

STATEMENT

UPR Pre-session on the Federal Democratic Republic of Ethiopia

Geneva, 2 April 2019

Joint submission of eight CSOs

Statement delivered by the Association for Human Rights in Ethiopia (AHRE)

with the support of DefendDefenders



1. Presentation of the organisations

- ❑ CIVICUS,
- ❑ The Association for Human Rights in Ethiopia (AHRE),
- ❑ The Committee to Protect Journalists (CPJ),
- ❑ DefendDefenders (the East and Horn of Africa Human Rights Defenders Project),
- ❑ PEN International, ARTICLE 19,
- ❑ The Consortium of Ethiopian Rights Organisations (CERO), and
- ❑ Access Now.

2. National consultations for the drafting of the national report

- ❑ In January 2019, the Federal Attorney General published the draft report of Ethiopia's UPR
- ❑ Invited party review of its human rights track record.
- ❑ Consultations with local CSOs and other stakeholders.
- ❑ A coalition of local CSOs participated in the process.
 - ❑ by developing a practical monitoring framework
 - ❑ monitor the implementation of UPR recommendations and
 - ❑ to track progress.
- ❑ Allows the effective involvement of civil society in the preparation of law and policy, including
 - ❑ the National Human Rights Action Plan,
 - ❑ the Growth and Transformation Plan.
 - ❑ on finalising and submitting the national report
 - ❑ consulting on the implementation of the recommendation

3. Plan of the statement

On our joint submission:

- ❑ We examine:
 - ❑ the GoE's compliance with its obligations to create and maintain a safe and enabling environment for civil society.
Specifically:
 - The rights to freedoms of association, peaceful assembly and expression, and
 - restrictions on HRDs.
- ❑ We assess the implementation of recommendations received during the 2nd UPR and
- ❑ We provide a number of specific, action-oriented follow-up recommendations.

Background over the 2nd UPR cycle:

- ❑ The GoE received 49 rec. relating to the space for CSOs (or civic space).
- ❑ 26 recommendations were accepted and 23 were noted.
- ❑ Fully implemented only one recommendation relating to civic space, partially implemented 13, and has failed to implement 35.
- ❑ The government recently start amending the restrictive legislative framework. (CSOs law has been amended)
- ❑ Releasing large numbers of political prisoners,

This statement addresses the following issues:

- (1) The rights to freedom of association, peaceful assembly and expression; and
- (2) Creating a conducive environment for, and taking concrete steps towards, free and fair election.

4- Statement

4.1. The right to freedom of association, peaceful assembly and expression

A. Follow up to the 2nd UPR review

- ❑ 2nd UPR cycle, the GoE received 21 recommendations on the right to the freedom of association, peaceful assembly and creating an enabling environment for CSOs.
- ❑ the government accepted nine and noted 12.
- ❑ It received also 10 recommendations relating to the freedom of expression, independence of the press, and access to information.
- ❑ The government accepted six of these recommendations and noted four.
- ❑ Among other recommendations, the government committed to ensuring the realisation of the right to the freedom of association and providing an environment conducive to the growth and development of charities and societies.

4- Statement

4.1. The right to freedom of association, peaceful assembly and expression

B. Positive developments

- ❑ In the ongoing political reforms, many positive developments have been observed.
- ❑ The GoE is take measures to realise many of these recommendations.
- ❑ PM. Abiy Ahmed pledged to review all restrictive legislation, including the Anti-Terrorism Proclamation, and the Medial Law
- ❑ Established a Legal and Justice Advisory Council and held public consultations on the laws under review.
- ❑ On February 5th, adopted Proclamation 1113/2019, which repeals the 2009 CSO Proclamation.
- ❑ The CSOs law adopted after an inclusive process of consultation of CSOs.
- ❑ The new CSO Proclamation grants greater freedom for CSOs: lifts funding restriction.

4- Statement

4.1. The right to freedom of association, peaceful assembly and expression

C. Recommendations

- ❑ Fully implement the ACHPR's fundamental principles to guarantee the fundamental rights of freedom of association and assembly (“ACHPR Guidelines on Freedom of Association and Assembly in Africa”);
- ❑ The GoE should take further steps towards respecting the fundamental right to have access to information by speeding up the process of reviewing and revising the Mass Media Law and reducing the State's control over the industry, and by amending the Computer Crimes Proclamation in accordance with the ICCPR and the UN Declaration on Human Rights Defenders;
- ❑ Immediately reinstate all CSOs that have been arbitrarily and deregistered or otherwise unduly sanctioned under the former CSO Proclamation; and
- ❑ Speed up the reviewing process of the existing Anti-Terrorism Proclamation and clearly define the different terms to avoid uncertainty and possible arbitrary application.

4- Statement

4.2. Create a conducive environment for, and take concrete steps towards, free and fair elections

A. Follow up to the 2nd UPR review

- ❑ 2nd UPR cycle: the GoE received 10 recommendations to create a conducive political environment and conduct free and fair elections in 2015.
- ❑ It was recommended to the GoE to take all necessary measures to enable all citizens to fully take part in the democratic process.
- ❑ However, the 2015 elections process was marred by restrictions and repressive tactics targeting the political opposition, the media, and civil society.
- ❑ These tactics compounded the restrictive legal framework in place and severely curtailed public participation.
- ❑ The 2015 elections saw the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) win all seats in parliament.
- ❑ This marked the beginning of another dark day that led the country to a political, economic and social crisis.
- ❑ The political crisis that resulted in economic stagnation and turmoil. Massive protests started claiming the lives of thousands. Tens of thousands were arbitrarily arrested and tortured.
- ❑ The State of Emergency (SoE) was imposed several times between October 2016 till June 2018., exacerbating existing restrictions on freedoms of association, peaceful assembly and expression.

4.2. Create a conducive environment for, and take concrete steps towards, free and fair elections

B. Positive developments

- ❑ In late March 2018, the EPRDF elected PM. Abiy Ahmed as its new chairperson. He has pledged to push through a raft of reforms.
- ❑ After his appointment, released more than 26,000 political prisoners.
- ❑ In April 2018, lifted a three-month Internet shutdown in parts of Ethiopia.
- ❑ In June 2018, restored access to 264 websites, including the sites of diaspora media outlets.
- ❑ Terror charges against journalists, human rights defenders and political activists were lifted.
- ❑ As part of his democratic roadmap, PM. Abiy took measures:
 - ❑ to conduct major democratic reforms, including reforming independent institutions like the judiciary and electoral board,
 - ❑ forming a gender-balanced cabinet,
 - ❑ the revision of repressive laws including the CSOs and lifting restrictions under these legislations,
 - ❑ a historical reconciliations with Eritrea after decades of conflict over a border dispute,
 - ❑ and started constructive dialogue with CSOs, political opposition groups and media.

4- Statement

4.2. Create a conducive environment for, and take concrete steps towards, free and fair elections

A. Recommendations

- ❑ The Government of Ethiopia should encourage independent and transparent elections in conformity with international standards and create a conducive environment for independent civil society to conduct civic and voter education, monitor elections and organize election debates, by lifting all undue restrictions on activities and funding. This will be facilitated by implementing the new CSO Proclamation; and
- ❑ Take necessary measures to enable all citizens to fully take part in the democratic process in advance of the 2020 elections, including allowing open and inclusive electoral debate, civic and voter education, election monitoring and the active engagement of civil society organizations and independent media.

Thank you very much for your attention!