

**EHRDC**



**ETHIOPIAN HUMAN RIGHTS  
DEFENDERS CENTER**

**FOURTH PERIODIC ASSESSMENT ON  
SITUATIONS OF HUMAN RIGHTS  
DEFENDERS IN ETHIOPIA**

<https://ethdefenders.org/>

June 02, 2022 – December 30, 2022

## Contents

1. Introduction.....	2
2. Methodology.....	3
3. Political and Human Rights Context of the Country .....	4
3.1. Conflict in the Northern Ethiopia and Peace Negotiations .....	4
3.2. Recurrent Attacks by Non-State Actors and Command Posts.....	4
3.3. National Dialogue Process and CSOs Engagement.....	6
4. Enabling Environment, Narratives and Raising Concerns on the Civic Space and HRDs .....	8
4.1. The Impact of the Political Sphere on the Work of HRDs .....	10
4.2. The Impact of Media and Public Campaigns/Perceptions Against HRDs .....	13
5. The Situation of Human Rights Defenders and Main Challenges .....	14
5.1. Smear Campaigns .....	14
5.2. Climate of Fear, Attack and Repression.....	17
5.3. Funding Challenges as a Barrier to Operate .....	18
6. Challenges in Exercising the Rights Under UN Declaration on Human Rights Defenders .....	20
6.1. Freedom of Expression: .....	20
6.2. Arbitrary Arrest and Unlawful Detention.....	26
6.3. The Right to Freedom of Assembly .....	30
6.4. The Right to Participate in Peaceful Activities against Human Rights Violations .....	31
7. Women Human Rights Defenders.....	33
8. Human Rights Defenders with Disability.....	34
9. Impunity for Violations against HRDs.....	35
10. Conclusion and Recommendations .....	36

## 1. Introduction

Human Rights Defenders (hereafter HRDs) play a critical role in conflict-affected states by exposing and documenting atrocities, and human rights abuses. They also play a crucial role in the protection of human rights by demanding justice and accountability for victims, denouncing crimes perpetrated by armed groups, and calling for peace to end hostilities. The term ‘HRDs’ is used to refer to a broad range of individuals and collectives promoting or protecting human rights, including lawyers, journalists, activists, trade unionists, members of community-based organizations, people in social movements, and staff of human rights organizations involved in different work in very different contexts.<sup>1</sup> The first instrument that defines HRDs is the UN declaration issued to protect HRDs. HRDs are persons who engage to promote or protect human rights in a peaceful manner. The term ‘HRD’ tends to be invoked when those engaged in rights-related work are threatened or put at risk for what they do.<sup>2</sup> However, this does not mean that to be an HRD there is a requirement of being at risk.

Since July 2021 the Ethiopian Human Rights Defenders Center has conducted three periodic assessments of the situation of HRDs in Ethiopia. This assessment is the fourth periodical assessment. The assessments documented and highlighted various concerns of HRDs in the country ranging from forced disappearance to arbitrary detentions and denial of due process rights. The assessments also assessed the violations committed against HRDs and how various situations such as political and social contexts affect the human rights landscape of the country, especially their works. Currently, being an HRD in Ethiopia has become riskier as a result of different factors. One of the factors identified by this assessment is, the armed conflict in the northern part of the country and the engagement of non-state actors particularly in Oromia, Benishangul Gumuz, and Gambella regions to be the main causes for the risks posed on HRDs. HRDs effort to protect and promote human rights in conflict times is being challenged by public perceptions, smear campaigns, and activists. In this 4<sup>th</sup> assessment, EHRDC aims to provide an assessment of the HRDs situation in Ethiopia covering the period from June 2, 2022, to December 30, 2022. This

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<sup>1</sup>Karen Bennett et. al, ‘Critical perspectives on the security and protection of human rights defenders’ (2015) 19 (7) The International Journal of Human Rights 888 DOI: 10.1080/13642987.2015.1075301

<sup>2</sup> Karen Bennett (n 1)

assessment addresses among others, the operating and enabling environment of HRDs, the winds of peace created after peace agreements, the narratives or perceptions against HRDs, challenges in exercising the rights under the UN Declaration, the issues of WHRDs and HRDs with disabilities, and the culture of impunity for violations of the rights of HRDs.

## 2. Methodology

This assessment has employed qualitative approach to assess the situation of HRDs and make an in-depth analysis of the HRDs' concerns. The assessment used primary and secondary data collection. As for primary data, Key Informant Interview (KII) with HRDs and analysis of court charge sheets filed against HRDs is used. Also, it used relevant hard laws such as the International Covenant on Civil and Political Rights to analyze the situation of HRDs. Furthermore, as of soft laws, primarily, greater weight is given to the declaration on HRDs as the declaration is the first document that contains detailed rights of HRDs. In addition, reports of special rapporteurs, resolutions, and fact sheets are used to assess the situation of HRDs. As for secondary data, open-source evidence and materials such as credible news reports, and posts from the personal social media accounts of HRDs and the Ministry of Justice are used.

To collect the necessary data for the assessment, interview and questionnaire techniques are used. For this assessment, interviews have been conducted with five CSO leaders and two individual HRDs. We have also traced the interviews of six journalists given about their arrest from media platforms. The HRDs are interviewed physically based on interview guide tools with open-ended questions and some have filled out specifically designed questionnaires. The interview and questionnaires are used to gather relevant data from individual HRDs and Executive Directors of HRDs. The CSOs are selected based on existence of risks against them, their common ground of participating in peace calls, and being the subject of any threats. The interviews were conducted with the CSOs' executive directors/directresses considering that they have better knowledge of the organizations. The individuals are selected taking into consideration the risk they experienced in relation to their human rights work and the high possibility of getting the necessary data to showcase the situation of HRDs in the country.

### 3. Political and Human Rights Context of the Country

*(Conflict, peace negotiations under the auspice of African Union, armed attacks, de-facto state of emergency, arbitrary and unlawful detentions)*

#### 3.1. Conflict in the Northern Ethiopia and Peace Negotiations

The 23 months long fighting in Northern Ethiopia has been accelerating the concerns about HRDs in the country. After months of ceasefire for humanitarian truce, the conflict resumed in August 2022 for the third wave of fighting between the federal government and rebel forces led by Tigray People Liberation Front (hereafter TPLF). Initially, the TPLF which controlled the Tigray regional state pushed to the neighboring regions of Amhara in August 2022 which receives a response from the federal government and allied forces. The federal government then pushed back with an organized offensive response making the TPLF forces retreat back. After a few months the Federal Government claimed control of some parts of the regional state of Tigray such as Shire and surrounding areas including airports. The fighting was being held amid attempts of peace negotiations between the parties under the auspice of the African Union. The government announced members of the peace negotiating team on June 27, 2022 and the TPLF forces on July 18, 2022. Both warring parties made announcements to resort to the AU lead negotiation without pre-conditions. The armed conflict has resulted in grim realities of civilian suffering including mass killings, rape, widespread destruction of properties, and displacement of thousands.

#### 3.2. Recurrent Attacks by Non-State Actors and Command Posts

Amidst the concerns in the northern parts of the country, civilians are facing continued mass killings and displacement by armed groups in the western part of the country Wollega area. Thousands are killed and tens of thousands of survivors have left their houses and are in IDP camps in various parts of the country. For instance, The Reporter Ethiopia News Letter on July 23, 2022 , mentioning the report presented to the Caffee Oromia stated that over 1,105 civilians were killed in West Wollega only in 12 months in 2013 E.C. To mention, at least 260 civilians were killed in West Wollega zone of Oromia regional state within days in an attack from June 18 to 20, 2022.<sup>3</sup> Besides, in the period of this assessment, there exists a *de facto* state of emergency in various parts

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<sup>3</sup> OCHA relief web, 'At least 300 killed in OLA firearm and artillery attack on villages in Wollega, Ethiopia, Saturday 18 June' (28 Jun 2022) <<https://reliefweb.int/report/ethiopia/least-300-killed-ola-firearm-and-artillery-attack-villages-wollega-ethiopia-saturday-18-june>> accessed October 21, 2022

of the country. A *de facto* state of emergency is a situation whereby the state restricts human rights without officially proclaiming a state of emergency.<sup>4</sup> For instance, the Gurage Zone, one of the Zones in Southern Nations Nationalities and People region, is under a “Command Post” and some rights such as the right to assembly and demonstration are restricted in that zone. The command post introduces curfews, prohibition of gatherings, and detains residents without following due process.<sup>5</sup> This command post came after the Gurage people requested a right to self-determination to organize in a regional base. The demand was followed by public strikes to be at home and demonstrations. Nevertheless, the government rejected their demand and chooses to restructure the zone in a cluster with other zones such as Hadiya, Kambata, and others.<sup>6</sup>

Hence, the ongoing conflict in the North followed by the armed attacks targeting civilians in the western part of Ethiopia and other occurrences deteriorated the human rights situation of the country. As a result of these incidents challenges against HRDs such as journalists, activists, and right-based CSOs is intensified in various parts of the country. The fight to control the narrative of the war is one of the major reasons for the increasing hostility against the press and journalists. Commentators expressing dissenting views, or doing independent reporting, became vulnerable to arrest, threats, expulsions, and other forms of attacks.<sup>7</sup> Moreover, the situation result some sort of challenges for civil society organizations that include warnings, threats and labeling from diverse actors. In addition, activists who conduct reporting about the civilian killings by non-state actors faced arbitrary detentions.

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<sup>4</sup> The Geneva Centre for the Democratic Control of Armed Forces (DCAF), [https://www.files.ethz.ch/isn/14131/backgrounder\\_02\\_states\\_emergency.pdf](https://www.files.ethz.ch/isn/14131/backgrounder_02_states_emergency.pdf) accessed Dec. 2, 2022

<sup>5</sup> Addis Standard, ‘Southern region puts Gurage zone under indefinite command post after protests over statehood demands’ (Nov. 25, 2022) <https://addisstandard.com/news-southern-region-puts-gurage-zone-under-indefinite-command-post-after-protests-over-statehood-demands/> accessed Dec. 01, 2022

<sup>6</sup> Addis Standard, ‘Zonal restructure not agenda for Gurage Zone Council, Zone awaits House of Federation decision on request for own region’ (August 3, 2022) <https://addisstandard.com/news-update-zonal-restructur-not-agenda-for-gurage-zone-council-zone-awaits-house-of-federation-decision-on-request-for-own-region/> accessed Oct. 20, 2022

<sup>7</sup> Muthoki Mumo, ‘Journalists face growing hostility as Ethiopia’s civil war persists’ (Committee to Protect Journalist, August 01, 2022) <https://cpj.org/2022/08/journalists-face-growing-hostility-as-ethiopias-civil-war-persists/> accessed October 22, 2022

The conflict in Ethiopia is currently ceased as the “warring parties agree to a permanent cessation of hostilities on November 2, 2022, in South Africa.”<sup>8</sup> The peace talk was launched on October 25, 2022, led by the African Union (AU). After the peace agreement, facilities are being resumed, families are connected and hostilities are reduced. The conflict particularly posed one of the weightiest challenges for CSOs as there were several groups with interests to control the narratives of the war. The conclusion of the peace agreement has a positive impact for those peace advocate HRDs minimizing the risks that come as a result of the conflict. It is clear from the foregoing that CSOs have been participating to end the war calling for peace and de-escalation through several press releases.

Nevertheless, some challenges may persist in post-conflict situations such as restrictions to engage in human rights violation documentation and post-conflict reconstruction.

### 3.3. National Dialogue Process and CSOs Engagement

Despite unsettled issues in the north and massive ethnic attacks in the western part of the country, Ethiopia is preparing for a national dialogue to solve the old problems and create a national consensus. In December 2021, the parliament voted to establish the Ethiopian National Dialogue Commission with the enactment of Proclamation No. 1265/2021. As enshrined in the preamble of the Proclamation, the Commission aims to solve the disagreements among various political groups and segments of society to pave the way for national consensus with an inclusive dialogue.

As part of the ongoing preparations, civil society groups are engaging in various activities, including conducting consultative workshops to make the process inclusive and knowledge based. For instance, the Ethiopian Civil Society Organizations Council (ECSOC) is stepping up its efforts to help civil society play a constructive role in the national dialogue. It has facilitated the establishment of a National Reference Group, consisting of pundits and numerous civil society

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<sup>8</sup> African Union, ‘Cessation of Hostilities Agreement between the Government of the Federal Democratic Republic of Ethiopia and the Tigray Peoples’ Liberation Front (TPLF)’ (November 02, 2022) <<https://www.peaceau.org/en/article/cessation-of-hostilities-agreement-between-the-government-of-the-federal-democratic-republic-of-ethiopia-and-the-tigray-peoples-liberation-front-tplf>> accessed October 09, 2022

organizations engaging on matters pertinent to the national dialogue process.<sup>9</sup> In addition, civil societies are advocating for a holistic approach to be followed in the peace process which includes transitional justice elements. Besides, CSOs especially women lead CSOs raised concerns about inclusivity criticizing that the Commission has not adhered to the principles of equality, fairness, or inclusivity that are expected from national dialogue processes.<sup>10</sup> In this regard, a coalition is established with women's rights organizations and networks to increase women's representation and influence in the national dialogue process.<sup>11</sup> The coalition is led by TIMRAN and has brought together key networks and organizations such as the Ethiopian Women Lawyers Association (EWLA), EHRDC, Setaweet, and a number of other organizations working across Ethiopia. EHRDC is the vice chair of the Steering committee and has facilitated activities of the coalition, including discussions with members of the national dialogue commission in collaboration with other steering committee members.

Despite these efforts, unlike the Reconciliation Commission Establishment Proclamation No.1102/2018, the National Dialogue Proclamation has failed to state human rights issues. This may create a loophole in addressing human rights concerns through national dialogue. Moreover, civil societies continue to face insistence from the government and other actors, such as opposition parties, which may hinder the contribution of civil societies to the national dialogue and transitional justice. Further, civil society organizations that call for peace and an end to human rights violations face threats of being classified as enemies of the country in one way or another,

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<sup>9</sup> Fraol Bersissa , 'Civil Societies Council says scaling up role to play in planned National Dialogue' (Addis Standard, August 05, 2022) <<https://addisstandard.com/news-civil-societies-council-says-scaling-up-role-to-play-in-planned-national-dialogue/>> accessed October 25, 2022

<sup>10</sup> The Ethiopian National Dialogue Commission: Playing to the Gallery or a Commitment to Equality, Inclusion, and Reconciliation? (SIHA Network, February 23, 2022) <<https://sihanet.org/the-ethiopian-national-dialogue-commission-2/>> accessed Oct. 26, 2022

<sup>11</sup> Inclusive Peace, 'Ethiopia: How women are influencing the National Dialogue process' <<https://www.inclusivepeace.org/ethiopia-how-women-are-influencing-the-national-dialogue-process/>> accessed Dec. 28, 2022.

which may prevent the Commission from relying on a significant civil society and human rights actors.<sup>12</sup>

#### 4. Enabling Environment, Narratives and Raising Concerns on the Civic Space and HRDs

The presence of a vibrant, independent, and, free civil society is essential in order to guarantee sustainable development and ensure human rights and democracy. One of the most important conditions for the existence of a democratic society is respect for fundamental rights and freedoms.<sup>13</sup> Among these rights and freedoms, freedom of association is the most important right in a democratic society. The 1995 Federal Democratic Republic of Ethiopia Constitution recognized the right to freedom of association under Article 31 in the broadest terms. To effect this right, pertinent laws are in place in a number of areas among others, concerning political associations, civic associations, and labour associations. In regard to the civic space, the principal legislation governing freedom of association of civic institutions is the “Organizations of Civil Societies Proclamation No.1113/2019”<sup>14</sup> which replaced the previous draconian law.<sup>15</sup> The previous proclamation No. 621/2009 was very restrictive as it directly targeted CSOs working on rights-based issues. For instance, CSOs that raise more than 10% of their income from foreign sources and those of foreign charities were not allowed to participate in various rights-based activities including advancing human rights, promoting democratic principles, and efficiency of the justice and law enforcement services. Furthermore, negative narratives such as considering the CSOs as “anti-country” or “foreign agents” have been used as a tactic to close the civic space. As a result, the civic space was shrinking. Prior to 2018, Ethiopia was one of the world’s most repressive environments for civic activism due to legal and political restrictions.

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<sup>12</sup> Addis Standard, ‘Authority vows to hold CSOs working against “sovereignty, public interest” to account’ (September 16, 2022) <<https://addisstandard.com/news-authority-vows-to-hold-csos-working-against-sovereignty-public-interest-to-account/>> accessed Oct. 30, 2022

<sup>13</sup> Freedom of Association and Assembly Unions, NGOs and Political Freedom in Sub-Saharan Africa (March 2001) XIX: Article 19, 1

<sup>14</sup> Organizations of Civil Societies (CSO’s) Proclamation No.1113/2019

<sup>15</sup> Charities and Societies Proclamation No. 621/2009

Currently, following the 2018 legal and institutional reform, there comes a huge change in legislation and a relatively enabling environment for civic space.<sup>16</sup> The government made significant reforms, particularly legal, political, and institutional. Primarily, political reform provides opportunities to alter the political order, which has been hostile to civic space for over a decade. Secondly, the opening of political, media, and CSOs space was followed by packages of legal framework reforms in relation to civil society; counterterrorism; electoral board, political party registration, the media and a range of areas. By amending those repressive laws, the reform opens up a new horizon for civic space and human rights. The newly enacted 2019 CSOs law, in particular, created an enabling environment for the civic space, paving the way for CSOs to take part in advocacy and human rights related activities. The new CSOs law is a radical departure from the previous draconian law. Moreover, HRDs that were forced to flee the country have returned to home; those who were jailed have been freed; and those who were silenced begun to speak loudly. Most importantly, the civic space began to flourish due to positive legal and institutional reforms. The legal reform combined with a welcoming and supportive institutional setup, allowed CSOs to play a vital role. The new CSO proclamation preamble recognizes the importance of CSOs and the need to create an enabling environment for them. Furthermore, it lifts the restriction on foreign funding and reduces the cost of administrative expenses from 30 percent to 20 percent. The law established an agency that is more inclusive in its board member selection, which is a departure from the previous law that established an authoritarian agency to monitor the work of CSOs.<sup>17</sup> The agency, which is now called the FDRE Authority for Civil Society Organizations (ACSO), is vibrant, open, and welcoming and works closely with CSOs. Prior to 2018, INGOs were not able to organize any meetings or training activity, or even visit Ethiopia. Currently, the authority is inviting international organizations to come and to open their offices in Ethiopia.<sup>18</sup> As a result of

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<sup>16</sup> ETHIOPIA: ‘Civil society can play a key role in overcoming divisions’ (CIVICUS, 25 September 2019) <<https://www.civicus.org/index.php/media-resources/news/interviews/4078-ethiopia-civil-society-can-play-a-key-role-in-overcoming-divisions>> accessed 29 October 2022

<sup>17</sup> Organizations of Civil Societies Proclamation No.1113/2019 Article 7 & 8

<sup>18</sup> የሲቪል ማኅበረሰብ ድርጅቶች ባለስልጣን, ‘አለም አቀፍ ድርጅቶች አህጉር አቀፍ ቢሮዎቻቸውን በኢትዮጵያ እንዲከፍቱ ጥሪ ቀረበ’ (August 31, 2022)

these reforms, the civic space is flourishing, engaging in a range of activities including human rights, democracy, development, gender, accountability and justice, conflict resolution, and peace.

On the other hand, there is a reform in relation to the media sector, which has been frequently repressed. Prior to 2018, the political culture did not allow open space for the media, and various media houses were blocked, journalists were prosecuted, and members of the media were forced to flee the country. Following the reform, journalists engaged in establishing media houses in print, online, and offline. As part of legislative reform, the Media Proclamation No. 1238/2021 introduced reforms in a range of areas, among them manner of instituting and hearing media-related cases, easing registration and licensing, protecting of journalist sources, and decriminalizing defamation. Furthermore, the current law established the Ethiopian Media Authority (EMA), whose management board members are now required to be non-affiliates of any political organization, though the appointment of its members still raises some concerns.

Nevertheless, the opening space will not go unchallenged. Recurrent violence and the outbreak of an armed conflict in the northern part of Ethiopia brought new challenges for HRDs and CSOs. Negative narratives, smear campaigns, and unjustified criticisms of civil society actors continue to be issues. The impact of the previous law and political context persists, challenging CSOs to get back to the truck, especially right based CSOs. On the other hand, the wave of arrests of dissenting journalists and human rights activists has created a chilling effect and a climate of fear.

#### 4.1. The Impact of the Political Sphere on the Work of HRDs

Combined with previously held negative attitudes towards CSOs as “anti-country” or “foreign agents,” the current political landscape has created a conducive environment for those actors who engage in attacking the civic space or HRDs. The fight to control the narratives of the conflict in the northern part of Ethiopia and ethnic attacks in some other parts of the country are the major reasons for increasing hostility against HRDs. The politically motivated threats come from both opposition party members and government officials. Since the beginning of the war, several CSOs have been calling for peace and releasing press statements to end conflicts in the North and other parts of Ethiopia. On September 10, 2021, on the eve of the Ethiopian New Year, a call was made

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<<https://www.facebook.com/100067350582423/posts/pfbid0zBXvu9aBVZiztYxCHa44djcEvb76axzdhMcF73tvPXWCCNZoczSpgkXp82Zte5Sl/?sfnsn=mo>> accessed August 28, 2022

by a collective of 24 local CSOs for the cessation of hostilities, the de-escalation of war, and war propaganda in Ethiopia.<sup>19</sup> After two days of the press release, ACSO issued a warning statement concerning CSOs. The statement is made after ACSO announced the temporary suspension of MSF Holland, the Norwegian Refugee Council, and Al-Maktoume Foundation humanitarian operations in Ethiopia.<sup>20</sup>

The authority also pressed on the following:

*“Various punitive measures will be taken against some charities that are operating outside of the objectives for which they were established. Depending on the nature of the damage, various remedial measures will be taken, ranging from warnings to suspensions and closures. We will have no mercy on civil society organizations that threaten Ethiopia’s sovereignty, unity, and security. We will never negotiate to accommodate such a predicament. We have information that some civil society organizations are acting in a way that is against the national interest. We will handle the situation very seriously because it inflicts danger on the national interest. The necessary corrective action will be taken as soon as we complete the investigation.”<sup>21</sup>*

On September 6, 2022, a similar urgent call for peace was made by 35 CSOs, including Ethiopian Human Rights Defenders Center.<sup>22</sup> On this day, the CSOs were preparing to give a joint press conference at the Inter-Luxury Hotel in Addis Ababa but were prevented from making the call by

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<sup>19</sup> Brook Abdu, ‘CSOs call for unconditional peace’ (The Reporter, September 11, 2021) <<https://www.thereporterethiopia.com/11953/>> accessed October 30, 2021

<sup>20</sup> Getahun Tsegaye, ‘Fed. government vows to take punitive measures against CSOs, NGOs who step outside their mandates, threaten Ethiopia’s sovereignty’ (Addis Standard, September 14, 2021) <<https://addisstandard.com/news-analysis-fed-government-vows-to-take-punitive-measures-against-csos-ngos-who-step-outside-their-mandates-threaten-ethiopias-sovereignty/>> accessed October 30, 2022

<sup>21</sup> Ethiopian Press Agency, ‘ሀገረን አደጋ ላይ በሚጥሉ ጉዳዮች ላይ በሚንቀሳቀሱ አንዳንድ የተራድኦ ድርጅቶች ላይ እርምጃዎች እንደሚወሰዱ ተገለጸ’ (September 12, 2021) <<https://www.facebook.com/484414308376589/posts/2086729028145101/>> accessed October 30, 2022

<sup>22</sup> Center for Advancement of Rights and Democracy (CARD), ‘Urgent Call for Peace’ (September 06, 2022) <<https://www.cardeth.org/%e1%8a%a0%e1%88%b5%e1%89%b8%e1%8a%b3%e1%8b%ad-%e1%8b%a8%e1%88%b0%e1%88%8b%e1%88%9d-%e1%8c%a5%e1%88%aa/>> accessed October 31, 2022

personnel in civilian and military attire who claimed to have been sent by “a government body.”<sup>23</sup> Despite the prohibitions by security forces, the CSOs held the event online and released a joint statement calling for peace and an end to the resumption of the conflict. The CSOs condemned the ban and stressed that such actions would shrink the civic space, are against the rule of law, and deny the role that civil society organizations should play for peace.<sup>24</sup>

Immediately after the release of the press statement, the authority vows to strengthen its efforts to make civil society organizations “working against Ethiopia’s sovereignty and the public interest” accountable by law.<sup>25</sup> The authority vows that:

*“Some of the CSOs are standing against the interests of the country and the people, wasting money that comes in the name of the people, committing embezzlement, and secretly acting as couriers for foreign agents to betray the country’s sovereignty.” Legal action had been taken last year, and that the authority would continue to take similar actions against those who violate the law in the future. Individuals and organizations must refrain from actions that try to fulfill their own and traitors’ hidden agendas by sacrificing the interests of the country. CSOs that are found to be a hindrance to “Ethiopia’s struggle to maintain its sovereignty,” will not escape legal responsibility.”<sup>26</sup>*

The statement comes a week after a group of 35 local civil society organizations issued a joint statement. In addition to this, another government authority with the rank of minister warned the CSOs which issued the peace call. On September 9, 2022, in a meeting where more than 100 CSOs attended, the minister stated that the government believes the statement issued by the 35 CSOs is wrong. The official stressed that the government will take action against those who do not correct it. The meeting was closed to the media. The minister criticized the joint statement for failing to

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<sup>23</sup> CARD (n 22)

<sup>24</sup> CARD (n 22)

<sup>25</sup> ኢ.ኤ.አ, ‘የአገርን ሉአላዊነትና የህዝብን ጥቅም በመደረር የሚሰሩ የሲቪል ማህበረሰብ ድርጅቶች በሀገር ተጠያቂ ይሆናሉ’ <<https://www.ena.et/?p=184614>> (September 15, 2022); Addis Standard, ‘Authority vows to hold CSOs working against “sovereignty, public interest” to account’ (September 16, 2022) <<https://addisstandard.com/news-authority-vows-to-hold-csos-working-against-sovereignty-public-interest-to-account/>> accessed October 27, 2022

<sup>26</sup> ኢ.ኤ.አ (n 25)

“consider the danger” the country was facing now and failing to “explain the damage done by the TPLF.” In addition to government authorities, one of the opposition party Ethiopian Citizens on Social Justice Members often campaign on social media against peace calls by CSOs.<sup>27</sup> Thus, the challenges against HRDs is not only from government only but also from oppositions and the public.

#### 4.2. The Impact of Media and Public Campaigns/Perceptions Against HRDs

Despite the important contributions of HRDs and CSOs to the cause of human rights, there is a negative perception towards them and their activities among the public and Media. In Ethiopia, HRDs have faced various challenges in implementing their activities. One of the challenges comes from the media, which labels and disseminates defamatory news about HRDs, both privately and “publicly owned” (government owned).

Furthermore, the Media, especially those owned by the government did not give space for HRDs or CSOs. For instance, when CSOs released press statements, “public owned” Medias did not share the concerns of CSOs. Nevertheless, when the government releases statements that target CSOs on the same issues, both social and mainstream media escalate the situation by disseminating through various means including by giving wide news coverage. Privately owned Media outlets are more open to HRDs, and they are willing to collaborate on human rights sensitization works, including disseminating human rights awareness creation programs. Moreover, there is evidence that shows smear campaigns by some journalists who work in “public owned” Medias.<sup>28</sup> As the journalists have several thousands of followers and campaign to defame the CSOs without evidences they inculcate negative public perceptions towards CSOs.

Additionally, the attitude of the public is sometimes shaped by the media and activists. This can be inferred from the comments when smear campaigns against CSOs are posted by individuals. The reaction of some sections of the public is negative towards the CSOs. There is also a lose

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<sup>27</sup> EHRDC Interview - RD 01, on October 28, 2022

<sup>28</sup> A journalist who is a TV program Producer at Ethiopian Broadcasting Corporation a government owned public media often participates in smear campaigns against CSOs labeling them as foreign agents funded by USAID. <[https://m.facebook.com/story.php?story\\_fbid=pfbid0tqhvBtJsEDDmYSDjScJ8b5eP9Zbj7Dage5DFQT8rvHeRSh9Drei1UnMecJ3q5wnzl&id=100003626461788](https://m.facebook.com/story.php?story_fbid=pfbid0tqhvBtJsEDDmYSDjScJ8b5eP9Zbj7Dage5DFQT8rvHeRSh9Drei1UnMecJ3q5wnzl&id=100003626461788)> posted October 21, 2022

argument of considering human rights as a western value and CSOs as western puppets. In particular, women human rights defenders (WHRDs) remain at risk in the country, with rigid social norms often preventing their active participation in public life or human rights organizations.<sup>29</sup> This kind of perception becomes a challenge for CSOs when they conduct advocacy and other activities.

## 5. The Situation of Human Rights Defenders and Main Challenges

In Ethiopia, threats and challenges for HRDs, both from state and non-state actors are increasing and affecting their work negatively. Despite the reforms, the East and Horn of Africa Human Rights Defenders Network (Defend Defenders) reported that there are still significant challenges for the country's fledgling civil society, especially as it attempts to rebuild itself amid the rapid reform process,<sup>30</sup> and attempts to operate in a fragile situation. HRDs, particularly those working on human rights, are vulnerable to smear campaigns and are often subjected to threats, warnings, and attacks due to the nature of their work. In a country like Ethiopia where a human rights culture is less developed, HRDs working to advance human rights face a serious of challenges. The challenges come when they conduct advocacy activities, release press statements on violations and demand accountability for human rights violations. Additionally, the lack of legislation that can specifically protect HRDs exacerbates the situation of HRDs in Ethiopia. The following concerns are some of the challenges that HRDs are facing.

### 5.1.Smea Campaigns

Among the tactics employed to restrict the work of HRDs are smear campaigns, which have the power to shape public attitudes and are used as a weapon to close the civic space. A smear campaign is a strategy used to portray HRDs as threatening, either because of the causes they promote or the groups they protect,<sup>31</sup> and uses various tactics, including defamation, insult, and

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<sup>29</sup> Defend Defenders, 'Turning the Page: Rebuilding Civil Society in Ethiopia' (April 2019)

<[https://www.defenddefenders.org/wp-content/uploads/2019/05/Ethiopia\\_FINAL-REPORT.pdf](https://www.defenddefenders.org/wp-content/uploads/2019/05/Ethiopia_FINAL-REPORT.pdf)> accessed October 30, 2022

<sup>30</sup> Defend Defenders (n 29)

<sup>31</sup> Israel Butler, 'How to talk about civic space: a guide for progressive civil society facing smear campaigns' (2021) Liberties 18

labeling, to discredit their causes. Governments, political parties, activists, social movements, and media outlets with authoritarian agendas may use smear campaigns to attack HRDs and force them to stop conducting their inherent work.

In Ethiopia, organizations defending human rights and democracy are facing smear campaigns both from state and non-state actors. Senior government officials made disparaging remarks about critical CSOs, which could jeopardize their security, work, and reputation. As stated in Section 5.1, the remarks are made after 35 CSOs released joint statements calling for peace and the de-escalation of hostilities that are causing serious human rights violations in the country. In relation to this and other peace calls, activists and members of an opposition party have been conducting smear campaigns, calling those who make peace calls to be prosecuted and closed. The Center for the Advancement of Rights and Democracy (CARD) has faced persistent harassment, including smear campaigns. For instance, following the resumption of armed conflict in the northern part of Ethiopia after five months of humanitarian truce, CARD issued a quick call for de-escalation and shared it on the Center's social media.<sup>32</sup> According to one interviewee, "CARD's quick call for peace, de-escalation of conflicts, and suppression of war propaganda, rather, drew unexpected backlash from one of the most powerful opposition groups, namely the Ethiopian Citizens' for Social Justice Party (known as Ezema)."<sup>33</sup> In posts that the assessment team observed, four senior members of the party have campaigned and vilified CARD by posting derogatory statements against it because of the peace call. On August 26, 2022, a senior member of the party who is the Head of Public Relations accused CARD of "*red card deserving message of the red one [because CARD's logo is red]*".<sup>34</sup> He used the screenshot of the peace call to discredit and defame the CSOs in general and CARD in particular by calling them hypocrites. Similarly, on August 26, 2022, the

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<sup>32</sup> CARD, 'open call on the war in the northern part of Ethiopia' (August 25, 2022)

<<https://twitter.com/CARDEthiopia/status/1562732028696866816>> accessed November 01, 2022

<sup>33</sup> EHRDC Interview – RD 01, on October 28, 2022

<sup>34</sup> Mulualem Tegegnetwork,

<<https://www.facebook.com/mtegegnetwork/posts/pfbid02DFsAAYGevEpLdKd4P2rVSWLaRtPchNKZtvyjxxrSYV9xHEd3S7GnNaZkmBZBN7mZl>> posted August 26, 2022

former head of the party's PR also called the people behind the statement "*a bunch of comfortable hypocrites*".<sup>35</sup>

Additionally, another member of the party wrote an open letter to CARD on Facebook with the accusation that "*the call for peace has systematically supported a group that is labeled by the Ethiopian parliament as a terrorist group. He warned organizations against issuing such a peace call, calling it "treasonous to the country in the name of a peace call."*<sup>36</sup> The post got 60 reactions, including 15 comments, and 6 shares. The commentators included Girma Seifu Maru, a member of Ezema's executive committee and a Prosperity Party appointed commissioner of the Investment Commission of Addis Ababa City, who said, "*They [CARD] are trying to please their payers... isn't it their job.*" Befikadu Director at CARD stated that, in addition to the smear campaigns that have resulted from the press statements, there have been defamations, labeling, and insults directed at their work of raising awareness about disinformation, hate speech, and human rights education.

Following the smear campaigns, the government seems to have heard the campaigners, and the Ministry for Coordinator of the Democracy Building Center in the Prime Minister's Office called a meeting with CSO representatives and warned the CSOs. The minister criticized the urgent call for peace during the meeting with the CSOs and directed the CSOs to issue statements either individually or through their council. He said that "if you issue individually then we will see each other." The minister expressed that the government regretted the CSOs' attempt to present themselves as neutral on the issue of the war, as it is the country that is being attacked, not a party or any other. In a positive remark, the ministry said that there will be a platform to discuss rising concerns based on paper presentations regarding the core principles of CSOs in general and neutrality and independence in particular.

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<sup>35</sup> Tigist Workineh,

<https://www.facebook.com/tigist.workineh/posts/pfbid0k7vtcvfq6UAYF8gFSEuPGmPo8gn16HVV8g4YYzqL6fbLbbUFMdnHfnzj4pUKxV9Zl>> posted August 26, 2022

<sup>36</sup> Eyob Messafint, "Clear Objection"

<https://www.facebook.com/eyob.messafint/posts/pfbid0sHuoitTPFhAuSZ8MJzXZnLt5UoWHNAcWLvySyyGwMnauDihqCrdznMtDDQWZufUUU>> posted August 26, 2022

On the other hand, there were CSOs who acclaimed the warnings and clapped by supporting the analysis and other participants who were accusing the CSOs. For instance, some representatives of CSOs accused others of being “foreign agents who labor to get foreigners’ crumps.”

## 5.2. Climate of Fear, Attack and Repression

*“You can close our organizations. But these days will pass. Do not forget that this day will pass...if everything is done according to the law, it will benefit us all,”* said one CSO representative in the CSO meeting on September 9, 2022.

As demonstrated in the sections above, government officials, activists, journalists, and members of opposition party members have used negative statements against CSOs. In relation to this, all CSO directors in the questionnaires given for the assessment mentioned the threats they faced as HRD which mainly include harassment, intimidation, arbitrary arrests, and restrictions on their free activities. A number of CSOs fear that the negative remarks made by authorities and some CSOs members towards critical CSOs would shrink the civic space, which would have a negative impact on the protection and promotion of human rights by harming and undermining CSO’s work and reputation. A CSO director interviewed for this report described the challenges of CSOs as internal and external.<sup>37</sup> The director stated that the internal problems are lack of collaboration, narrow vision, limited funding, and threatened sustainability, while the external challenges are harassment, intimidation, arbitrary arrests, and restrictions on their free activities, including warnings. Many of the CSO leaders stressed the effect of political statements and public campaigns against CSOs. This fear comes due to the consistent negative statements by politicians that delegitimize CSOs.

For example, in the joint CSO meeting, the Ministry pointed to the CSO representatives who expressed their concerns by calling out their names. Public vilification towards civic actors also becomes common in Ethiopia led by activists who initiate vilification campaigns.

Furthermore, one CSO Director, in explaining the security threat to HRDs, stated the following:

*“Recently, I myself have faced and am facing this type of threat just for being a voice, and my colleagues were also forced to leave their offices and relocate to Addis Ababa for their*

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<sup>37</sup> EHRDC interview – LH 03, November 2022

*safety. Other colleagues were also arbitrarily arrested just for doing their human rights work. We also face harassment whenever we release press statements against human rights violations.*”<sup>38</sup>

The warnings and negative remarks made not only affect one organization, but they have consequences of shrinking the civic space by creating a climate of fear in others. It can also be used to legitimize repressive actions and delegitimize CSOs. As a result, CSOs would self-restrain from doing their inherent task, fearing that it may have another connotation for the government. According to interviews with CSO representatives, the remarks persistently made by authorities and smear campaigns have obliged them to self-restrain from doing their inherent works, including advocacy and citizen education.<sup>39</sup> For instance, releasing press statements both jointly or individually such as calling for peace, an end to hostilities, and the protection of human rights is the inherent work of CSOs, especially those working to build a culture of human rights and democracy. In addition to the harassment of critical CSOs, there is also an evident tendency toward restriction of freedom of expression that has created a climate of fear and intimidation. Besides, the unavoidable chilling effect of such ongoing attacks is self-censorship by various actors in civil society arising from such threats. Not to mention, the number of the CSOs which signed on the next press statement on the Pretoria Peace Dialogue has been significantly reduced. In the joint press statement by CSOs to appreciate the permanent cessation of hostilities and call for commitment, which was released on November 4, 2022, only 13 CSOs signed it.

### 5.3. Funding Challenges as a Barrier to Operate

In Ethiopia, despite the open space for funding, the issue of funding has become a key concern for CSOs for various internal and external reasons. A study conducted by Defend Defenders in 2019 stated the challenges of funding faced by Ethiopian CSOs as follows:

*Funding remains the most prevalent challenge for national CSOs, who are still operating on shoestring budgets with high volunteer turnover rates and a lack of institutional knowledge of donor relations. While new regulations remove foreign funding caps, it still*

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<sup>38</sup> EHRDC interview – CO 02, Nov. 2022

<sup>39</sup> EHRDC Interview – RD 01, on October 28, 2022; EHRDC Interview – T 04, November 01, 2022

*leaves a significant disconnect between CSOs and donors, and raises the risk of organizations competing for funding.*<sup>40</sup>

This problem still exists, as some CSOs are grappling to gain funding or even to exist. In his statement on September 20, 2022, the deputy director general of the CSOs authority, *Fasikaw Molla*, explained the funding challenges as follows:

*“We understand from our discussions with civil society organizations that some of the promised funds have not been disbursed; the donor community is now interested in Ukraine; they are canceling their support for Ethiopia and diverting their attention there,”*<sup>41</sup>

CSOs have the space for funding opportunities, but they have some challenges internal to the organizations themselves that relate to the capacity to explore and exploit the opportunities. This comes as a result of not having skilled people, a lack of understanding of how to approach donors, and gaps in preparing proposals to attract partners. CSO leaders also added that the stringent requirements of funders have become a challenge when applying for grants specially for emerging CSOs. Furthermore, the internal war and the sharply rising domestic market, combined with the global cost of living crisis, exacerbate the funding challenges. On funding, the CSO leaders interviewed stated that funding challenges have impacted their advocacy work and their ability to expand their activities and implement more projects outside of the capital city. “The absence of adequate funding has forced us to limit our activities,” said Befikadu Hailu, Executive Director of CARD. Furthermore, on August 20, 2022, USAID reduced funding to CSOs, and several CSOs have been affected, as well as forced to halt or reduce their activities and terminate their employees.

This lack of funding has resulted in reduced capacity for HRDs working in the civil society sector to participate in sensitizing, educating, and advocating for human rights. The funding challenges facing HRDs at this crucial juncture of peace negotiations, post-conflict situation, and peace building process will have an impact on the active participation of HRDs in the peace process and

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<sup>40</sup> Defend Defenders (n 29) 30

<sup>41</sup> Amanuel Yelkal, ‘Authority considers lobby team to re-engage donors, international community’ (September 03, 2022, The Reporter) <<https://www.thereporterethiopia.com/26137/>> accessed November 01, 2022

transitional justice. Thus, funders should continue to provide sustainable funding and build the civic space that has been the subject of a decade of repression in Ethiopia.

## 6. Challenges in Exercising the Rights Under UN Declaration on Human Rights Defenders

The declaration has recognized a number of rights and protections accorded to HRDs. It does not create new rights but instead articulates the rights and principles found in international instruments, which have a legally binding effect on states that ratify them. The declaration is designed to protect those who protect human rights as they face great obstacles in their work. Despite the legal affirmations and declarations, HRDs continue to be threatened and detained by state and non-state actors. In Ethiopia, many HRDs have faced crackdowns, including detentions, disappearance, and unlawful denial of bail. The following sub-sections examine the violations of the rights found in the UN declaration.

### 6.1. Freedom of Expression:

Freedom of opinion and expression is, indeed, the cornerstones of human rights and one of the pillars of free and democratic societies.<sup>42</sup> As the commentary on the declaration on HRDs stated, freedom of expression is one of the rights crucial to the work of HRDs.<sup>43</sup> This right is protected in many international and regional treaties as well as national laws. The Ethiopian constitution, under Article 29, has stipulated the right, recognizing the three important elements of the right: the right to hold opinions without interference, the right of access to information, and to impart information and ideas of all kinds. Similarly, under international law, freedom of expression embraces, the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, or in print, in the form of art, or through any other medium, including the internet.<sup>44</sup> The rights to freedom of expression and freedom of the press include not only the right

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<sup>42</sup> United Nations, ‘Hate speech versus freedom of speech’ <<https://www.un.org/en/hate-speech/understanding-hate-speech/hate-speech-versus-freedom-of-speech>> accessed November 05, 2022

<sup>43</sup> OHCHR, Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (July 2011) 58

<sup>44</sup> ICCPR, Art 19(2); UN General Assembly Resolution 2200A of 16 December 1966 (ICCPR); Y Eneyew Ayalew ‘Assessing the limitations to freedom of expression on the internet in Ethiopia against the African Charter on Human and Peoples’ Rights’ (2020) 20 African Human Rights Law Journal 315-345

to publish or broadcast but also the right to be interviewed, which extends to expressions and publications that may oppose official government policy.<sup>45</sup>

However, in Ethiopia, the state of freedom of expression comes under regular repression by state and non-state actors who want to stifle dissenting views. Despite the amendments to laws to guarantee freedom of expression, the practice lacks some sort of commitment from the government.

The EHRDC, during its 3<sup>rd</sup> assessment, documented 19 cases of detained HRDs, which include journalists, rights activists, authors, and lawyers. Most of the HRDs whose cases are assessed in the 3<sup>rd</sup> assessment are now released from detention, though there are still a few behind bars. Also, some of the HRDs whose cases have been assessed in the 3<sup>rd</sup> assessment and who have been released during the assessment time were also detained again after the 3<sup>rd</sup> assessment. For instance, journalist Gobeze Sisay, whose case was covered in the 3<sup>rd</sup> assessment for his disappearance for 9 days from May 1, 2022 to May 10, 2022,<sup>46</sup> has been detained again on September 7, 2022, along with journalist Meaza Mohammed, who was also subjected to multiple detentions previously.<sup>47</sup> The majority of journalists and HRDs face detention as a result of their activism, social media posts and media interviews. Some of the HRDs have been released without being charged, but others, including Meaza Mohammed and Gobeze Sisay, are defending their cases after being released on bail. Meaza's detention was for the third time, while Gobeze's detention is for the second time within one year.<sup>48</sup> Author, journalist, and historian Tdios Tantu who is known on Medias for his controversial interviews, is still in prison.

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<sup>45</sup> David Weissbrodt and Brittany Mitchell, The United Nations Working Group on Arbitrary Detention: Procedures and Summary of Jurisprudence (2016) 38 HUM. RTS. Q. 679

<sup>46</sup> Mahlet Fasil, 'Journalist Gobeze Sisay released after 9 days of MIA' (Addis Standard May 10, 2022) <<https://addisstandard.com/news-journalist-gobeze-sisay-released-after-9-days-of-mia/>> accessed November 06, 2022

<sup>47</sup> Getahun Tsegaye, 'AS explainer on re-detention of journalists Meaza Mohammed and Gobeze Sisay' (Addis Standard, September 09, 2022) <<https://addisstandard.com/news-as-explainer-on-re-detention-of-journalists-meaza-mohammed-and-gobeze-sisay/>> accessed November 06, 2022

<sup>48</sup> Getahun Tsegaye, 'AS explainer (n 47)

**Meaza Mohammed:** A journalist and human rights activist is the owner and managing director of ‘Roha Media’ a YouTube-based channel. She continuously gives news coverage for victims of human rights violations and criticizes the approaches of the government in relation to the handling of ethnic attacks and the war in the northern part of Ethiopia. She hosts various programs, including "Our Voice" (የኛ ድምፅ) and "Idea Page" (የሃሳብ ገፅ) which assess political and social issues by inviting guests, after establishing a YouTube-based media platform. The journalist is a fierce critic of the government, expressing her ideas through Facebook, Twitter, YouTube, and other platforms. She also unfolds the plight of minorities and calls for accountability and protection for people who have faced recurrent ethnic-based attacks and massacres in various parts of Ethiopia.

Meaza has faced detention three times by security forces, including the current one, and her first detention were on December 10, 2021. In an interview with Meaza, she explained that:

*“From her first detention, she was released on January 18, 2022, after having been detained for more than a month without appearing in court of law, leading to her defense team to file habeas corpus at the Federal First Instance court’s 2nd bench. She was rearrested for the second time on May 28 of this year on the suspicion of “enticing violence and riot,” but she was released on June 20, 2022, on a 10,000 birr bail after 23 days of detention and without charges. Nevertheless, the government detained her again on September 7, 2022, and again released her on October. 13, 2022, with a 10,000 ETB bail bond.”<sup>49</sup>*

Following her most recent detention, the federal prosecutor filed multiple charges against the accused on September 30, 2022, along with two other defendants, Asaye Deribe and Gobeze Sisay, and announced the charges on its Facebook page.<sup>50</sup> The prosecutor charged her for allowing the

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<sup>49</sup> EHRDC Interview with MD; Getahun Tsegaye, ‘AS explainer (n 47)

<sup>50</sup> FDRE Ministry of Justice/የኢ.ፌ.ዲ.ሪ. ፍትሕ ሚኒስቴር ‘ዐቃቤ ህግ የሃሳብ ወራን በመንዛት፤ በውጊያ ውስጥ የወገን ጦር አሰላልፍና በታን ለጠላት እና ለህዝብ በመሳወቅ በህግ የተከለከለ ድርጊትን በፈጸሙ 3 ግለሰቦች ላይ ክስ መሰረተ’ (September 30, 20220)

<<https://www.facebook.com/MOJEthiopia/posts/pfbid0uV9XekxSEgtpPC7XRnTWTyY31ZQNshTY8gr27R5Qddr dELn6MmrAdEkBzweCDU4cl>> accessed Nov. 12, 2022

dissemination and spreading of false rumors to the public through “Roha Media.” The charges stemmed from an interview that she conducted with the other defendant, Asaye Derbie, via her media on August 25, 2022.

**Asaye Derbie:** A blogger, author, and activist, is known for his critical views disseminated via his Facebook page, which has 186k followers. He recently, on August 10, 2022, wrote a book called “*an outcry covered by a shout out*” (እልልታ የዋጠው እረታ) that covers and documents atrocities. Asaye Derbie was arrested on September 11, 2022, and later released with 10,000 ETB bail bond on October 13, 2022. While in prison, the federal prosecutor accused him of spreading false rumors to the public in an interview aired on Roha Media. On Sept. 30, 2022, the Ministry of Justice announced the charges on its Facebook page. He is accused of saying the following statements:

*“It is possible to end the war. The problem is not that we have an enemy that is not ready to be defeated, but that we have a government that is not interested. They attack them when they become a threat to their throne, but when they are far away from the throne, they leave them.”*

The charge accused him of spreading absolutely false information that must be decided by military and political capacity as well as techniques. He is also accused of portraying the government as though it had no intention of winning the war. The defendant is following his case as of this assessment.

**Temesgen Desalegn:** an author and veteran journalist, Temesgen Desalegn, is the founder and managing director of the independent weekly Amharic “Feteh” (meaning “Justice”) magazine. Temesgen has been detained many times in the past, including during the previous Ethiopian People’s Revolutionary Democratic Front (EPRDF) regime, and has been imprisoned for several years. He is a fierce critic of government inaction, human rights violations, and maladministration. He was arrested on May 26 on suspicion of “inciting riots and creating public mistrust of the Ethiopian National Defense Forces and the government.”<sup>51</sup> Temsegen was in prison during the third EHRDC assessment, and it was documented that he was beaten by police in front of his

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<sup>51</sup> Biruk Alemu, ‘Journalist Temesgen Desalegn released on 30,000 birr bail’ (Addis Standard, November 16, 2022) <<https://addisstandard.com/news-alert-journalist-temesgen-desaleng-released-on-30000-birr-bail/>> accessed Nov. 18, 2022

family and was admitted to the hospital. On June 29, 2022, the Federal Prosecutor filed three charges against Temesgen at the Federal High Court Lideta Branch, First Constitutional, and Anti-Terrorism Bench.

Accordingly, Temesgen was indicted with the first count of violating Articles 44 (1), (2) and 336 (1) of the 2004 Criminal Code, and “revealing national defense forces’ secretes; the second count, of violating Articles 44 (1), (2) and 337 (1) of the Criminal Code of 2004, under allegations of “spreading false or Tendentious information”; while the third count, of violating Article 44 (1), (2) and 257 (e) of the Criminal Code of 2004 for allegedly disseminating “inaccurate, hateful or subversive information or insinuations calculated to demoralize the public and to undermine its confidence or its will to resist.” Nevertheless, on October 21, 2022, the court declared Temesgen free on two counts and ruled to defend him on one count based on the Hate Speech and Disinformation Prevention and Suppression Proclamation No.1185 /2020. During this fourth assessment, Temesgen is following his case outside of detention after being released with a 30,000 ETB bail bond. Temesgen was released on November 16, 2022, after 5 months and 3 weeks of detention.

**Gobeze Sisay:** a journalist who has worked in various independent media houses is an owner and founder of ‘The Voice of Amhara’ media outlet that operates on the internet. In the 3<sup>rd</sup> assessment, Gobeze’s forced disappearance for nine days has been covered. The journalist again faced detention by security forces on Sept. 7, 2022. According to the Ministry of Justice Facebook post on Sept. 30, 2022, he is charged with spreading false information to the public, sending out information that undermines the public’s confidence in the defense capacity of the government, and revealing the positions and movements of the army to the enemy and the public. The journalist finally got released on November 11, 2022, with a 100,000 ETB bail bond and is following his case outside of detention.

**Tamirat Negera:** Tamirat, who is a journalist, analyst, and commentator on Ethiopian politics, is the founder and editor-in-chief of Terara Network Online Media. Tamerat is widely known for consistently voicing strong criticisms about the current political affairs of Ethiopia, including the undemocratic nature of the current system, ethnic federalism, and staunch censures on the dangers of ethnic politics and massive human rights violations. Tamirat have faced multiple detentions and imprisonment during the past and current regime. Tamirat was forced to flee to America in 2009

due to the EPRDF media crackdown. Tamerat returned following the government's promise of media reform in 2018; however, he is forced to flee again after his current unlawful arrest and intimidation. He currently went into Exile and left Ethiopia on November 21, 2022 night with his wife, Selam Belay, the General Manager of the media.<sup>52</sup> Tamrat was arrested in December 2021, and his whereabouts were unknown for seven days and detained for 118 days. During that time, several court proceedings in his case were held, though no formal charges were filed against him when he was released.<sup>53</sup> In an interview with BBC Amharic, Tamirat said that he preferred to flee the country due to lack of media freedom and a free atmosphere to exercise freedom of expression.

**Meskerem Abera:** Meskerem is a teacher and vocal journalist who founded “*Ethio Nikat Media*” YouTube channel. She is known for her critical remarks toward the government, especially on the issue of the massacre of ethnic Amhara civilians in different parts of the country in the Benishangul Gumuz and Oromia regions of Ethiopia.<sup>54</sup> Until the period of this assessment, Meskerem is in detention after being arrested on December 13, 2022, for the second time. She was first detained on May 21, 2022, at the capital and charged for alleged grounds of “inciting violence and instability.” She was later released on June 15, 2022. She is allegedly charged with “dismantling the constitution by force” by using Ethio Nikat Media and other social media platforms. The charges also read that she has incited the public to close roads and not to collaborate with the defense force in Southern region of Ethiopia Gurage Zone, and Addis Ababa. In the Gurage Zone of the Southern Nation nationalities and peoples region, there is a *de facto* state of emergency where some rights are restricted by a command post. Meskerem was brought to court on December 15, 2022, and her lawyers requested bail bond be given by the court, but the court rejected the request and allowed the police 14 days of remand. Following her arrest, the Coalition for Women

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<sup>52</sup> Addis Zeybe, ‘Tamerat Negera went into exile again’ <<https://addiszeybe.com/tamerat-negera-went-into-exile-again>> accessed Dec. 08, 2022

<sup>53</sup> Addis Zeybe (n 52)

<sup>54</sup> Borkena, ‘Federal Supreme Court released Meskerem Abera on bail’

(June 15, 2022) <<https://borkena.com/2022/06/15/federal-supreme-court-released-meskerem-abera-on-bail/>> accessed December 14, 2022

in Journalism (CFWIJ) on its Twitter page condemned her arrest and called for her immediate release.<sup>55</sup>

On the other hand, it is reported that five journalists are detained in the Tigray region of Ethiopia by the parties in control of the region. According to CPJ's July 20, 2022 report, five Tigray TV employees Teshome Temalew, Misgena Seyoum, Haben Halefom, Hailemichael Gesesse, and Dawit Meknonnen have been detained by the authorities. The journalists were detained by regional authorities and accused of "collaboration with the enemy" for their alleged work with the Ethiopian federal government.<sup>56</sup>

In Ethiopia, the detention of HRDs and restriction on media freedom is not a new issue, but it has been an increasing trend for years. The detention of HRDs is a regular occurrence in the country, particularly in the capital. It can be said that 'detentions are frequent as fast as breakfast'. The arrest and detention trend of HRDs raises several due processes and freedom of expression concerns. It's not only the arrest that becomes a trend, arbitrary detentions also become a frequent occurrence, resulting in serious violations of human rights, including freedom of expression.

## 6.2. Arbitrary Arrest and Unlawful Detention

The prohibition of arbitrary arrest and unlawful detention is recognized in international instruments and domestic laws enacted to ensure human rights. The International Covenant on Civil and Political Rights (ICCPR)<sup>57</sup> under article 9 (1) enshrined as follows:

*"Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."*

Similarly, the FDRE Constitution under Article 17 stipulated that:

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<sup>55</sup> CFWIJ, <<https://twitter.com/CFWIJ/status/1602967477843263488?cxt=HHwWgIDQ9bOb8b4sAAAA>> (Dec. 14, 2022) accessed Dec. 15, 2022

<sup>56</sup> CPJ, 'Tigrayan authorities in Ethiopia detain 5 Tigray TV journalists' (July 20, 2022) <<https://cpj.org/2022/07/tigrayan-authorities-in-ethiopia-detain-5-tigray-tv-journalists/>> accessed Dec. 05, 2022

<sup>57</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR)

*1. No one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law.*

*2. No person may be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him.*

Similarly, the ICCPR requires deprivation of liberty not to be arbitrary, and to be carried out with respect for the rule of law.<sup>58</sup> Arbitrary detention not only violates human rights but also undermines trust in institutions that keep societies safe and open.<sup>59</sup> The Human Rights Committee (HRC), in its General Comment No. 35, considered arrest or detention that lacks any legal basis as arbitrary.<sup>60</sup> Also, in the *Chambala vs. Zambia case*, the HRC regarded the continued confinement of detainees in defiance of a judicial order for their release as arbitrary as well as unlawful.<sup>61</sup> According to the HRC, “unlawful” detention includes both detentions that violate domestic law and detentions that are incompatible with the requirements of article 9, paragraph 1, or with any other relevant provision of the Covenant.<sup>62</sup> In addition, the HRC explained in its jurisprudence that “arbitrariness” is not to be equated with “against the law,” but must be interpreted more broadly to include elements of inappropriateness, injustice, and lack of predictability and due process of law.”<sup>63</sup>

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<sup>58</sup> Human Rights Committee, General comment (GC) No. 35 Article 9 (Liberty and security of person) CCPR/C/GC/35

(16 December 2014) 3

<sup>59</sup> ‘UN Human Rights Council 48: UK statement on Arbitrary Detention’ (September 20, 2021) <[<sup>60</sup> HRC, GC No. 35 \(n 58\) Para. 11](https://www.gov.uk/government/news/un-human-rights-council-48-uk-statement-on-arbitrary-detention#:~:text=Arbitrary%20detention%20not%20only%20violates,are%20more%20often%20arbitrarily%20detained.>” accessed Nov. 18, 2022</a></p></div><div data-bbox=)

<sup>61</sup> HRC, GC No. 35 (n 58) Para. 11

<sup>62</sup> HRC, GC No. 35 (n 58) Para. 44

<sup>63</sup> Communication No 305/1988: Netherlands. CCPR/C/39/D/305/1988 (Jurisprudence), Views Of The Human Rights Committee Under Article 5, Paragraph 4, Of The Optional Protocol To The International Covenant On Civil And Political Rights -Thirty-ninth Session concerning Communication No. 305/1988, August 15, 1990.

In the case of Ethiopia, despite the legal stipulations, HRDs have faced both arbitrary and unlawful detentions. Firstly, many HRDs have been arrested without a court warrant and without being informed of the reason for their arrest, which is a clear violation of the FDRE Constitution. The constitution under Article 19 (1) clearly states that “persons arrested have the right to be informed promptly, in a language they understand, of the reasons for their arrest and of any charge against them”. For example, Journalists Meaza Mohammed, Gobeze Sisay, Temesgen Desalegn, and Asaye Derbie were detained without a court warrant and promptly informed of the reason for their detention.<sup>64</sup> The UN Working Group has pointed out that the practice of arresting persons without a warrant; not informing them of the reasons for their arrest, and not filing charges against them within a reasonable period of time also renders their detention arbitrary.<sup>65</sup>

Secondly, there are instances of arrest and detention that violate domestic laws and Article 9 of the ICCPR. The media law prohibits pre-trial detention of persons charged with committing an offense through the media. In relation to the manner of instituting and hearing media-related cases, the Media Proclamation under Article 86 (1) states the following:

*“Any person charged with committing an offence through the media by the public prosecutor shall be brought promptly before a court, without being remanded for further investigation pursuant to the Provisions of Criminal Procedure Code.”<sup>66</sup>*

Nevertheless, several journalists and other individuals who expressed their views through interviews in the media, including the journalists and HRDs mentioned above, have faced pre-trial detentions. In this regard, Chief Commissioner Daniel Bekele of the Ethiopian Human Rights Commission (EHRC) has called the journalists' detention unlawful and stated that "no claim about the alleged offense committed through media justifies violation of the newly adopted media law, which clearly prohibits pre-trial detention of persons charged with committing an offense through

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<sup>64</sup> In an interview with the listed persons they have attested that they were arrested without warrant and being informed the reason of their arrest promptly.

<sup>65</sup> UN Working Group on Arbitrary Detention, Decision No. 4/1993 (Philippines), E/CN.4/1994/27, December 17, 1993

<sup>66</sup> Media Proclamation No. 1238/2021

media.<sup>67</sup> Furthermore, the Chief Commissioner said that the repercussions of unlawful detention of journalists, including prolonged pre-trial detention, non-disclosure of whereabouts, and detention in irregular detention facilities, extend beyond media space and freedom of expression.<sup>68</sup> For example, poet and HRD Belay Bekele were from June 28 to July 4, 2022, and his whereabouts were unknown during that time. Thirdly, despite a release order from the courts, there is regular defiance of a court order by law enforcement officials in Ethiopia. For instance, on Nov. 15, 2022, the federal high court ruled for journalist Temesgen Desalegn to be released on 30,000 ETB bail. Nevertheless, Temesgen was kept in detention by the prison administration until Nov. 16, 2022, without a clear justification. In relation to the detention, journalist Temesgen said:

*“Kilinto Prison makes me a prisoner of the prison administration. The prison administration has no legal grounds to detain me in violation of the court order. Anything that happens to me is the responsibility of the prison administration, and I am now the private prisoner of the prison.”*

Thus, the detention is both unlawful and arbitrary, which constitutes a violation of Article 9 of the ICCPR, Article 19 of the FDRE Constitution, and other international human rights instruments.

On the other hand, the UN Working Group on Arbitrary Detention also regarded detention for the exercise of human rights as arbitrary, even if the detention is justified by domestic laws. According to the ministry of justice charge files, Gobeze Sisay, Meaza Mohammed, and Asaye Derbie’s detentions stem from their criticism of the government. They criticized the government concerning the handling of the war in the northern part of Ethiopia via interviews and discussions on media houses and social media platforms, which is one aspect of exercising freedom of expression. To mention, the Ministry stated in the charge that, in an interview on August 25 given to Roha Media, Asaye Derbie, through a media outlet Meaza manages, said “It is possible to end the war. The problem is not that we have an enemy that is not ready to be defeated, but that we have a government that is not interested”. Additionally, the detentions are not justified by domestic law, as the media law prohibits pre-trial detentions in this case.

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<sup>67</sup> EHRC, ‘Over a dozen media personnel in unlawful detention’ (May 27, 2022) <<https://ehrc.org/over-a-dozen-media-personnel-in-unlawful-detention/>> accessed Nov. 19, 2022

<sup>68</sup> EHRC, (n 67)

### 6.3. The Right to Freedom of Assembly

The right to freedom of assembly is a vehicle to exercise other rights and to advocate for change with others peacefully. The right is recognized under Article 30 (1) of the FDRE Constitution and Article 21 of the ICCPR. The FDRE Constitution provides that “Everyone has the right to assemble and to demonstrate together with others peaceably and unarmed, and to petition.” The ICCPR also stated, the right of peaceful assembly shall be recognized and that no restrictions may be placed other than those in conformity with the law. The HRC elaborated that the right enables individuals to express themselves collectively and to participate in shaping their societies,<sup>69</sup> through organizing or taking part in a gathering of persons for a purpose such as expressing oneself, conveying a position on a particular issue, or exchanging ideas both offline and online.<sup>70</sup> The committee also explained that the state has the obligation to respect and ensure the right before, during, and after assemblies by creating an enabling environment for the exercise of the right. The obligation includes not prohibiting, restricting, blocking, dispersing, or disrupting peaceful assemblies without compelling justification, as well as not harassing or retaliating against participants.<sup>71</sup>

Despite these legal protections which exist in Ethiopia, exercising the right to freedom of assembly faces many challenges in the country. In some areas of the country, such as the Gurage Zone, the de facto state of emergency has eroded some rights, including freedom of assembly and peaceful demonstration. Aside from that, the earlier government-sanctioned ban on a meeting called by local CSOs, including EHRDC, on September 6, 2022 was a challenge to freedom of assembly. Thus, the de facto state of emergency, the prevention of CSO meeting, and the warnings following the press statements are signs of restriction on freedom of assembly and a violation thereof. Moreover, on June 25, 2022, security forces violently crackdown Amhara students in the capital who demonstrated peacefully, showing flyers and seeking justice for victims. The students from Addis Ababa University were gathered at the university gates, mourning the hundreds of people killed in Wollega. The demonstration was dispersed by security forces.

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<sup>69</sup> Human Rights Committee (HRC) General comment No. 37 on the right of peaceful assembly (CCPR/C/GC/37, Sept. 2020) Para. 1

<sup>70</sup> HRC, assembly (n 69) Para. 6 & 12

<sup>71</sup> HRC, assembly (n 69) Para. 23 & 33

Amidst these restrictions, there were instances of assembly organized by CSOs. On September 8, 2022, two local CSOs - Timran and Network of Ethiopian Women's Voice (NEWA) organized a "Women's Peace March" and more than 400 women participated in the event. The women called accountability for gender-based violence, an end to war, and the inclusion of women in the national dialogue process.

#### **6.4. The Right to Participate in Peaceful Activities against Human Rights Violations**

Defending human rights is everyone's responsibility. It's the collective action of all actors that can ensure the protection and promotion of human rights. HRDs, in particular those working in the media, have the potential to expose human rights violations and seek justice for victims. In this regard, the declaration on HRDs under Article 12 stated as follows:

- 1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.*
- 2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.*
- 3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.*

Additionally, the declaration on HRDs under Article 5 recognizes that "everyone has the right to communicate with non-governmental or intergovernmental organizations concerning human rights violations. On Sept. 10, 2022, Abay Zewdu, the chief editor of privately owned satellite and YouTube-based broadcaster Amhara Media Center (AMC), was arrested by security forces. According to the Committee to Protect Journalists (CPJ), Abay was accused of disseminating false information, collecting photographs of ethnic Amharas, labeling them as unjustly killed, and

sending these photographs to members of the international community with the intention to create chaos, terrorize the public, and pressure the government.<sup>72</sup> Abay was later released on October 3, 2022. Previously, on July 17, 2021 he was arrested, while interviewing internally displaced people in the capital who fled attacks from Benshangul Gumuz regional state. The journalist was released later on July 27, 2021, after 10 days of detention with a 5,000 ETB bail bond, and his case was dismissed on August 25, 2022 by the court on the ground of no probable cause.

Additionally, journalist Solomon Shumye, who is the owner of “*Gebeyanu*” YouTube-based media channel was arrested on May 20, 2022, and later released on June 17, 2022. The journalist is known for his critical remarks on government inaction to protect citizens from rebel attacks in different parts of the country. He also opposes the parties that engage in armed hostilities in the northern part of Ethiopia. He has been indicted for crimes including inciting violence using his media and other channels, insulting higher-level authorities, and making the public lose confidence in the government. According to his interview on his media premiered on July 5, 2022, he was arrested without a warrant and by persons who do not wear security clothes. He also said that he was taken to detention by ambulance than by security vehicle.<sup>73</sup> On December 17, 2022, Solomon was again arrested from his home and taken to the federal police crime investigation office in Addis Ababa. According to Solomon’s interview with the “Ethiopian Insider” he was arrested by the police without a written court warrant, and his equipment, including computers, flash disk, and mobile phones, were taken by the police. According to the “Ethiopian Insider’ news report, the police released him on the same day after five hours of police custody telling that they will call him when they want.<sup>74</sup>

Besides, poet and HRD Belay Bekele who forcibly disappeared from June 28, 2022, to July 4, 2022, were targeted based on his activism conducted against human rights violations. According

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<sup>72</sup> CPJ, ‘Ethiopian journalist Abay Zewdu remains detained after court grants bail’ (September 20, 2022) <<https://cpj.org/2022/09/ethiopian-journalist-abay-zewdu-remains-detained-after-court-grants-bail/>> accessed Nov. 20, 2022

<sup>73</sup> Gebeyanu, ‘ሕግ ማክበር እንደዚህ ነው?’ (July 05, 2022) <[https://www.youtube.com/watch?v=qQF\\_HAJawUo&ab\\_channel=GEBEYANU](https://www.youtube.com/watch?v=qQF_HAJawUo&ab_channel=GEBEYANU)> accessed Nov. 22, 2022

<sup>74</sup> ሃሚድ አወል, ‘ሰለሞን ሹምዬ ከአምስት ሰዓታት እስር በኋላ ተለቀቀ’ (Ethiopian Insider, December 17, 2022) <<https://ethiopiainsider.com/2022/8974/>> accessed December 20, 2022

to an interview with him he was forcibly disappeared by security forces. He said that the security forces who detained him told him to stop his poet activism. Before his detention on June 28, 2022, he was consistently denouncing and speaking against ethnic-based attacks in Wollega by posting his hand-crossed gestures and flyers on his Facebook page which has 329, 623 followers during this writing. In this context, other journalists, bloggers, political activists, and HRDs denouncing human rights violations have been the subject of widespread arbitrary arrest and unlawful detention.

### 7. Women Human Rights Defenders

Women around the world have played a crucial role in advancing human rights.<sup>75</sup> Particularly, women human rights defenders (WHRDs) act to promote accountability and respect for international human rights standards.<sup>76</sup> In Ethiopia, WHRDs are engaging in various activities, including human rights promotion and protection, inclusiveness, response to and support for violations of human rights such as gender-based violence. Because of consistent advocacy and a call for inclusiveness, women in different places are now being represented, including at the national dialogue commission, though the representation is minimal. Nevertheless, many women's rights defenders continue to face various challenges in their human rights work.

According to an interview with a CSO leader working on advocating for women's political participation and the rights of women, women defenders often face additional and different risks and obstacles that are gendered due to the prevailing social and cultural norms. She stated that the challenges for WHRDs are two fold, both coming from the government and society.<sup>77</sup> The interviewee also added that social media is being used to attack and defame those who work on women's rights. "We have faced defamation on individual staffs as well as the organization by being labeled as a carrier of western ideology who collects money in the name of women," she explained.

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<sup>75</sup> United Nations, 'Report of the Special Rapporteur on the situation of human rights Defenders' (Human Rights Council Fortieth session, A/HRC/40/60 (10 January 2019) Para. 1

<sup>76</sup> OHCHR, 'women human rights defenders'

[https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/SexualHealth/INFO\\_WHRD\\_WEB.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/SexualHealth/INFO_WHRD_WEB.pdf)  
f> accessed Nov. 25, 2022

<sup>77</sup> EHRDC interview with – T 04, on No. 1, 2022

Also, feminist defenders face continued challenges both online and offline, including mockery and slander, due to their advocacy of the rights of women. On September 8, 2022, a peace march was conducted calling for an end to hostilities and condemning sexual violence as a weapon of war in Ethiopia. In the peace march, a banner with the motto “women’s body is not a battlefield” has been raised as a message. Following this, the banner has been used on social media as a meme and women that hold the message have been the subject of mockery. This also shows that the threat also comes from the society at large in form of backlash to the women movement.

## 8. Human Rights Defenders with Disability

According to the UN Special Rapporteur on the protection of HRDs, and on people with disabilities HRDs persons who have disabilities face multiple and distinct forms of risk as they can be targeted or excluded because of their disability, for being HRDs, or both.<sup>78</sup> PWDs qualify as HRDs when they seek to protect and defend human rights.<sup>79</sup> In a country, like Ethiopia, people with disabilities (PWD) in general and HRDs with disabilities, in particular, face various challenges. Ethiopia is currently experiencing internal conflicts, which have heightened an already challenging situation for PWDs. DefendDefenders in its 2022 report, on Ethiopia, Somalia, and Kenya, noted that PWDs are disproportionately affected by risks in situations of conflicts and are exposed to greater risks of either being caught in fighting or left behind when communities flee attacks.<sup>80</sup>

HRDs with disabilities interviewed for this assessment stated the existence of direct threats from state and non-state actors.<sup>81</sup> On June 14, 2022, one HRD who is the director of an organization that works on disability and women's rights was forced to leave his working area due to fear of detention for his human rights work. He has faced warnings to leave his working area by persons with civilian clothes that forced him to seek protection from international and national actors.

In this regard, the EHRDC in collaboration with other partners established the Ethiopian Human Rights Defenders with Disabilities Network to support and ensure the protection of HRDs with

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<sup>78</sup> Joint Statement: Human Rights Defenders with disabilities targeted & excluded globally, warn UN experts (29 Nov. 2022) <<https://srdefenders.org/human-rights-defenders-with-disabilities-targeted-excluded-globally-warn-un-experts/>> accessed January 04, 2022

<sup>79</sup> Fatuma Hersi et al, ‘Overlooked and Unseen: Ethiopia, Somalia, and South Sudan Human rights defenders living with disabilities in conflict countries’ (April 2022) Defend Defenders 16

<sup>80</sup> Fatuma et al (n 79)

<sup>81</sup> EHRDC interview with HK – 05, Dec. 2022

disabilities on December 23, 2022. The network was established after a two-day intensive training provided for HRDs with disabilities, which brought together several HRDs with disabilities from different parts of the country. The EHRDC serves as the secretary of the network.

## 9. Impunity for Violations against HRDs

The culture of impunity for human rights violations in general and violations of the rights of HRDs, in particular, is a rampant problem in Ethiopia. The ICCPR, to which Ethiopia is a state party, imposes the obligation on state parties “to respect and to ensure” all the rights in the Covenant (art. 2 (1)); to take legal and other measures to achieve this purpose (art. 2 (2)); and to pursue accountability, and provide effective remedies for violations of Covenant rights (art. 2 (3)). This provision entails an obligation on the state to ensure accountability against those who have committed human rights violations, including against HRDs.

Since 2018, human rights violations have been mainly committed by non-state actors accompanied by government inaction. This in turn led to the detention of HRDs who denounced human rights violations and government inaction. Detentions are accompanied by false charges and, in some cases, are without charge. Addressing the issue of impunity is a key step to ensuring a safe environment for defenders. As seen from the cases of HRDs dealt with above, they were subjected to multiple detentions and forced disappearances. Nevertheless, no action has been taken by the government when HRDs face forced disappearances, unlawful arrests, and prolonged detentions in Ethiopia. This trend has a backfiring effect by making citizens lose confidence in state institutions. Following his release, journalist Solomon Shumye spoke out about the importance of holding people accountable for detaining people arbitrarily. According to him, he has been detained without a warrant and told of the reason for his arrest by unknown persons who took him to the police station by ambulance. He emphasized the importance of accountability and the use of lawful methods by law enforcement officers when arresting people.<sup>82</sup> He added that disregarding the law could harm citizens by opening a loophole for non-state actors to kidnap persons in the name of state officials.

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<sup>82</sup> Gebeyanu (n 73)

## 10. Conclusion and Recommendations

In the midst of conflicts and political turmoil, Ethiopia's civic space is attempting to capitalize on the newly opened environment that has resulted from the repeal of decades of draconian legal restrictions. Civic space is an environment that enables people, particularly HRDs, to play a role in ensuring human rights. HRDs in Ethiopia are contributing in a number of ways to ensure human rights and bring accountability for pervasive human rights violations in the country.

Nevertheless, their work is surrounded by challenges, including lack of funding, threats, arrests, and detentions as well as government warnings and smear campaigns. The war in the northern part of Ethiopia and ethnic attacks in some parts of the country became a reason for the intensification of the threat, arrest, and detention of HRDs. Several journalists and media professionals have been the subject of unlawful detentions during the period of this assessment, and some of them are still behind bars. Additionally, CSOs that released press statements denouncing human rights violations and calling for peace were threatened and profiled. These and other challenges posed to HRDs affected their work in a variety of ways, including self-restraint and frustration.

Considering the aforementioned facts and findings, EHRDC would like to provide the following recommendations for stakeholders:

### **For the government of Ethiopia**

- Ensure the protection of human rights in general and the rights of human rights defenders in particular by complying with national and international legal instruments ratified by Ethiopia.
- The Media law Proc. 1238/2021 prohibits pre-trial detention of persons charged with committing an offense through the media. We urge the government to comply with the rule of law by adhering to media laws.
- EHRDC is still concerned about arbitrary arrests, unlawful and prolonged detention, threats, and attacks against HRDs. EHRDC urges the Ethiopian government to conduct an investigation, and make alleged perpetrators accountable, and put an end to impunity.

- Create a conducive environment for HRDs and CSOs to exercise their rights and conduct their work freely and without threats.
- Enact legislation that complies with the UN Declarations on Human Rights Defenders to protect HRDs.

#### **For Civil Society Actors/HRDs**

- Create and strengthen local networks and cooperation on various issues, including actions taken against human rights violations.
- Continue to advocate for and defend human rights, and play an important role in ensuring accountability and ending impunity for human rights violations.
- The CSO's Proclamation allows collaboration and partnerships between local and international organizations. EHRDC recommends that CSOs strengthen their collaboration and cooperation with international organizations.
- Continue to monitor, investigate, and report violations of the rights of HRDs and journalists, and conduct evidence-based advocacy.

#### **For Partners Organizations**

- Easy funding requirements by reducing stringent requirements that may take the time of the engagement of HRDs in their inherent work
- Continue to support local CSOs by providing training through experts on grant writing, research methodologies, approaches to funding, advocacy, and networking to develop their skills
- Provide training on protection, using and connecting to international mechanisms, and how to gain support from the international community for their human rights work.