process with the peoples living in areas targeted for villagization. This consultation process should explore all feasible alternatives to forced relocation, consistent with General Comment No. 7. Individuals who have already been relocated as part of the villagization program should be offered the option of returning or receiving adequate compensation for their loss of use of property. The Government should make every effort to ensure that all future relocation is entirely voluntary and based on full and accurate disclosure of the benefits and disadvantages of relocation.
83. The Ethiopian Government should adopt measures to ensure that all people, regardless of whether they hold title to land, are compensated for loss of the use of land.
84. The Ethiopian Government should establish transparent mechanisms to ensure that any relocations are truly voluntary, and that the “new” villages have the infrastructure required to protect and promote rights under the ICESCR. Such infrastructure must include, at a minimum, working health clinics, schools, and the means to maintain a livelihood. The Ethiopian Government should immediately ensure that individuals who have been relocated through the villagization program receive adequate food, water, and health care. The Government should ensure that no children are forced to perform labor in order to receive education or to sit for examinations.

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<sup>204</sup> *Id.* at 8.

<sup>205</sup> *Id.* at 12–26.

<sup>206</sup> *Id.* at 20–21.

85. The Ethiopian Government should ensure that every agricultural investment program prioritizes local food and water security over the production of cash crops for export. The Ethiopian Government should further undertake to ensure that all commercial agricultural investment programs comply with the World Bank's *Principles for Responsible Agricultural Investment*.
86. The Ethiopian government should cease interfering with efforts by members of ethnic groups, such as the Oromo, to form groups to advocate for self-determination.
87. The Ethiopian Government should stop interfering with the rights of disadvantaged ethnic groups and people not affiliated with the EPRDF to obtain employment and seek promotions, especially in the civil service sector. The Government should cease explicit and tacit tactics of political indoctrination of workers and students. The Government should ensure that Oromo business people are able to conduct their business without police harassment or political interference.
88. The Ethiopian Government should ensure that the right to form and join trade unions is not subject to political inference.
89. The Ethiopian Government should cease using politically motivated local administrative bodies to control *woredas* and *kebeles*. It should also ensure that no person is required to demonstrate EPRDF allegiance in order to receive government food and housing aid and agricultural assistance.
90. The Ethiopian Government should ensure that all primary school students have access to high quality education. The Government should further ensure that all students have access to extended instruction in English and Amharic prior to sitting for national examinations. The Government should take additional measures to improve the quality of primary education in rural areas and should ensure that primary school students in rural areas are provided with all necessary school supplies.
91. The Ethiopian Government should prohibit all forms of language-based discrimination in education and employment and should launch a campaign to combat formal and informal discrimination against Oromos.
92. The Ethiopian Government should take measures to combat human trafficking, particularly among rural populations and disadvantaged ethnic groups, and should provide counseling and support to victims of human trafficking.
93. The Ethiopian Government should repeal the Charities and Societies Proclamation of 2009 and take affirmative steps to promote social and cultural cooperation between disadvantaged ethnic groups living in Ethiopia and the Ethiopian diaspora. The Government should take steps to promote and encourage the arts, literature, drama, and music of the Oromo and other disadvantaged ethnic groups.

94. Finally, incorporated herein by reference are the specific recommendations made by Human Rights Watch to the Government of Ethiopia in its 2012 report entitled *'Waiting Here for Death' – Displacement and 'Villagization' in Ethiopia's Gambella Region*,<sup>207</sup> concerning the rights afforded to disadvantaged ethnic groups under the ICESCR; specific recommendations made by Human Rights Watch to the Government of Ethiopia in its 2010 report, *Development Without Freedom – How Aid Underwrites Repression in Ethiopia*,<sup>208</sup> concerning the rights afforded to disadvantaged ethnic groups under the ICESCR; and specific recommendations made by Human Rights Watch to the Government of Ethiopia in its 2010 report, *'One Hundred Ways of Putting Pressure' – Violations of Freedom and Expression and Association in Ethiopia*, concerning the rights afforded to disadvantaged ethnic groups under the ICESCR.

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<sup>207</sup> Human Rights Watch, *"Waiting Here for Death," supra* note 67, at 6–7.

<sup>208</sup> Human Rights Watch, *Development Without Freedom, supra* note 41, at 8.