

Introduction

1. Scholars at Risk (SAR) is an international network of higher education institutions dedicated to protecting threatened scholars, preventing attacks on higher education communities and promoting academic freedom worldwide. SAR has the Special Consultative Status with ECOSOC (2013), and welcomes the opportunity provided by the Office of the High Commissioner on Human Rights to comment on conditions relating to academic freedom and attacks on higher education communities in Ethiopia.
2. As part of its advocacy work, SAR monitors and analyzes attacks on higher education around the world, including within Ethiopia. During this UPR period (April 2014-October 2018), SAR has received reports from colleagues within Ethiopia and outside Ethiopia, as well as from media, describing overall pressures and attacks on higher education throughout the country.
3. This submission is the product of a joint effort between Scholars at Risk's Academic Freedom Monitoring Project and the legal clinic of the Human Rights Centre of Ghent University, Belgium. SAR gratefully acknowledges the substantial research and drafting work of Ghent faculty and students.¹
4. Ethiopia has 31 accredited public universities and 59 accredited private higher educational institutions, with 366,613 students enrolled as per statistics most recently updated in 2011.² As described in detail below, several of the Ethiopian government's most high profile attacks against free expression have targeted the university space, student leaders, and scholars. These attacks have included violence against student protesters, especially in the Oromo region; prosecutions and detentions of students and higher education professionals; targeting of academics by state actors leading to professional sanctions; and encroachments on university autonomy.
5. These attacks have impacted the university space and the space for free expression more broadly. The discussion of political reforms in Ethiopia which appears now to be underway should include protection for academic freedom and the university space, including both the recent attacks that have inhibited its functioning, and the positive steps that the government must take to ensure that Ethiopian higher education institutions are able to function in a free and open manner going forward.

Applicable Legal Standards

6. Academic freedom is independently and interdependently grounded in rights to freedom of opinion and expression and the right to education, as articulated, respectively, in Article 19 of the International Covenant on Civil and Political Rights (ICCPR) and Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), among other international instruments, including the African Charter on Human and Peoples' Rights.
7. ICCPR Article 19 guarantees "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 media of [one's] choice."
8. ICESCR Article 13 recognizes the right of everyone to education that "shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms," and "enable all persons to participate

effectively in a free society.” This is reinforced by ICESCR Article 15, which commits State Parties “to respect the freedom indispensable for scientific research and creative activity.” The Committee on Economic, Social and Cultural Rights has recognized that the right to education contained in these provisions “can only be enjoyed if accompanied by the academic freedom of staff and students” and that “staff and students throughout the education sector are entitled to academic freedom.”³

9. The African Charter on Human and Peoples’ Rights (ACHPR) at Article 9 similarly protects the right to receive information and to “express and disseminate... opinions within the law”. ACHPR Article 17 protects the right to education.
10. UNESCO, the specialized agency of the United Nations whose mandate includes higher education, research and human rights, recognized and articulated the meaning and importance of academic freedom and institutional autonomy. The UNESCO Recommendation Concerning the Status of Higher-Education Teaching Personnel (1997) (RSHETP) recognizes “[a]utonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher-education teaching personnel and institutions. [...] Member States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.” (Paras. 18-19).
11. Despite the provisions cited above, violations of academic freedom persist. Violations of academic freedom also frequently manifest as violations of other rights, including liberty and security of person (ICCPR Art. 9), freedom of movement (ICCPR Art. 12), freedom of assembly (ICCPR Art. 21), and freedom of association (ICCPR Art. 22).⁴
12. Ethiopia is a party to the ICCPR, ICESCR, and ACHPR, among other international instruments, and a member of UNESCO.

Background and Context

13. Ethiopia’s human rights record was last examined during the second Universal Periodic Review cycle in May 2014. It was observed that the space for political dissent was insufficient. States’ recommendations included enabling civil society to participate in democratic processes and increased freedom for journalists and media workers.
14. From February until June 2018, for the second time in the last four years, Ethiopia was placed under a state of emergency.⁵ A previous, ten-month state of emergency had been lifted in August 2017. Human rights actors in and outside Ethiopia have expressed concern about both state of emergency proclamations,⁶ which gave sweeping powers to the State of Emergency Command Post, including the powers to arrest and surveil citizens without a warrant or judicial authorization, and to ban protests and the dissemination of publications “that could incite and sow discord.”⁷ Likewise, the Anti-Terrorism Proclamation (ATP) of 2009 contains a broad and vague definition of terrorism, which threatens to criminalize a wide range of nonviolent acts of expression and membership in nonviolent opposition groups.⁸
15. Recent developments appear to have opened some space for reform. These include: the reported release of more than 6000 political prisoners between January and February of 2018;⁹ Parliament’s decision to lift the 2018 state of emergency in June, two months before it was set to expire;¹⁰ and the establishment of a judicial reform advisory council, which met for the first time in August and established working groups to propose amendments to the ATP, and to the

Charities and Societies Proclamation (which severely limits the functioning of civil society).¹¹ SAR welcomes these developments and urges States to support positive efforts at reform by Ethiopia's government.

16. However, SAR remains concerned about attacks on the university space. These include the ongoing impacts of violent attacks on student protesters, long-term detentions of scholars, encroachments on university autonomy, professional and academic pressure to support the ruling party, sexual violence and harassment on campus, and a lack of transparency regarding all of these.

Attacks on Higher Education

VIOLENT ATTACKS

17. During this reporting period, violent attacks on student-led protesters by government troops were widespread. As described below, while the government's official accounts provide corroboration of some of the casualties resulting from these attacks, numerous eyewitness accounts suggest that the numbers of victims were far greater than the government acknowledges. The apparent absence of follow-up investigations or official transparency relating to these attacks, and limitations on media and civil society who might investigate attacks independently, raise additional concerns.
18. In April 2014, students throughout Ethiopia's Oromia region began leading nonviolent demonstrations to protest the government's announcement of the *Addis Ababa Integrated Development Master Plan*. The plan would have expanded the limits of Ethiopia's capital. Opponents alleged it would appropriate land held by Oromo farmers. Students from at least twelve universities and colleges (and dozens more secondary institutions) led at least 61 protests between April and June. The government responded with suspensions of classes, arrests, and violence. On April 30, for example, federal police reportedly fired live ammunition on student protesters on the campus of Ambo University. The government confirmed that nine people were killed in the attack, although eyewitnesses indicated the dead may have numbered as high as 47.¹² Eyewitnesses also reported that, during the same time period, troops beat and fired on peaceful protesters at Wollega, Jimma and Madawalabu Universities, as well as in towns throughout Oromia.¹³ In addition, residents reported thousands of arrests and suspension of classes at universities throughout the region.¹⁴
19. In November 2015, the student-led protests over the development plan resumed, spreading to more than 100 towns throughout Oromia. On December 5, police again reportedly fired on nonviolent protesters at Haramaya University, killing at least three, according to official figures,¹⁵ with eyewitness placing the number killed in the dozens.¹⁶

WRONGFUL ARRESTS AND DETENTIONS

20. Numerous scholars have reportedly been detained and arrested in apparent retaliation for the exercise of academic freedom or free expression. These detentions and arrests—which are frequently justified on vague, terrorism-related grounds, or without any official explanation at all—are often accompanied by reports of long-term, incognito detention, and a lack of transparency with respect to any trials.

21. On April 25, 2014, Ethiopian police arrested and detained Professor **Zelalem Kibret**, lecturer of law at Ambo University, and **Befikadu Hailu**, former lecturer and current staff member at St. Mary's University College, along with four others, reportedly in connection with the "Zone 9" forum, a bloggers' group formed in response to a narrowing of space for free expression in Ethiopia. Both were charged with terrorism-related offenses. Professor Kibret was subject to torture and abuse while in custody. He was released on July 8, 2015, after all charges against him were dropped. Professor Hailu was acquitted and released from detention on October 21, 2015.¹⁷ He was re-arrested on November 10, 2016 after giving an interview regarding Ethiopia's state of emergency, and released the following month without charge.
22. In July 2014, **Abraha Desta**, a political science professor at Mekelle University, was arrested and charged with terrorism-related offenses, apparently in retaliation for political expression on social media and activism with Arena Tigray, a legally registered political party. Although he and three co-defendants were acquitted of those charges, he was convicted of contempt of court, and sentenced to sixteen months in prison. He was released in July 2016.¹⁸
23. On December 3, 2015, **Bekele Gerba**, an English and foreign language professor at Addis Ababa University and the deputy chairman of the Oromo Federalist Congress, was arrested against the backdrop of the ongoing Oromia protests (*see* paragraphs 17-19, above), and charged with terrorism-related offenses. He was reportedly detained incommunicado. The charges against him were eventually reduced to incitement, and later dropped. He was released in February 2018.¹⁹ Professor Gerba had previously served a four-year prison sentence for membership in a banned organization. He was released in March 2015.²⁰
24. On October 1, 2016, **Seyoum Teshome**, a professor of management at Ambo University, was arrested under the state of emergency proclamation for posting allegedly provocative messages on Facebook and possessing illegal pamphlets. A search warrant also falsely alleged that he possessed illegal weapons. He was held for roughly two months in a military facility, where he was reportedly tortured. He was arrested again in March 2018, during a visit of American Secretary of State Rex Tillerson. He was released without charge on April 16, 2018.²¹
25. On December 1, 2016, **Merera Gudina**, a professor at Addis Ababa University and the leader of the Forum for Unity and Democracy, was arrested following a trip to Belgium, where he had briefed EU leaders on human rights violations and the political crisis in Ethiopia. He was charged under Article 2 of the ATP, which prohibits communication with banned terrorist organizations and anti-peace groups. He was released in January 2018, along with 22 other political prisoners.²²
26. On March 25, 2018, Ethiopian authorities reportedly detained six university professors, along with 13 journalists and other professionals, under the auspices of the country's state of emergency proclamation. The professors included **Desalegn Chane**, an assistant professor at Bahir Dar University; **Temesgen Tessema**, a former lecturer at Wello University; **Gashaw Mersha**, a writer and teacher in Addis Ababa; and **Belete Mola**, a philosophy professor at Addis Abeba University. The group had reportedly gathered in Bahir Dar, capital of the Amhara regional state, for a meeting to discuss establishing a new political party.²³

VIOLATIONS OF UNIVERSITY AUTONOMY

27. Although Ethiopia's Higher Education Proclamation claims to protect university autonomy, reports of encroachments by government actors are common. The Ministry of Education reportedly regulates and intervenes in the establishment of university curricula, and government

actors restrict academic activity by both professors and students, including expression, research, and assembly. Political activities have been prohibited on campuses. Students and professors are reportedly pressured to support the ruling EPRDF party in order to secure employment, favorable placement, or promotions.²⁴

28. Reports of surveillance, classroom propaganda, and infiltration of Oromo universities by both plain clothes and uniformed security forces were widespread, particularly during the Oromia protests.²⁵

SEXUAL VIOLENCE AND HARASSMENT ON CAMPUS

29. Sexual violence at universities appears to be widespread. According to one 2017 study, 36.1% of female students interviewed reported having experienced sexual violence since entering university, while 24.4% had suffered such violence in the past year.²⁶ Sexual harassment appears similarly widespread, with one study showing more than 80% of female college dropouts citing sexual harassment as a reason for their leaving.²⁷

LOSS OF POSITION

30. SAR notes with concern reports of professional retaliation for exercising the rights to academic freedom or free expression. These include the case of Zelalem Kibret (*see* paragraph 21, above), who was reportedly terminated from his position at Ambo University on July 2, 2014, after his incognito detention prevented him from attending classes or notifying the school of his whereabouts.²⁸
31. SAR welcomes reports of the July 23, 2018 decision by Ethiopia's President and Minister of Education to reinstate 42 Addis Ababa University professors who had been terminated from their positions in 1993, and the President's acknowledgment that this action had been wrongful. Although the reinstatements were couched as pardons, the President reportedly stated, "It is for us to beg pardon. They should be reinstated if they wish to."²⁹

Conclusion

32. During this UPR period, the higher education space in Ethiopia has been under particular threat. Government actors have targeted members of higher education communities exercising academic freedom and free expression with violence, arrests, detentions, and other severe attacks. Authorities have encroached on university autonomy, pressuring students, professors, and other higher education professionals. And professors and students have faced institutional threats, including terminations and gender-based pressures. Although there have been a few encouraging signs in recent months, SAR remains concerned about the larger patterns referred to above. Ethiopian authorities must take measures explicitly aimed at protecting academic freedom and the higher education space.

Recommendations to the Ethiopian Authorities

National authorities should:

33. Publicly affirm Ethiopia's commitment to the protection of higher education communities, institutional autonomy and academic freedom, as recognized by the ICCPR, ICESCR, ACHPR, and RSHETP.³⁰
34. Publicly endorse the Principles of State Responsibility to Protect Higher Education from Attack, which provide that States should:
 - a. Abstain from direct or complicit involvement in attacks on higher education;
 - b. Protect higher education against present and future attacks;
 - c. Assist victims of attacks; and
 - d. Deter future attacks, including by investigating attacks and holding perpetrators accountable.³¹
35. Amend the ATP to remove vague and ambiguous language that potentially criminalizes non-violent exercise of the rights to academic freedom, freedom of expression and freedom of association.
36. Ensure thorough, transparent, and public investigations of violent attacks on scholars and students, including especially the student-led protests in Oromia in 2014 and 2015.
37. Review any arrests and prosecutions of scholars and students, apparently arising out of the nonviolent exercise of the rights to academic freedom, freedom of expression and/or freedom of association, and reverse any wrongful convictions.
38. Affirm Ethiopia's commitment to university autonomy and equitable access, including by reviewing and amending the Higher Education Proclamation, to include provisions: (a) ensuring that universities are free to function autonomously, without undue outside interference with respect to curriculum or freedom of expression and opinion on campus; and (b) establishing measures to ensure protection against sexual assault and harassment for all members of the university community.

End.

¹ This submission may not reflect the views of the Human Rights Centre, Ghent University, Ghent faculty and students, or individual Scholars at Risk Network members, institutions, or participating individuals. Scholars at Risk invites comments on this submission or inquiries about our work at scholarsatrisk@nyu.edu.

² Ministry of Education, Federal Democratic Republic of Ethiopia, <http://info.moe.gov.et/he.shtml> (unless otherwise noted, all websites most recently accessed on September 23, 2018)

³ CESCR Gen. Comment No. 13, 1999: para. 38

⁴ R. Quinn and J. Levine, Intellectual-HRDs & Claims for Academic Freedom Under Human Rights Law, *Int'l J. of Hum. Rts.*, Dec. 2014, Vol. 18, Issue 7-8, ISBN: 1364-2987

⁵ www.aljazeera.com/news/2018/02/ethiopia-state-emergency-months-180217131703045.html

⁶ Amnesty International, “Ethiopia: Draconian State of Emergency Measures”, AFR 25/5669/2017, <https://www.amnesty.org/download/Documents/AFR2556692017ENGLISH.pdf>; Human Rights Watch, “World Report 2018” p. 207-211, https://www.hrw.org/sites/default/files/world_report_download/201801world_report_web.pdf; Human Rights Watch, “Addressing the pervasive human rights crisis in Ethiopia,” June 2, 2017, <https://www.hrw.org/news/2017/06/02/addressing-pervasive-human-rights-crisis-ethiopia>; Amnesty International, “Commentary on the Ethiopian State of Emergency”, <https://www.amnesty.org/download/Documents/AFR2579822018ENGLISH.PDF>

⁷ <https://www.aljazeera.com/news/2018/03/ethiopia-1100-detained-state-emergency-180331172753820.html>

⁸ Zelalem Kibret, “The Terrorism of ‘Counterterrorism’: The Use and Abuse of Anti-Terrorism Law, the Case of Ethiopia”, *European Scientific Journal*, Vol. 13, May 2017; CIVICUS, “CIVICUS UN HRC Statement on Ethiopia’s non-compliance with Special Procedures”, June 25, 2016, <https://www.civicus.org/index.php/media-resources/news/united-nations/geneva/1537-civicus-un-hrc-statement-on-ethiopia-s-non-compliance-with-special-procedures>

⁹ <https://www.reuters.com/article/us-ethiopia-politics/ethiopia-releases-1500-prisoners-in-eastern-somali-region-statement-idUSKCNIG61OH>

¹⁰ <https://www.aljazeera.com/news/2018/06/ethiopia-lifts-state-emergency-imposed-february-180605081810759.html>

¹¹ <https://www.hrw.org/news/2018/08/27/hope-revision-ethiopias-draconian-laws>

¹² [http:// https://www.scholarsatrisk.org/report/2014-04-30-ambo-university](http://https://www.scholarsatrisk.org/report/2014-04-30-ambo-university)

¹³ <https://www.amnesty.org/download/Documents/4000/afr250062014en.pdf>, <http://ireport.cnn.com/docs/DOC-1125264>; <http://ehrp.org/wp-content/uploads/2016/03/EHRP-OromoProtests-100-Days-of-Public-Protests.pdf>

¹⁴ *See ibid.*

¹⁵ <https://www.scholarsatrisk.org/report/2015-12-05-haramaya-university>

¹⁶ <https://www.theguardian.com/world/2016/jan/14/ethiopia-addis-master-plan-abandoned>

¹⁷ <https://www.scholarsatrisk.org/report/2014-04-25-ambo-university>

¹⁸ <https://www.scholarsatrisk.org/report/2014-07-08-makelle-university>

¹⁹ <http://www.africanews.com/2018/02/13/ethiopia-frees-bekele-gerba-final-day-of-oromia-social-boycott-suspended/>

²⁰ <https://www.scholarsatrisk.org/report/2015-12-23-addis-ababa-university>

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- ²¹ <https://www.scholarsatrisk.org/report/2016-10-01-ambo-university>; <https://www.amnesty.org/en/latest/campaigns/2017/03/a-license-to-torture/>
- ²² <https://www.scholarsatrisk.org/report/2016-12-01-unaffiliated>
- ²³ <https://www.scholarsatrisk.org/report/2018-03-25-various-institutions>
- ²⁴ <https://freedomhouse.org/report/freedom-world/2017/ethiopia>; <https://www.state.gov/documents/organization/265466.pdf>, at 18
- ²⁵ <https://www.state.gov/documents/organization/265466.pdf>, at 18; <https://www.theguardian.com/global-development-professionals-network/2015/jun/22/ethiopia-higher-education-universities-development>
- ²⁶ Yohannes Andrew and Mihiret Abreham, “Sexual violence against female university students in Ethiopia”, *BMC International Health and Human Rights*, Vol. 17, 2017, <https://preview-bmcinthealthumrights.biomedcentral.com/track/pdf/10.1186/s12914-017-0127-1>
- ²⁷ <https://www.ajol.info/index.php/ejesc/article/view/56309>, <http://www.universityworldnews.com/article.php?story=2018051613160778>
- ²⁸ <http://monitoring.academicfreedom.info/reports/2014-07-02-ambo-university>
- ²⁹ <https://www.borkena.com/2018/07/23/42-university-instructors-dismissed-on-political-grounds-to-be-reinstated/>
- ³⁰ See also HRC in Resolution 29/7 of 2015
- ³¹ For more information, please see: https://www.scholarsatrisk.org/wp-content/uploads/2016/04/Principles_of_State_Responsibility.pdf