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# HUMAN RIGHTS COUNCIL

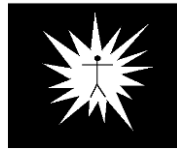


## **The Impact of the CSO Proclamation on the Human Rights Council**

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## Summary

In 2008 there were 127 rights-based, non-governmental organizations operating in Ethiopia.<sup>1</sup> Largely dependent on foreign donor assistance, Ethiopia's nascent human rights community acted as a bulwark against the rapidly deteriorating respect for civil liberties and political rights in Ethiopia. However, with the advent of Proclamation 621/2009 (CSO Proclamation) – which prohibits national, rights-based NGOs from receiving more than 10 percent of their funding from foreign sources and provides the government with a powerful tool of supervision and obstruction – Ethiopia's once vibrant human rights community is on the verge of extinction. While specific statistics are not available, today, with international human rights organizations barred from working in Ethiopia and national human rights organizations denied access to foreign funding, it can be assumed that numerous human rights organizations have been forced to rescind their human rights mandate or dissolve completely.<sup>2</sup>

The Human Rights Council (HRCO), as the first and only national, independent civil society organization (CSO) mandated to monitor, investigate and report on human rights in Ethiopia, resolved not to rescind its right-based initiatives following the adoption of the CSO Proclamation in 2009. This decision, to forgo most foreign funding in exchange for authorization to continue conducting human rights activities, has significantly reduced HRCO's capacity to discharge its mandate. Due to an 80 percent reduction in staff, HRCO has been forced to either dissolve or reduce all of its operations and programs. The resulting decrease in exposure and institutional capacity has greatly reduced the Council's ability to provide essential rights-based services to Ethiopian denizens and combat oppressive and unconstitutional legislation introduced by the Federal Democratic Republic of Ethiopia (FDRE) Government. While this report focuses primarily on how the passage of Proclamation 621/2009 has adversely affected the Human Rights Council, it should be not forgotten that the true victims of the government's crackdown on independent human rights activity are the millions of Ethiopians who are now deprived of the protections, information and resources previously provided by international and national human rights organizations.

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<sup>1</sup> "Updated Mapping Study of Non State Actors in Ethiopia" European Commission Civil Society Fund in Ethiopia, September 2008, 3 July 2011  
<[http://eeas.europa.eu/delegations/ethiopia/documents/eu\\_ethiopia/ressources/main\\_report\\_en.pdf](http://eeas.europa.eu/delegations/ethiopia/documents/eu_ethiopia/ressources/main_report_en.pdf)>.

## Background

In 1991, to fill the human rights void created by 17 years of military rule, Professor Mesfin Wolde Mariam initiated a movement to establish Ethiopia's first human rights defenders organization. Composed entirely of private citizens, the Human Rights Council's founding members represented a diverse stratum of Ethiopian society including intellectuals, academics, professionals and businesspersons.<sup>3</sup> Encouraged by the fledgling Ethiopian People's Revolutionary Democratic Front (EPRDF) Government's pledge to respect human rights and adopt all international conventions relating to good governance, HRCO's pioneering members formulated an ambitious mandate to defend and promote human rights. The subsequent ratification of the progressive 1995 FDRE Constitution further emboldened HRCO's expanding membership to advocate for the implementation of the Constitution's human rights provisions. However, despite HRCO's early sanguinity regarding the prospect of the formation of a just and open society wherein human rights are respected, the EPRDF's initial rhetoric of rights has not manifested in concrete action or genuine cooperation with Ethiopia's independent human rights organizations.

Since its establishment on October 10, 1991, HRCO has been subjected to varying degrees of government interference and obstructionism. From 1991-1998, behind specious claims that Ethiopia's legal framework was ill-equipped to supervise the establishment of a national human rights organization, the incipient government repeatedly denied HRCO's requests for official registration. Without legal personality or access to foreign funding, HRCO's all-volunteer staff conducted human rights monitoring and reporting from a small office in Addis Ababa. However, the government flatly refused to cooperate with the Council.

Beginning in 1998, HRCO, given legal personality, experienced unparalleled growth. With access to foreign funding and a relatively high degree of institutional independence, HRCO was able to greatly expand its reach through the establishment of additional branch offices and hiring of new employees. During this period, government obstructionism and oppression manifested in the intimidation of HRCO employees and a general unwillingness to cooperate with requests from HRCO staff.

The precipitous deterioration of the relationship between civil society and the EPRDF dominated government and the attendant increase in government scrutiny

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<sup>3</sup> In this article, the Human Rights Council (HRCO) is also referred to as "the Council." Formerly, the official title of Human Rights Council was the "Ethiopian Human Rights Council (EHRCO)." However, in accordance with the requirements of the Civil Society Agency, in 2009, the Council was forced to remove the prefix "Ethiopian" from its title.

and repression are generally attributed to the events surrounding the May 2005 National Elections. The elections, which were widely cited as the freest in Ethiopian history, resulted in the loss of over 100 parliamentary seats for the ruling EPRDF coalition and saw the near complete forfeiture of Addis Ababa, the country's economic and political capital.<sup>4</sup> However, in the belief that the margin of victory was much actually higher than officially reported and citing a severe lack of transparency in the results, in June and November 2005, student-led protests erupted across Addis Ababa. The demonstrations, wherein thousands were detained without a judicial warrant and an estimated 193 civilians were murdered, were attributed to the incendiary work of journalists, human rights activists and members of the opposition.<sup>5</sup> This view, that civil society organizations are the "opposition in disguise" has motivated the government to take increasingly prejudicial and obstructionist stances against the Ethiopian human rights community.<sup>6</sup>

Following the demonstrations, dozens of Ethiopian human rights activists, including HRCO staff, were arbitrarily detained on trumped up charges including treason and genocide. Fearing further government reprisal, three HRCO human rights investigators fled the country. However, despite increased occurrences of unlawful arrest, harassment and abuse perpetrated by government officials against the Council's employees following the 2005 elections, HRCO, without the passage of legislation institutionalizing and legalizing suppression of civil society, was able to operate at a high capacity.

The passage of Proclamation 621/2009 by the House of Peoples' Representatives in late 2009 marked a seismic shift in official government policy towards national and international NGOs in general and HRCO in particular. Initially proposed in 2007, the final draft of the CSO Proclamation has given the FRDE Government a powerful tool to intrude in the internal affairs of HRCO and significantly frustrate its activities. The FRDE government, with the passage of the CSO Proclamation has succeeded in nearly destroying a once vibrant human rights community in Ethiopia.

## **Restrictive and Intrusive Measures Imposed by the CSO Proclamation**

In 2007, citing the need to update the obsolescent 1966 Associations Registration Regulation, the FDRE Government issued draft legislation governing the development and duties of NGOs operating within Ethiopia. The initial bill, which

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<sup>4</sup> "Ethiopia" U.S. Department of State: Bureau of Democracy, Human Rights, and Labor, 8 March 2008, 25 June 2011 <<http://www.state.gov/g/drl/rls/hrrpt/2005/61569.htm>>.

<sup>5</sup> "Ethiopia Row over 'Massacre' Leak" BBC News. 16. Oct 2006 <<http://news.bbc.co.uk/2/hi/africa/6067386.stm>>.

<sup>6</sup> Peter Gill, *Famine and Foreigners: Ethiopia Since Live Aid* (New York: Oxford University Press, 2010) 152.

allowed for byzantine prison sentences for trifling administrative infractions, was met with considerable objection by members of the international community. In 2008, the Ministry of Justice (MOJ) invited several national NGOs, including HRCO, to participate in discussions on the revised draft proclamation. However, the ostensible inclusivity of the gesture was undermined by the fact that most invited NGOs only received the draft legislation three days prior to the event and were therefore unable to lodge a detailed case against the many restrictive and intrusive provisions on the bill. While the MOJ excised several particularly draconian provisions from the final version of the bill, Proclamation 621/2009 preserved several of the original draft's obstructionist and prejudicial articles. As will be discussed in the pages below, despite the Government's professed aim of promulgating "a law to aid and facilitate the role of Charities and Societies in the overall development of Ethiopian peoples," the Proclamation creates a number of seemingly insurmountable obstacles including numerous debilitating restrictions on funding, several measures for observation and onerous penalties for noncompliance.<sup>7</sup> Taken together, the CSO Proclamation is an active assault on CSOs operating in Ethiopia and is in direct contravention of several international human rights instruments as well as the FRDE Constitution which unequivocally provides for the right to free association.

## **Limitations on Funding**

According to the CSO Proclamation, only "Ethiopian Charities and Societies", defined as organizations that are "wholly controlled" by Ethiopians and "which receive not more than 10 percent of their funding from foreign sources" are permitted to work on seven rights-based issues including children's rights, gender issues, rights of the disabled, conflict resolution, human rights, democratization and promotion of the rule of law.<sup>8</sup> The Proclamation's definition of foreign sources is extremely broad, encompassing the governments, agencies and companies of foreign countries as well as international agencies, groups and individuals residing in a foreign country.<sup>9</sup> In Ethiopia, where domestic fundraising opportunities are extremely limited, these restrictions illegalize international human rights organizations and have amounted to the near cessation of independent, national human rights activity.

In addition to restricting foreign funding, the Proclamation puts several onerous circumscriptions on domestic fundraising activities. According to the Proclamation,

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<sup>7</sup> "Proclamation 621/2009," Preamble.

<sup>8</sup> "Proclamation No. 621/2009," Article 2, Sub-article 2.

<sup>9</sup> "Proclamation No. 621/2009," Article 2, Sub-article 15.

all income generating activities must be sanctioned by the Civil Society Agency (CSA) (the government organ tasked with overseeing implementation and adherence to the CSO Proclamation).<sup>10</sup> Without a determined period by which the CSA must make a decision or a provision defining acceptable modes of domestic resource mobilization, Article 103 gives the CSA unfettered power to deny or delay a CSO's proposal. This arbitrary provision amounts to little more than a tacit attempt to undermine NGO's capacity to raise funds domestically.

The CSO Proclamation also dictates that 70 percent of a CSO's budget must be allocated for program activities, while the remaining 30 percent can be used for administrative purposes.<sup>11</sup> The high rate of inflation in Ethiopia makes it nearly impossible to adhere to this apportionment. The fines that can be imposed for violating this provision of Proclamation No. 621/2009 are devastatingly severe. According to Article 102, CSOs that are in violation of the 30/70 allocation for administration and operational costs are required to pay a fine up to 10,000 Birr.<sup>12</sup>

## **Bureaucratic and Obstructionist Measures**

Many of the provisions of the CSO Proclamation grant the CSA excessive and unlawful powers to intrude in the internal affairs of CSOs. Article 85 of the Proclamation permits the CSA to enter the premises of any CSO without a court-ordered warrant, search the property, take-away original documents and interrogate employees.<sup>13</sup> This provision, which permits the CSA to conduct such inquiries from "time to time" or "for particular purposes," allows the CSA to intimidate members of CSOs and illegally confiscate sensitive and confidential documents at will.<sup>14</sup>

Moreover, the Proclamation provides the government with the means to monitor and control the operations of CSOs. Proclamation 621/2009 designates the General Assembly of CSOs as the "supreme and final decision making organ" and empowers it to "enact and amend the rules of the Society" and decide on the "dissolution of the Society."<sup>15</sup> All CSOs must notify the CSA at least seven days prior to the holding of a General Assembly meeting on the time and place of the meeting.<sup>16</sup> The Proclamation also establishes Sector Administrators (i.e. government institutions appointed to help charities and societies implement provisions of the law) which have the power

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<sup>10</sup> "Proclamation No. 621/2009," Article 103, Sub-article 1.

<sup>11</sup> "Proclamation No. 621/2009," Article 88, Sub-article 1.

<sup>12</sup> "Proclamation No. 621/2009," Article 102, Sub-article, Section d.

<sup>13</sup> "Proclamation No. 621/2009," Article 85.

<sup>14</sup> "Proclamation No. 621/2009," Article 85.

<sup>15</sup> "Proclamation No. 621/2009," Article 56, Sub-article 1, Section 6.

<sup>16</sup> "Proclamation No. 621/2009," Article 86.



to supervise and control operational activities of charities and societies. Taken together, these provisions provide a substantial means of surveillance and executive authority to the FDRE Government.

## **Penalties for Non-compliance**

The CSA also has the power to suspend or revoke the license of a registered CSO if it concludes that the CSO in question has failed to comply with any of the “regulations or directives” outlined in the proclamation.<sup>17</sup> The complexity and number of obligations set out in the proclamation make it nearly impossible for CSOs to adhere to all of the provisions of the Proclamation. The provision thereby provides the Government with a powerful tool to arbitrarily dissolve organizations.

Moreover, the CSO Proclamation establishes several draconian and exorbitant financial penalties for violating provisions of the law. Organizations which fail to record the source and amount of money received during the fiscal year can be fined from 20,000-50,000 EBT.<sup>18</sup> Additionally, an organization which fails to furnish its personal bank account information will be expected to pay penalties up to 100,000 EBT.<sup>19</sup> Such severe punishments, if enforced, would drastically reduce the budget of most national rights-based NGOs consigned to domestic resource mobilization.

Despite the unrestrained power granted to the CSA and the arbitrary nature of several Articles of the Proclamation, CSOs’ right to appeal is extremely restricted. According to Article 105, CSOs are only permitted to appeal a judgment of the Board of the CSA within 15 days of official notification.<sup>20</sup> The same time constraint is imposed on NGOs which wage appeals to the Federal High Court. This provision amounts to a severe denial of access to justice and greatly reduces the capacity of CSOs to mount a detailed case.

## **Specific Limitations and Restrictions Experienced by HRCO**

In 2009, roughly 120 national NGOs conducting rights based activities were given a binary choice: terminate all human rights activity in return for eligibility for foreign funding or continue conducting human rights activities and forgo most international

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<sup>17</sup> “Proclamation No. 621/2009,” Article 76, Sub-article 3, Section b.

<sup>18</sup> “Proclamation No. 621/2009,” Article 102, Sub-article 2, Section a.

<sup>19</sup> “Proclamation No. 621/2009,” Article 102, Sub-article 2, Section c.

<sup>20</sup> “Proclamation No. 621/2009,” Article 104, Sub-article 1.

financial assistance.<sup>21</sup> While many organizations withdrew their right-based operations and programs, HRCO refused to relinquish its human rights mandate. In retaliation for this perceived recalcitrance, the Civil Society Agency has taken several arbitrary and unfounded measures to destabilize HRCO's operations. Coupled with the limitations and restrictions imposed by the CSO Proclamation, the CSA's deliberate attempts to undermine HRCO's capacity to function at a high level have been extremely prejudicial. The following is a brief look at how the CSO Proclamation and the CSA's obstructionist actions have led to a rapid decline in HRCO's ability to discharge its mandate.

## **The Registration Process and its Adverse Outcomes**

In 2009, the CSA required all national civil society organizations to reregister with the Ministry of Justice in accordance with the articles of Proclamation No. 621/2009. Despite HRCO's punctilious adherence to the conditions of the CSO Proclamation, reregistration, which according to the CSA was supposed to be completed in four hours, lasted for forty days.

Article 69 of the CSO Proclamation states that the CSA may deny registration to a CSO "where the nomenclature of the Charity or Society is country wide and the composition of its members or place of business do not show the representation of at least five regional states."<sup>22</sup> Lacking the resources to maintain the requisite number of branches, HRCO was not eligible for regional status. Consequently, the CSA informed the Council that it must omit the prefix, "Ethiopian," from its official title. While the title of an organization may seem immaterial, over the past twenty years the name "EHRCO" has become synonymous with promoting and protecting human rights in Ethiopia. The forfeiture of its name means the loss of a brand and a significant reduction in exposure.

## **The Freezing of Accounts**

Before registration began in 2009, various government officials assured the CSO community that existing NGOs would be able to operate unencumbered until the one year transition expired in January 2010. Proclamation No. 621/2009 also

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<sup>21</sup> "Updated Mapping Study of Non State Actors in Ethiopia" European Commission Civil Society Fund in Ethiopia, September 2008, 3 July 2011.

<sup>22</sup> "Proclamation No. 621/2009," Article 57, Sub-article 6.

permitted a grace period of one year after coming into force wherein a CSO could make the necessary amendments to their mandate and operational activities. However, the CSA, by a letter written in December 2009, directed four private banks to freeze all of HRCO's assets including its private bank accounts and sustainability fund. The letter, which was written three days before the CSA issued the Council's license, was received by HRCO six days later.

According to the CSA's letter, the justification for freezing HRCO's accounts was that, "a charity cannot change into an Ethiopian charity while still in possession of the funds, assets and property it has acquired from external sources." However, the CSA did not secure a court-ordered warrant permitting it to freeze HRCO's assets nor does the CSO Proclamation give the CSA the authority to block HRCO's bank accounts.

The Council has written numerous letters to the CSA protesting the freezing of its accounts. In light of the unfavorable response the Council received, HRCO elected to appeal to the Board of the CSA. The Board exhorted the CSA to hear the case on Dec. 7, 2010. While the board's verdict was announced to Fortune Newspaper in early 2011, it was only officially communicated to HRCO on April 19, 2011. Since the Board's decision upholds the CSA director's directive to freeze HRCO's accounts, HRCO's Executive Committee has decided to take the case to federal court.

## **Limitations to Domestic Fundraising Opportunities**

The financial difficulties resulting from the paucity of foreign funding allowed under the CSO Proclamation is exacerbated by the fact that financial support from within Ethiopia has always been extremely limited. HRCO membership fees, which were kept necessarily low to encourage people to join, are insufficient to fund HRCO's overall budget. Furthermore, domestic fundraising activities conducted by HRCO were rarely fruitful. Prior to the 2009, the Council organized several artistic performances and dinner functions. However, due to low public and community turnout, these efforts were rarely profitable.

Moreover, Article 77 decrees that, "Charities and Societies may not receive anonymous donations and shall at all times keep records that clearly indicate the identity of donors."<sup>23</sup> It is HRCO's position that this provision was designed with the specific aim of discouraging members of the public from joining and supporting domestic NGOs. In light of several well documented cases exposing government

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<sup>23</sup> "Proclamation No. 621/2009," Article 77, Sub-article 3.

reprisal for individual dissonance and public association, citizens are disinclined to openly support HRCO.

## **Reduction in Staff and Branches**

Prior to 2009, the Council maintained a policy of operating with a relatively lean staff while expanding its branch offices. In 2008, HRCO employed 58 persons in 3 departments and 8 sub-units. With adequate staff and a high level of synergy among the different departments, HRCO was able to establish 12 branches in most regions of the country including Arba Minch, Assela, Bahir Dar, Dessie, Dire Dawa, Gambella, Gonder, Hawassa, Jimma, Jijiga and Mekele and Nekemte. Strategically placed in several high-risk areas, the branches, with oversight from HRCO's head office in Addis Ababa, created an extensive communication web wherein vital information was communicated and analyzed expeditiously.

However, following the adoption of Proclamation No. 621/2009 and the absconding of nearly half of HRCO's staff members in fear of government reprisals, including HRCO's former director, the Council has been forced to drastically reduce its staff and disband many of its branch offices. Currently, HRCO is operating with a total of twelve staff members at its head office and three branches. The staff, which has seen a significant reduction in their salary, has also lost their insurance coverage and transportation allowance. In addition, due to the disproportionate 30/70 allotment, HRCO has been forced to cutback many essential services. Among other reductions, HRCO employees are limited to 30 minutes of internet access per day and the budget for telephone communication has been reduced four-fold to a paltry 120 Birr per month per office. All of these cutbacks have greatly reduced HRCO's ability to communicate with victims of human right violations and obtain crucial information.

The reduction in HRCO's institutional capacity resulting from the loss of several experienced and knowledgeable staff members is compounded by difficulties encountered in hiring new, qualified staff members. The pool of applicants, already greatly diminished by a strong contagion of fear, is further reduced by demands among potential employees for salaries beyond the Council's current capacity. As will be discussed in the following sections, due to the reduction in staff, several activities cannot be implemented and employees are obliged to take on added responsibilities which were previously delegated to different departments.

## **Hindrances to the Human Rights Council's Program Activities**

Since its inception, HRCO has maintained three inseparable objectives aimed at promoting and defending the human rights enshrined in the FDRE Constitution and international human rights instruments ratified and adopted by the Ethiopian Government. Since 1991, these objectives, including striving for the establishment of a democratic system, promoting the rule of law and due process and encouraging and monitoring respect for human rights in Ethiopia, have been the basis of HRCO's initiatives. In order to actualize its objectives, HRCO has undertaken diverse operational activities and maintained a policy of formulating adaptive strategies and action plans. The scope of these activities is largely contingent upon the human and financial resources available to the Council, the degree of interference and harassment waged by the government and the evolving state of the human rights infrastructure and social welfare services in Ethiopia.

Prior to the passage of Proclamation 621/2009, access to sufficient funding and a relatively high degree of institutional independence allowed HRCO to employ a holistic and multifaceted approach to promoting and protecting human rights and combating the unrestrained culture of impunity in Ethiopia. At HRCO's head office in Addis Ababa and at several of its branch offices, victims of human rights abuse could report their violation to a human rights investigator, receive legal counseling and enlist the support of members of HRCO's Legal Aid Unit in the composition and submission of pleadings. If the victim's case went to court it was likely that the court proceedings were being monitored by HRCO employees and in the event that the accused person was incarcerated, HRCO was monitoring prison conditions of several Addis Ababa penal institutions.

However, due to the CSO Proclamation's restriction on domestic and international fundraising activities and the obstructionist measures taken by the CSA, HRCO has been forced to greatly scale back many of its initiatives and completely disband others. The following is only a cursory comparison of HRCO's operations before and after the adoption of the CSO Proclamation and the establishment of the CSA.

### **Discontinued Departments and Units**

Forthwith is a list of departments and units which HRCO has been forced to formally discontinue as a result of decreased funding and limitations resulting from the passage of the CSO Proclamation and reregistration process.

- Branch and Membership Affairs Department
- Communications & External Relations Department
- Advocacy and Human Rights Education Unit
- Legal Support Unit
- Planning & Project Development Service Unit

The impact of the discontinuation of these departments on HRCO's ability to provide crucial information, protections and services to Ethiopia's denizens and ensure the sustainability of its programs has been devastating. These closures not only detract from HRCO's capacity to effectively carryout its mandate, but have also proved particularly deleterious to HRCO's efforts to combat the pernicious effects of the CSO Proclamation and reestablish relationships with national and international stakeholders. While HRCO has officially disbanded the aforesaid departments and units, the Council's remaining staff members have taken on many of the responsibilities formerly delegated to these organs. As will be discussed in the following pages, the capacity of HRCO's remaining overburdened and understaffed departments to effectively implement the Council's actions plans has been greatly reduced.

## **Human Rights Monitoring Investigating and Reporting**

As the first national non-governmental organization (NGO) mandated to monitor and investigate human rights violations in Ethiopia, issuing reports became HRCO's flagship operation. Extolled for their objectivity and accuracy, these reports are commonly employed as source documents for intergovernmental, international and national organizations. In 2008, 16 junior and senior human rights investigators at HRCO's head office in Addis Ababa and its 12 branch offices received, documented and investigated over 9000 reports of human rights abuse.<sup>24</sup> To date, HRCO has issued 34 regular and 117 special reports.<sup>25</sup>

From the outset, HRCO has maintained a policy of presenting well researched and unbiased reports. However, despite their veracity and credibility, HRCO's special and regular reports have traditionally been a major source of contention between the government and the Council. Government officials routinely rebuff invitations from HRCO investigators to discuss reports of human rights violations. Attempts to

<sup>24</sup> Human Rights Council, "Highlights of Major Activities Conducted in the Year 2008" 2008.

<sup>25</sup> Human Rights Council, "34<sup>th</sup> Regular Report: The Human Rights Situation in Ethiopia," Nov. 2010.

secure essential documents and information detailing official responses to allegations of human rights abuses are also generally met with significant resistance. Furthermore, the government steadfastly refuses to accept HRCO's thematic and general reports and on several occasions has discounted them as fabricated or partisan.

In light of the recent illegalization of international human rights activity in Ethiopia, HRCO, as the only national, independent organization mandated to conduct human rights monitoring and reporting, has directed much of its remaining resources to ensure the survival of its Human Rights Monitoring and Investigation Department. While HRCO currently only has the means to employ three investigators, the Human Rights Monitoring Department continues to publish impartial and accurate reports.

## **Human Rights Education**

As part of its initiative to reduce the severe rights awareness deficit in Ethiopia, HRCO previously conducted a number of human rights education seminars and specialized training workshops in targeted *kebeles* throughout Ethiopia. While students and community leaders were encouraged to participate, HRCO's human rights education seminars were developed with the specific aim of raising awareness of good practices and human rights standards among public servants, police officials and members of the judiciary. Initially, ranked officials were reluctant to recommend participants to the Council's education programs. However, in recognition of the utility of the seminars, government willingness to recommend officials grew considerably. In 2009, 1034 people partook in two rounds of seminars.<sup>26</sup>

Due to sizeable budget cuts, in 2010 HRCO was forced to formally disband its Advocacy & Human Rights Education Unit. Attempts by members of the Human Rights Monitoring and Investigation Department to conduct human rights training programs have been severely hampered by the renewed truculence of city administrators responsible for approving the seminars and recommending participants. In February 2010, preparations for a human rights seminar for prosecutors, judges, prison officials at HRCO's branch in Nekemte City, Oromiya Region were met with severe scrutiny and uncooperativeness among city officials. In light of these limitations, HRCO was only able to service 31 participants.

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<sup>26</sup> Human Rights Council, "Biannual Activity Report (January 1-June 30, 2009)," July 2009.

## **Election Monitoring and Voter Education**

With a view to establishing a transparent democratic system, HRCO was previously engaged in monitoring and reporting on the electoral process. Prior to 2008, the Council trained and dispatched observers to monitor general and local elections. In 2005, the last year for which data is available, HRCO deployed 1550 observers across Ethiopia.<sup>27</sup> Additionally, the Council has published alternative reports assessing Election Day procedures and governmental compliance with Ethiopia's electoral laws and directives contained in the National Election Board's election manual.<sup>28</sup>

During election years, the Council was also mandated to organize voter education programs. These activities, which included public forums and seminars on electoral laws for journalists, civic organizations and representatives of political parties, were designed to encourage citizens to participate in the electoral process and enhance awareness and conversance of electoral and democratic processes. From 2003-2006 HRCO gave civic and voter education to over half a million persons in 195 centers.<sup>29</sup>

Despite HRCO's strict adherence to the rules and regulations governing election observation and voter education and a steadfast commitment to neutrality, the government was unfailingly censorious of the Council's election initiatives and reports. Such hostility is evidenced by the fact that the Government removed HRCO's election observation and voter education programs from its statute when it reregistered in 2009.

## **Documentation and Library Services**

HRCO's head office and its regional branches in Bahir Dar and Hawassa have established extensive Human Rights Research Centers. Proffering human rights reports, texts and manuals not readily available in Ethiopia, the centers have proved a useful resource for academics, civil servants, university students as well HRCO members, employees and denizens of the community.

As a result of the plethora and availability of relevant and current human rights documents, HRCO's Hawassa and Bahir Dar Research Centers have become community staples. In Hawassa, where 3,500 people used the Human Rights

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<sup>27</sup> Human Rights Council, "Highlights of the First Three Years (2003-2005) Strategic Plan Performance."

<sup>28</sup> Human Rights Council, "The 2001 Ethiopian Local Elections: A report on EHRCO's Monitoring Activities and Findings," April 2001.

<sup>29</sup> Human Rights Council, "Highlights of the First Three Years (2003-2005) Strategic Plan Performance" (2).



Research Center for reference and research on human rights and related topics in 2009, it is not uncommon to see scores of people of all ages, jostling for space amid the Resources Centers comprehensive collection.<sup>30</sup> Such sustained enthusiasm will undoubtedly wane and the Ethiopian human rights community will lose a valuable resource if HRCO is unable to provide germane and contemporary resources.

## **Legal Aid**

Previously, HRCO was engaged in the provision of free legal service to victims of human rights violations. Through its Legal Support Unit, HRCO informed victims of their rights and on the options and services available for redress. In the event that a plaintiff presented a justiciable claim, staff lawyers from the Legal Support Unit would assist the claimant in submitting the case to the appropriate judicial body in the form of petitions and pleadings. In 2009, HRCO provided 750 complainants with free legal counsel.<sup>31</sup>

However, despite the integrality of legal aid to HRCO's vision of offering comprehensive solutions to human rights violations, due to a lack of funding, HRCO has been forced to formally terminate the Legal Support Unit. Currently, HRCO's director and qualified members of the Human Rights Monitoring and Investigation Department are giving free legal counsel to victims of human rights abuses.

## **Conclusion**

The issues discussed in this report are a direct result of the policies enacted by the current Ethiopian Government. The passage of Proclamation 621/2009 is both an active assault on independent human rights activity in Ethiopia and clear perversion of the FRDE Constitution which unequivocally provides for the right to free association. Due to the severe limitations on foreign funding and several obstructionist and intrusive measures included in the final draft of the CSO Proclamation, Ethiopia has seen the near cessation of independent human rights activity.

The Human Rights Council, as the only remaining non-governmental organization conducting human rights monitoring, investigation and reporting in Ethiopia, has been subjected to discriminatory financial limitations and organizational restrictions. Among other illegal actions taken by the CSA, the freezing of HRCO's private

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<sup>30</sup> Human Rights Council, "2009 Annual Activity Report," January 2010.

<sup>31</sup> Human Rights Council, "2009 Annual Activity Report," January 2010.

accounts has led to a reduction in HRCO's capacity to effectively promote the respect of human rights in Ethiopia. However, while these actions do not engender hope that the future bodes well for the Council, HRCO, with added support, will continue to advocate for the establishment of a democratic society where human rights and the rule of law are respected.