

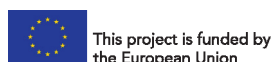
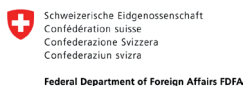
ETHIOPIA

The 2019 CSO Law:
Winds of change for human rights
defenders in Ethiopia?

Briefing Note



April 2019



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The 2019 CSO Law: winds of change for human rights defenders in Ethiopia?

1. Introduction

Over the last decade, Ethiopian civil society organisations (CSOs) underwent serious challenges. In the wave of crackdown civil society that followed the 2005 highly controversial general elections, a deep worsening in the human rights situation in the country was accompanied by an increase in the repression against organisations denouncing human rights abuses. In 2008 alone, more than 9,000 cases of human rights abuses were documented, including 435 cases of extra-judicial killings, 475 cases of unlawful detention and 201 cases of torture¹. In the following years, 158 CSOs were shut down, 17 changed their mandate switching their focus away from human rights², and several others drastically reduced the scope of their operations.

In this period, the adoption of three draconian laws, the 2008 Freedom of the Mass Media and Access to Information Proclamation³, the 2009 Proclamation to Provide for the Registration and Regulation of Charities and Societies⁴ and the 2009 Anti-Terrorism Proclamation⁵, was particularly responsible for the rapid shrinking of the civic space in the country, leaving scars still visible in the current process of reform.

After more than ten years of repression, the civic space in Ethiopia slowly began to open in February 2018, when three years of social unrest culminated into the resignation of former Prime Minister Hailemariam Dessalegn. Abiy Ahmed, nominated Prime Minister in April 2018, initiated a process of reforms, targeting in particular those three laws which had been the most instrumental in the repression of civil society movements in the past ten years. In July 2018, a 13-member Law and Justice Advisory Council was appointed with the task of reviewing the CSO Law, the Anti-terrorism Law and the Media Law. The first of the three reforms, concerning the revision of the CSO Law of 2009, was finally concluded in February 5, 2019.

This briefing note will focus on this process of reform, by providing a preliminary analysis of the new text and assessing its potential impact on CSOs' work in Ethiopia. After briefly analysing the political context in the country in the past two decades, it will discuss the main provisions of the 2009 CSO Law and its impact on the Ethiopian civic space in the past decade. Based on this framework, the briefing note will then analyse how the revised law partially addresses the concerns raised by the previous text.

2. Political and legal background

The ruling party Ethiopian People's Revolutionary Democratic Front (EPRDF) has been in power since the overthrow of the military government in 1991. Between 1995 and 2005, three general elections were held in the country, attributing more and more seats in Parliament to the EPRDF among widespread claims of fraud⁶. After the highly controversial 2005 elections,

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- 1 See The Association for Human Rights in Ethiopia "Ailing Civic Space in an Authoritarian State" published in 2018 https://ahrethio.org/wp-content/uploads/2018/01/AilingCivicSpace_large-1.pdf
 - 2 Amnesty International, "Ethiopia: The 2009 Charities and Societies Proclamation as a Serious Obstacle to the Promotion and Protection of Human Rights in Ethiopia: Amnesty International's Written Statement to the 20th Session of the UN Human Rights Council," 11 June 2012, <https://www.amnesty.org/en/documents/afr25/007/2012/en/>
 - 3 See Proclamation No. 590/2008 of 2008, *Freedom of the Mass Media and Access to Information Proclamation*, December 4, 2008, <https://www.refworld.org/docid/4ba7a6bf2.html>
 - 4 See Proclamation to Provide for the Registration and Regulation of Charities and Societies, No. 621/2009," February 13, 2009, <https://www.refworld.org/docid/4ba7a0cb2.html>
 - 5 See Proclamation No. 652/2009 of 2009, Anti-Terrorism Proclamation, July 7, 2009, <http://www.refworld.org/docid/4ba799d32.html>
 - 6 See the EU Election Observation Mission's Final Report, available at : <http://eeas.europa.eu/archives/eueom/pdf/mis-sions/finalreport-ethiopia-2005.pdf>
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both the ruling and opposition parties claimed victory, leading to an unprecedented wave of protests which was met with violent repressions by the security forces, who killed at least 78 civilians and wounded more than 100⁷. Several participants to the protests and members of the opposition parties were detained.

The period which followed these elections was characterised by the stifling of human rights organisations, arbitrary arrests and unfair trials and prosecutions⁸. As mentioned above, several laws were voted and passed in 2009 giving the government greater control over citizens' activities in several sectors: independent media became non-existent, telecommunications, social media and bloggers tightly controlled and human rights organisations had to operate under very restrictive conditions that led to the shutdown of many or the changing of the mandates of the ones that managed to survive.

Besides the draconian CSO Law, which will be analysed in the next chapter, two further pieces of legislation were responsible for the stifling of the civil society in Ethiopia during this period.

Firstly, the 2008 Freedom of the Mass Media and Access to Information Proclamation⁹ strongly limited freedom of expression in the country, by imposing the principle of personal criminal liability for journalists and editors and creating a climate of self-censorship. According to the law, which was adopted after six years of debate, a fine of up to 100'000 ETB, around 3'000 EUR, can be imposed for cases of moral defamation. Cases of defamation "against the constitutionally established legislative, executive or judicial authorities" are overseen by the government itself, thus increasing the risks of abuses of the law. Moreover, the text imposed an obligation for newspapers to register with the Ministry of Information and set an absolute prohibition to receive any kind of funds from abroad. The Ethiopian Free Press Journalists' Association (EFJA), which had criticised the bill during its discussion in Parliament, was closed down in 2003 as a form of retaliation¹⁰. This law, in combination with the Anti-Terrorism Proclamation below, led to a stifling of independent media, bloggers and journalists.

Journalist **M. Woubshet Taye** was arrested in 2005 together with two other journalists of the same newspaper "Hadar", following the 2005 street protests in Addis Ababa¹¹. After his release, he was arrested again in 2011, this time for having written a column criticizing the government's strategy. He was convicted to 14 years in prison, and transferred to a remote facility to hinder access to family visits. M. Woubshet Taye was finally released in February 2018¹².

Secondly, the Anti-Terrorism Proclamation, promulgated in 2009, is based on an ambiguous and excessively broad definition of "terrorist act". By including, among others, acts damaging natural resources or cultural heritages and creating interference or disruption of any public service, this definition potentially applies to peaceful acts including for instance national or regional strikes and demonstrations. Moreover, any act which could be understood as a direct or indirect encouragement to terrorism can lead to a sentence up to 20 years of prison. The text further imposes death penalty for some of the crimes. In the past decade, this law has been applied to more than 1,450 individuals, including journalists, opposition members, stu-

7 See Human Rights Watch, Ethiopia: Events of 2005, 2016, <https://www.hrw.org/world-report/2006/country-chapters/ethiopia>; Amnesty International, "Ethiopia Prisoners of conscience on trial for treason: opposition party leaders, human rights defenders and journalists," 2 May 2006, <http://www.amnesty.be/IMG/pdf/AFR250132006-2.pdf>

8 See FIDH – EHRCO, *Human rights situation continues to deteriorate and repression persists against supporters of opposition groups, journalists and human rights defenders.*, December 15, 2005, <https://www.fidh.org/en/region/Africa/ethiopia/Human-rights-situation-continues>

9 See Proclamation No. 590/2008 of 2008, Freedom of the Mass Media and Access to Information Proclamation, December 4, 2008, <https://www.refworld.org/docid/4ba7a6bf2.html>

10 See Freedom House, *Freedom in the World 2004: Ethiopia*, 2005, <https://freedomhouse.org/report/freedom-world/2004/ethiopia>

11 See OMCT's urgent appeal, *Ethiopia - continuing grave human rights violations*, issued on November 8, 2005, available on: <http://www.omct.org/urgent-campaigns/urgent-interventions/ethiopia/2005/11/d17733/>

12 See CPJ's statement, *Ethiopian journalists Eskinder Nega and Woubshet Taye released from prison*, available on: <https://cpj.org/2018/02/ethiopian-journalists-eskinder-nega-and-woubshet-t.php>

dents, teachers, bloggers and artists¹³, to stifle their dissent and generate a climate of self-censorship and fear¹⁴.

M. Befegadu Hailu is one of the founders of the “**Zone 9**” collective, an independent blog named after an expression used by political prisoners in Kality prison to refer to Ethiopia as a bigger prison cell. In 2014, he was detained for 18 months under terrorism charges along with five other members of the collective. During his detention, he was subjected to ill-treatment and torture. Moreover, he was moved to a remote location where he was denied access to a lawyer and family visits for 40 days. After 15 months of trial, he was finally acquitted in April 2017¹⁵.

After years of repression, a wave of unrest began spreading in the country in 2015. Originally aiming at preventing the plan to expand the capital city in the Oromo region, the protests rapidly grew into a greater social movement across different ethnic groups¹⁶. Social unrests from different ethnic groups denouncing years of economic, social and political marginalisation were violently repressed, leading to many casualties among human right defenders and protesters, and indignation of that repression grew bigger and was responded by even greater social unrest.

Three years of crisis were characterised by two states of emergencies of respectively 10 and 4 months during which social media platforms were closed or more closely scrutinised, public gatherings were forbidden, and widespread violence was used to repress protests and during interrogations¹⁷. It is these endless clashes between the government and the peoples of Ethiopia that led to the political turning point of February 2018, when the Prime Minister in office, Hailemariam Desalegn, handed in his resignation. On February 2, the government of Ethiopia ordered the release of 10,000 detainees out of the 26,000 persons arbitrarily arrested during the protests.

During the State of Emergency declared between October 2016 and August 2017, all communications that could cause “public disturbance” or “undermine national security” were subjected to restrictions by the Command Post. Access to mobile data services was severely restrained for almost two months, and access to social media remained restricted until the end of the State of Emergency.¹⁸

In April 2018, Abiy Ahmed was elected Prime Minister by the ruling party, EPRDF, and approved by the Ethiopian Parliament.

With the new government, several reforms were implemented. In July 2018, the peace summit between Ethiopia and Eritrea put an end to twenty years of border conflict, opening the way for the reunification of several families separated by the conflict as well as the re-opening of diplomatic relations.

In October 2018, Ms. Sahle-Work Zewde was the first woman to be appointed President of Ethiopia, among a wider plan to promote gender equality within the government. One

13 See Ethio Trial Tracker, *Defendants’ Info: Active Cases*, <https://ethio-trialtracker.org>

14 See FIDH – EHRCO, *Ethiopia: End use of counter-terrorism law to persecute dissenters and opposition members*, June 2, 2016, <https://www.fidh.org/en/region/Africa/ethiopia/ethiopia-end-use-of-counter-terrorism-law-to-persecute-dissenters-and>

15 See The Association for Human Rights in Ethiopia, *Ailing Civic Space in an Authoritarian State*, published in 2018 https://ahrethio.org/wp-content/uploads/2018/01/AilingCivicSpace_large-1.pdf

16 During the first SoE, in addition to the arbitrary killings of at least 19, more than 22,000 people were arrested in different detention centers including military camps, teachers’ colleges and vocational training compounds. See EHRCO Special Report 142, May 28, 2017.

See BBC, *What is Behind Ethiopia’s Wave of Protests?* published in 2016 <https://www.bbc.com/news/world-africa-36940906>

18 See East and Horn of Africa Human Rights Defenders Project’s Report, *Don’t Shoot the Messenger! Journalists as human rights defenders in the East and Horn of Africa*, published in October 2017.

month after, the appointment of Ms. Meaza Ashenafi, human rights lawyer - and former Director of Ethiopian Women Lawyers Association – as President of the Supreme Court represented a further breakthrough in the path towards a more balanced gender representation in the top posts.

Finally, a new commitment in the fight against impunity led to the arrest of at least 36 key security officials suspected to be responsible for gross human rights violations in Ethiopia in November 2018, after five months of investigations¹⁹.

Less echoed in the international media, another important reform took place in July 2018, with the appointment of the 13-member Law and Justice Advisory Council mentioned above, entrusted with the important task of reviewing the CSO Law, the Anti-terrorism Law and the Media law.

3. The CSO Proclamation No. 621/2009: a dark decade in the history of Ethiopian CSOs

The 2009 CSO Proclamation on Charities and Societies was the first text comprehensively regulating CSOs in the country, and amended the Civil Code provisions on the matter.

The 2009 law imposed serious restrictions on the principle of freedom of association in the country, by extending the definition of “foreign NGOs” and imposing further limitations on this category; as well as by giving extensive and abusive powers to the Charities and Societies Agency in charge of the registration, functioning and dissolution of NGOs²⁰.

First of all, the law extended the definition of “foreign NGO” to encompass any organisation receiving more than 10% of foreign funding. This amendment was all the more worrying as another provision of the Charities and Societies law banned such “foreign NGOs” from carrying out activities in the fields of women and children’s rights, disabled persons, ethnic issues, and conflict settlement and resolution. In light of the very high rate of dependence on foreign funding for most NGOs in the country, this provision de facto almost prohibited any kind of work on human rights.

In addition to this, the law provided that the Charities and Societies Agency could order the appropriate organ of the CSO for the removal and replacement of executive members sitting with such organisations, and that “foreign NGOs” allocating more than 30% of their budget to administrative expenses, would be subjected to fines or imprisonment.

Secondly, the law provided almost unlimited power to the Charities and Society Agency – highly controlled by the Government - to oversee all operations of CSOs in Ethiopia, including by instituting inquiries, asking for any information or document and, upon discretion, suspending officers and ordering the retention of property. Any application for the registration of an NGO was to be analysed by the Charities and Societies Agency, and any refusal of registration could only be appealed before the board of the Agency itself. Registration could be denied on extremely vague grounds, including, among others, if the proposed NGO was “likely to be used for unlawful purposes or for purposes prejudicial to public peace, welfare or good order in Ethiopia”; or if the name of the charity or society was in the opinion of the Agency contrary to public morality or illegal. The Agency also had exclusive competence with regard to dissolution of NGOs, with equally limited possibilities of appeal.

In a country in which 95% of Ethiopian NGOs received more than 10% of foreign funding, this law had a dreadful effect on freedom of association in the country, leading to the closure

19 See Amnesty International, *Ethiopia: Arrest of dozens of security officials a first step towards accountability*, published on November 12, 2018, available at <https://www.amnesty.org/en/latest/news/2018/11/ethiopia-arrest-of-dozens-of-security-officials-a-first-step-towards-accountability/>

20 See the Observatory Press Release “Ethiopia: Law on Charities and Societies: Freedom of association in jeopardy!” published on January 9, 2009, available on: <http://www.omct.org/human-rights-defenders/urgent-interventions/ethiopia/2009/01/d19771/>

of 158 NGOs, of which at least 133 for lack of funds²¹, and leaving open scars in the operations of several others, forced to either change their mandate or severely scale down their operations.

Ethiopian Human Rights Council (EHRCO) was founded in October 1991 as an independent and non-partisan non-governmental organisation with three main objectives: the promotion of democratic processes; the promotion of the rule of law and due process; and the promotion of respect for human fundamental rights.

After the adoption of the 2009 CSO Law, the Charities and Societies Agency ordered four private banks to freeze EHRCO's assets including its private bank accounts and sustainability fund. Despite the complete unlawfulness of this act under national standards, as the order was carried out in lack of judiciary control and outside of the CSO Proclamation provisions, the High Court ruled in favour of this decision in October 24, 2011²².

As a consequence, the organisation was forced to shut down eight of their eleven branch offices, and to continue operating with 20% of the original staff. Of the several programmes implemented before the account freeze, only two could be continued, on human rights violations monitoring and documenting and on basic human rights education.

"With EHRCO, relying on foreign funds within our work was unavoidable. But the moment the 2009 law became effective, many of the CSOs had to shut down and a lot of them had to change their mandates. They took on other issues like capacity building, development etc. Some CSOs were providing legal aid to women or juveniles, but this became considered as human rights work and the government restricted that. Legal aid had expanded to the rest of the country, but they all had to shut down after the proclamation. That's the saddest part. With this law, disadvantaged groups became even more disadvantaged as they could not access anymore basic human rights services.

[...]

The control of the Agency was big and highly negative. Infiltrators were always present, and some of our operations that were considered potentially problematic were reported back to the Agency [...] Many fled the country (some were forced), others were arbitrarily imprisoned. A lot of our members left us because of the fear created by the aggression of the government. Even if we didn't shut down, our fall was very deep. And still today, it's hard to get out of that. It affected the spirit of the people, the strong membership foundation of the organization."

Biniam Abate, Executive Director of EHRCO

Ethiopian Women Lawyers Associations (EWLA) is a non-partisan association founded in 1995 with the mission to defend the rights of women by providing legal aid service, standing up for the raped, the battered, the abducted and women victims of all sorts of violence. The organisations provides free legal aid service that entail counselling, court pleadings as well as mediations within families.

After the CSO proclamation was passed in 2009, EWLA's savings obtained prior to 2009 were confiscated. As a consequence, the organisation had to close 45 of the 60 local

21 International Center for Not-for Profit Law, "Civic Freedom Monitor: Ethiopia," 7 May 2017, <http://www.icnl.org/research/monitor/ethiopia.html>

22 See the Observatory Press Release, *A decision by the Federal High Court undermines the survival of prominent national human rights organization*, issued on November 3, 2011, available on <https://www.fidh.org/en/region/Africa/ethiopia/A-decision-by-the-Federal-High>

committees, reduce their staff capacity to 25 % of the pre-2009 one and interrupt most of their programmes.

“We had not enough money to pay people's transport, refreshments, accommodations or positions such as branch coordinator or secretary when we organised events or workshops. Sometimes, we could go up to three months without being able to pay our staff.”

Eyerusalem Solomon, Acting Executive Director of EWLA

4. A new page for Ethiopian CSOs: the Civil Society Proclamation 1113/2019

February 5, 2019 marked a very important and historical day for civil society organisations in Ethiopia, which cheered the adoption of the revised Civil Society Proclamation 1113/2019, repealing the repressive 2009 legislation²³.

The new text, which was gazetted on March 7, 2019, was adopted by the House of Peoples Representatives after an inclusive process of consultation which took into consideration CSOs' inputs on the previous versions. Overall, the new CSO Proclamation was positively welcomed by the local and international community, as it offers greater freedom to CSOs that wish to freely associate and freely express themselves²⁴. Nonetheless, some challenges still remain.

First of all, the CSO Proclamation **lifts the funding restriction** that was imposed on any CSO working on the better-promotion of human rights, good governance, anti-corruption and conflict resolution. This will allow local organisation to scale up again their work on human rights, and raises hope for NGOs in exile to return to Ethiopia.

Furthermore, the new text **removes most of the limitations to the scope of operations of foreign organisations**. Article 62 of the new text establishes the right of CSOs to engage in any lawful activity. Nonetheless, Article 62(5) also establishes that foreign organisations may not engage in lobbying political parties, unless they receive an explicit permission. This provision violates the recommendation of the ACHPR Guidelines on Freedom of Association and Assembly in Africa, which state that “Associations shall be able to engage in the political, social and cultural life of their societies, and to be involved in all matters pertaining to public policy and public affairs, including, inter alia, human rights, democratic governance, and economic affairs, at the national, regional and international levels” (Art. 25)²⁵.

Secondly, the law **considerably limits the supervision and decision-making powers** previously attributed to the Charities and Societies Agency, which strongly impeded on the independence and impartiality of civil societies. The new CSO Commission Board, which replaces the former Charities and Societies Board, is expected to have 11 members, three representing the government and designated by the Attorney General, one appointed by the Attorney General on the basis of his/her competence, and seven by civil society organisations²⁶. Members of the Board will be in power for three years, with the possibility of only one renewal. The Board is in charge of taking decisions over the registration of civil society organisations, which is now

23 See the Observatory, HRCO and AHRE Joint Press Release, *Ethiopia: a New Era for Human Rights Organisations?*, published on February 8, 2019, available on: <http://www.omct.org/human-rights-defenders/statements/ethiopia/2019/02/d25235/>

24 See the Statement “UN experts commend civil society law reforms, but concerns remain” issued on April 4, 2019 by Mr. Clément Nyaletsossi Voule, Special Rapporteur on the rights to peaceful assembly and of association and Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24443&LangID=E>

25 See African Commission on Human and Peoples' Rights, Guidelines on Freedom of Association and Assembly in Africa adopted in 2017 to strengthen and clarify the right to freedom of association and assembly established under Sections 10 and 11 of the African Charter on Human and Peoples' Rights (ACHPR).

26 Of these seven members, three will be designated by the Council of Civil Society Organization ; two from National Federation of Disability Associations, who have the experience and capacity to enhance and strengthen benefit and involvement of part of the society with disability, and two from Women and Youth Associations

regulated in a fairer and more transparent way. Registration can be refused now only upon an exhaustive list of reasons, which include the lack of supporting documents or that activities are “contrary to law or public moral”. The latter, despite being a notable improvement from the former text, still opens the way to potentially abusive interpretations by the Board. Another important positive development is the obligation to provide a written response to any application for registration (Art. 59) and the strengthening of the right to appeal, which can now be lodged, in case a second refusal by the Board, in front of the Federal High Court (Art. 57). If the initial term of 30 or 45 days to respond to the application is not respected, there is a presumption that the Board does not have a good cause for the refusal.

While all these procedural guarantees indeed represent a positive progress from the previous framework, the obligation for all CSOs to register themselves (Art. 57), as well as the adoption of an authorisation rather than a notification regime, still represent serious limitations of the right to freedom of association. Moreover, these provisions violate the recommendations of the ACHPR Guidelines on Freedom of Association, according to which States should not compel CSOs to register in order to be allowed to exist and operate (Art. 11) and, if registration is required, the legal status should be presumed upon receipt of notification (Art. 13)²⁷.

~~Secondly, under the new proclamation~~, all existing organisations that were registered under the previous law will have to register again under the new proclamation, burdening them with an additional cost of time and administrative paperwork.

Thirdly, in the process of the draft law’s revision by the Ethiopia Council of Ministers, the Civil Society Agency Board was given additional controlling powers, including the right to dissolve organisations, which can thus be enforced as a sanctionary measure without a preliminary judicial review.

Lastly, the law stipulates that a maximum of 20% of an association established to promote public interest income can be used for administrative costs (Art. 63), thus imposing some limitation on CSOs’ financial independence.

5. What’s next?

The pathway of reforms which started in February 2018 is already showing its first positive impacts and gives hope to many CSOs and HRDs who, after years of repression, silencing and self-censorship, are now able to speak up freely and reinstate their important human rights work. Many organisations and HRDs are coming back after years of exile, finding their country profoundly changed. In this key moment, local and international CSOs will have a pivotal role to play, in order to encourage, promote and closely monitor this process of reforms.

The adoption of the Civil Society Proclamation 1113/2019, an important milestone in the history of Ethiopia, is not the final step but the first of a long process of reform. In the short term, the government will have to operationalise the law in order to finally allow CSOs to be fully involved in the new democratic process. The Mass Media law and the Anti-Terrorism Proclamation are also under reform, and CSOs will have to closely monitor these processes to ensure that the new texts guarantee that legitimate goals to prevent terrorism will not be instrumentalised for the repression of dissenting voices. A constructive dialogue between CSOs and the Law and Justice Advisory Council will be key for this purpose.

In the long term, Ethiopia will have to prepare for the upcoming 2020 elections, as pre-electoral and post-electoral periods often generate particularly high risks in terms of violence and repression. Free and unhindered civil society participation in the preparation and monitoring of the process will contribute to ensure that the elections will be free, fair, transparent and peaceful.

27 Ibid.

6. Recommendations

The Observatory urges the Ethiopian authorities to:

- I. Ensure the swift implementation of the Civil Society Proclamation 1113/2019, notably ensure the restitution of CSOs' assets, which had been frozen according to the previous law, facilitate re-registration processes to enable Ethiopian CSOs to effectively revive their activities, and promote engagement and cooperation of Ethiopian CSOs at regional and international levels;
- II. Consider adopting more favourable provisions to ensure the respect of the principle of freedom of association as delineated in the ACHPR Guidelines on Freedom of Association and Assembly in Africa, including in particular by removing the obligation for CSOs to register in order to be allowed to exist and operate, in compliance with Art. 11 of the ACHPR Guidelines, adopting a notification regime rather than an authorisation one, in compliance with Art. 13, and by removing limitations to the scope of activities of foreign NGOs and ensuring that the financial independence of CSOs is respected.
- III. Expedite the review of the existing 2009 Anti-Terrorism Proclamation and clearly define the different terms in use to avoid a large window of interpretation and hence risks of instrumentalisation for political purposes;
- IV. Expedite the review of the existing 2008 Freedom of the Mass Media and Access to Information Proclamation to ensure respect of fundamental rights of the population to have access to information and reducing the State's control over the industry;
- V. Put an end to any kind of harassment, including at the administrative and judicial level, against all human rights defenders and organisations, and ensure that they are not criminalised as retaliation to their legitimate human rights activities;
- VI. Put an end to the public stigmatisation of human rights defenders and organisations and publicly recognise the legitimate and crucial role they play as pillars of democracy and watchdogs of the rule of law;
- VII. Review existing laws and policies in close consultation with human rights defenders and civil society organisations to ensure full compliance with human rights standards in order to create an enabling environment that allows human rights defenders to be able to work effectively and without threat of attack or judicial harassment by State or non-State actors;
- VIII. Fully implement recommendations accepted by Ethiopia during the Second Cycle of the Universal Periodic Review (UPR) in 2014;
- IX. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998, as well as with the provisions of ACHPR Resolutions on the protection of human rights defenders in Africa.



Created in 1985, the World Organisation Against Torture (OMCT) works for, with and through an international coalition of over 200 non-governmental organisations - the SOS-Torture Network - fighting torture, summary executions, enforced disappearances, arbitrary detentions, and all other cruel, inhuman and degrading treatment or punishment in the world and fighting for the protection of human rights defenders.

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**The Observatory for the Protection of Human Rights Defenders,
a partnership of OMCT and FIDH**

Created in 1997, the Observatory is an action programme based on the belief that strengthened co-operation and solidarity among human rights defenders and their organisations will contribute to break the isolation they are faced with. It is also based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression of which defenders are victims. The Observatory's activities are based on consultation and co-operation with national, regional, and international non-governmental organisations.

With this aim, the Observatory seeks to establish:

- a mechanism of systematic alert of the international community on cases of harassment and repression of defenders of human rights and fundamental freedoms, particularly when they require urgent intervention;
- the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- international missions of investigation and solidarity;
- a personalised assistance as concrete as possible, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- the preparation, publication and world-wide dissemination of reports on violations of the rights and freedoms of individuals or organisations working for human rights around the world;
- sustained action with the United Nations and more particularly the Special Rapporteur on Human Rights Defenders, and when necessary with geographic and thematic Special Rapporteurs and Working Groups;
- sustained lobbying with various regional and international intergovernmental institutions, especially the Organisation of American States (OAS), the African Union (AU), the European Union (EU), the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe, the International Organisation of the Francophonie (OIF), the Commonwealth, the League of Arab States, the Association of Southeast Asian Nations (ASEAN) and the International Labour Organisation (ILO).

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by FIDH and OMCT: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his or her commitment, exercised individually or in association with others, in conformity with international instruments of protection of human rights, to the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by the different international instruments".



To ensure its activities of alert and mobilisation, the Observatory has established a system of communication devoted to defenders in danger. This system, called Emergency Line, can be reached through:

E-mail: Appeals@fidh-omct.org
 OMCT Tel: + 41 22 809 49 39 Fax: + 41 22 809 49 29
 FIDH Tel: + 33 1 43 55 25 18 Fax: + 33 1 43 55 18 80

