

ETHIOPIA: Ethiopian Women's Human Rights Alliance's UPR Submission

Ethiopia continues to be mired in numerous challenges, including but not limited to the following: continuation of massive human rights violations in all regions of the country; lack of democratization; invasion of Somalia and its disastrous consequences; instability in the region including the tenuous relationship between Ethiopia and its neighbors, mainly Eritrea and Somalia; economic stagnation; food insecurity and the threat of famine; severe curtailment of civil, political and human rights. As a result, Ethiopia's human rights record is abysmal by all accounts and continues to deteriorate. The climate post the much-anticipated National Elections of 2005 has produced government clampdown on the press, increased police monitoring of peaceful and lawful activities, arbitrary arrest of human rights defenders, opposition leaders and attacks on civic society. More recently the government has introduced two draft laws that will adversely affect participation in civic society and criminalize internationally recognized rights.

While the Ethiopian government continues to violate international standards with regard to a myriad of fundamental human rights, in this report, the Ethiopian Women's Human Right Alliance concentrates primarily on the following issues: freedom of association, freedom of political life and right to be free from arbitrary arrest and detention, freedom of expression, violation of women's rights, anti-terrorism measures and torture by Ethiopian Security Forces

Freedom of Association

On January 6th, 2009 the Ethiopian parliament adopted the draconian Charities and Societies Proclamation Act (CSO law) which in effect criminalizes the human rights activities of both foreign and domestic non-governmental organizations (NGOs) and prohibits them from doing any work related to human rights, governance, protection of women's rights, children's rights, disabled persons' rights and conflict resolution. It is also a continuation of the long term patterns of government abuse designed to suppress political dissent in Ethiopia and to solidify the ruling party's near-monopoly on power in the country.

The law's repressive provisions are also believed to be an attempt by the Ethiopian government to conceal human rights violations, stifle critics and prevent public protest of its actions ahead of the expected National Elections in 2010. The Ethiopian government has refused to allow any foreign observers to monitor these upcoming elections. The law imposes disproportionate and criminal penalties for even minor administrative infractions; establishes a Charities and Societies Agency with broad discretionary power over civil society organizations; and allows government surveillance of, and interference in, the operation and management of civil society organizations.

The new law is inconsistent and incompatible with Ethiopia's international human rights obligations including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and People's Rights ratified by the government. It also violates provisions of the Ethiopian Constitution, especially Article 31 which protects freedom of association. Virtually all international organizations have condemned the law which strongly bolsters the de facto criminalization of most of the human rights and civil liberties work that is being carried out in Ethiopia. If this law is implemented it will have a devastating impact on Ethiopian NGOs especially since they will be forced to raise 90% of their income from domestic sources, an impossible task given the current economic climate and obvious lack of fundraising opportunities inside Ethiopia. Chief among the many organizations that will be forced to close its doors will be the Ethiopian Women Lawyers Association with devastating consequences for women across Ethiopia who have tremendously benefited from its services.

Recommendations

The Ethiopian government should:

- 1) Repeal or amend the CSO Law to make it consistent with Ethiopia's obligations under the ICCPR.
- 2) Immediately halt all activities which criminalize legitimate civic society activities.
- 3) Encourage and protect local NGOs who engage in human rights work.

Freedom of Political Life; Freedom from Arbitrary Arrest and Detention

The Ethiopian government has aggressively sought and suppressed political groups and views critical of its policies. Since the 2005 elections, there have been credible and continuous reports concerning harassment and threats against members of political groups, artists, human rights defenders, journalists and other members of the public. In what amounted to mass arrests, government security forces detained thousands of Ethiopians following peaceful protests in November 2005. Among those arrested were leaders of the main opposition party, journalists and human rights attorneys. These individuals were charged, convicted and sentenced to life imprisonment on charges of treason. After serving two years in prison, they were released as a result of negotiations, between the government and Ethiopian Elders, which provided for pardons for the prisoners in exchange for signed confessions. The terms and parameters of the pardons as well as the confessions remain uncertain.

Despite the release of the political leaders, groups and individuals viewed as dissidents remain subject to surveillance and risk imprisonment. In December 2008, the government arrested Birtukan Mideksa, a former judge and current head of an opposition party who was among those jailed in 2005. The government contends that she violated the terms of her parole. Ms. Mideksa was arrested following a speech in Sweden where she asserted that her release was not based on a formal legal pardon, but rather a politically negotiated settlement. She is being held in solitary confinement and her life sentence has been reinstated. She has been denied access to counsel and to medical treatment. Government officials have banned all visitors except her seventy-year old mother and her four-year old daughter. Available reports indicate that she is at risk and may have already been exposed to abuse by prison guards. As of the date of this report, we have received information suggesting that the government intends to move Ms. Mideksa from Kaliti prison, which is on the outskirts of the capital to a prison in Ziway, a town that sits 250 km outside of Addis Ababa. The Ethiopian Women's Human Rights Alliance is concerned about her possible removal to a prison that is less accessible to human rights observers than Kaliti.

Recommendations

The government of Ethiopia should:

- 1) Adhere to the principles of the ICCPR.
- 2) Honor the previous pardon granted to Judge Birtukan Mideksa and immediately release her from prison.
- 3) Open up the political space for multi-party democracy to thrive in Ethiopia.
- 4) Release all political prisoners and refrain from criminalizing dissent.
- 5) Provide for access to counsel and visitation rights for prisoners of conscience.

Freedom of Expression

The Ethiopian government censors free speech by routinely blocking websites, closing publishing houses and confiscating newspapers. In 2008, the government began monitoring the activities of dissident artists. Singer Tewodros Kassahun, extremely liked and supported by the population because of his pro democracy lyrics and critique of the government, came to the attention of the Ethiopian government. Popularly known as "Teddy Afro", the young singer was imprisoned and sentenced to six years in prison for his alleged participation in a hit and run. Though the accident occurred more than 18 months prior to his arrest, it was only after Mr. Kassahun's outspoken criticism of the government that he was charged with the crime. Prior to his arrest, the government banned several of his songs deemed as "anti-government." Subsequently Ethiopian Security Forces also arrested Mesfin Negash, editor-in-chief of the weekly *Addis Neger* that carried a cover story featuring an interview with the pop star's attorney. Similarly on May 2, 2008, government forces impounded copies of the magazine, *Enku*, which also featured an article about Teddy Afro and included interviews with fans. The editor-in-chief of *Enku*, Alemayehu Mahtemework was also arrested. The Ethiopian Women's Human Rights

Alliance remains concerned about suppression of independent artist voices and criminalization of dissent.

Recommendations

The government of Ethiopia:

- 1) Must respect its own constitution that grants freedom of expression and adhere to all international laws that it has ratified.
- 2) Must refrain from harassing, jailing and forcing journalists into exile.

Violation of Women's Rights

Ethiopia serves as one of the many “source countries” from which girls and women are trafficked for the fairly lucrative human trafficking business. Until recently in Ethiopia, as in most African countries, women were traditionally trafficked internally from rural to urban areas with the false promise of employment and the opportunity to escape a dead-end life. In the last four years, however, there has been an explosion of young Ethiopian women being trafficked to Djibouti and the Middle East, particularly Lebanon, the United Arab Emirates, Saudi Arabia, and Bahrain for involuntary domestic labor. Among the important mitigating factors for this exodus are lack of employment opportunities, political corruption and profitability and insufficient penalties against traffickers. There have been reports in the past that networks of persons working in tourism and trade inside Ethiopia have recruited young Ethiopian girls and women for overseas work and provided them with counterfeit work permits, birth certificates, and travel documents.

While individuals are free to seek gainful employment across international borders, many of these women are in the end exploited and become victims of fraud, forced labor, as well as sexual and physical abuse at the hands of the traffickers and/or their employers. In addition they have with no legal rights or recourse to remedy their situation. Often when they return to their home country through voluntary repatriation or deportation many of these women are traumatized, depressed, and some have mental-health problems. Most who are deported do not have time to gather their possessions and depart empty handed and as such require some reintegration assistance. There have also been many reports that some of these women commit suicide once they are repatriated or return to their home country in body bags.

The effects of trafficking in women and children is a complex problem touching upon wide ranging and cross-cutting socio-economic issues related to gender, education, employment, health, human rights and development. As such, a viable and effective solution to the problem requires the involvement of the government, community organizations, and religious institutions to make a concerted effort to combat this problem and for the Ethiopian government to provide the necessary leadership to protect its citizens from this wanton abuse.

Recommendations

The government of Ethiopia should:

- 1) Enact strong domestic laws against trafficking in women.
- 2) Create employment opportunities inside Ethiopia.
- 3) Ratify and implement international laws that provide protection and assistance to trafficked persons such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- 4) Educate women on the risks of illegal migration.
- 5) Provide assistance and protection through the Ethiopian missions in the various countries in the Middle East.
- 6) Alleviate the chronic conditions of poverty and lack of opportunities that lead to the prevalence of illegal trafficking in women.

Ethiopia's New Anti Terrorism Proclamation

Under the guise of the “Global War on Terror”, the Ethiopian government has imprisoned, tortured, and even killed members of the opposition parties. Specifically, Ethiopia's

designation as a partner to the United States and its allies in the war on terror has provided the government with unfettered and free wielding power to engage in a systematic violation of human rights of Ethiopians. Consequently, credible reports detailing random arrests and killings, complete lack of due process of law, indefinite detentions, torture and killings are frequently unheeded. In addition, the Ethiopian government receives monetary, material and training assistance from the United States ostensibly intended to battle terrorism. However credible reports exist that the Ethiopian government utilizes the assistance to consistently violate the fundamental human rights of the population. For instance, U.S. government's military and intelligence equipment donated to Ethiopia to combat terrorism were openly used against opposition supporters and political dissenters. In 2005, Ethiopia's Security Forces utilized U.S. made and donated *Humvees* and other military equipments against citizens to quell peaceful demonstrations.

It is into this climate of ongoing and pervasive violations and under the guise of rooting out terrorism that the Ethiopian government is seeking to introduce a new draft Anti-Terrorism Proclamation. In essence, the new draft Anti-Terrorism Proclamation does not drastically change the rampant human rights abuse in Ethiopia. It does, however, give the conduct of the government and its security forces further cover and protection of the law for torturing and arresting citizens. The draft Anti-Terrorism Proclamation is generally ambiguous and gives the police, military and security forces unfettered discretion to arrest and interrogate anyone suspected of engaging in a "terror" activity. The draft law, in many of its provisions, does not define or explain the term "terror" or what interrogation methods security forces can employ. The draft law's definitions of "terrorism" can be liberally and broadly interpreted, and is catchall. If the draft proclamation is enacted (it has already been submitted to the Ethiopian Parliament and is expected to become law before the end of the 2009 Parliamentary session), it will give the government the right to detain any citizen or non-citizen for slightest of suspicion, hold the accused indefinitely, torture the detainee and use any evidence obtained through torture at trial.

Furthermore, the draft law often deprives the accused any due process of law or presumption of innocence for "terrorist" activities that carry a death sentence. Given the government's relationship with opposition parties and political dissenters, provisions of the draft proclamation permitting the government to forcefully crackdown on legitimate public demonstrations, rallies, meetings of individuals suspected of supporting opposition activities is disquieting. Most importantly, the extremely broad provisions of the draft law are in clear contravention of international proclamations of human rights. The draft law effectively deprives citizens of freedom of speech, freedom of association, or freedom to support political parties or groups other than the government. Most importantly, the draft law deviates from the internationally accepted definition of terrorism as it includes property damage and disruption of public services as a terror activity. Generally, terrorism is limited to violent activities that cause serious bodily harm, taking of hostages or killings of innocent people. Undoubtedly, this extremely broad definition is in line with many critics of the draft bill who claim the government only intends to use the draft bill to further defeat internal political dissent and suppress opposition.

Recommendations

The government of Ethiopia should:

- 1) Repeal or substantially redraft the Anti-Terrorism Proclamation.
- 2) Protect due process rights and other procedures intended to ensure that rights are not violated.
- 3) Enact laws that conform to international human rights standards.

Torture by Ethiopian Security Forces

Ethiopian Security Forces have been accused of a wide range of human rights violations including torture and extrajudicial killings. The Security Forces' actions are not only limited to Ethiopia's various regions, but extends to Somalia, which the military occupied by force until recently. Many Ethiopian and International Human Rights advocacy groups have documented

egregious cases of apparent and unambiguous torture and killings by Ethiopia's Police and Security Forces.

To find some of the egregious acts of torture by the government forces, one can simply examine the sworn testimony of numerous Ethiopians seeking asylum¹ and shelter in other countries. For instance, Azebech A. Alemu, is a 24 years old Ethiopian who currently lives in Seattle, and seeks asylum in the U.S. She was a victim of torture and rape in the past, and fears further torture or arrest by the government of Ethiopia if she were to return. Ms. Alemu claims rape or the threat thereof is used regularly as an interrogation tactic against women prisoners in Ethiopia. Ms. Alemu further testifies that she was raped by security forces while she was a fourth year student in Mekelle University in the Tigray Region in August 2008. She was arrested for suspicion of helping the main opposition political party.

Azeb Alemayhu still bears the scar from being severely beaten. She stated that Security Forces beat her face beyond recognition, left her in a dark and cold room for days, and she was deprived of food and sleep. Another recent asylum seeker in the U.S. who is now residing in Seattle is Daniel Girma. Mr. Girma, who is from Addis Ababa, claims similar treatment when he was accused of using his position as an Ethiopian Airlines flight attendant to transport literature for opposition groups. He claims that he was kept in a dark and cold room until he admitted who he worked for, he was hang upside down for hours, and beaten on his head and face until he was unconscious.

These torturous acts also extend and are intensified in the Oromia region. Helen Wolde is another Ethiopian woman seeking political asylum in the U.S. and now lives in Seattle. She confirms the same horrific treatment and fear of torture if she was to return to Ethiopia. Ms. Wolde left her husband and three young children. She was suspected of being a secret operative for the Oromo Liberation Front (OLF) in her birthplace of Walanchiti in the Shoa region. She was kept in prison for 10 days without appearing in court. Credible and continuous reports evidence thousands of victims who testify that torture, including deprivation of sleep, severe beatings, death threats is the main interrogation method used by Ethiopia's Security Forces.

Recommendations

The government of Ethiopia should:

- 1) Adhere to the standard of the Convention Against Torture to which the country is a signatory.
- 2) Establish an independent commission to investigate, prosecute and punish acts of torture and extrajudicial killings by Ethiopian Security Forces.

¹ The names of asylum seekers have been changed for confidentiality and to protect their identities.