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Ethiopia: Government Prepares Assault on Civil Society Repressive New Legislation Should be Amended or Scrapped

(New York, July 1, 2008) - Ethiopia's government should immediately abandon plans to impose strict government controls and draconian criminal penalties on non-governmental organizations (NGOs), Human Rights Watch and Amnesty International said today. The two groups called on donor governments, whose behind-the-scenes efforts to see the bill reformed appear to have failed, to speak out publicly against the *de facto* criminalization of most of the human rights, rule of law and peace-building work currently being carried out in Ethiopia.

Ethiopia's federal government claims that its draft Charities and Societies Proclamation (Draft law) is a benign attempt to promote financial transparency among NGOs and enhance their accountability to stakeholders. In fact, the law's key provisions are blunt and heavy-handed mechanisms to control and monitor civil society groups while punishing those whose work displeases the government. It could also seriously restrict much of the development-related work currently being carried out by some of Ethiopia's key international partners, Human Rights Watch and Amnesty International said.

"Ethiopia's government has already made meaningful public engagement in governance impossible in many areas by persecuting its critics and cracking down on freedom of expression and assembly," said Georgette Gagnon, Africa Director at Human Rights Watch. "The clear intention of this legislation is to consolidate that trend by taking the 'non' out of 'non-governmental' and putting civil society under government control."

The law would apply to every NGO operating in Ethiopia except religious organizations and those foreign NGOs which the government agrees to exempt. Many of the key provisions of the draft law would violate Ethiopia's obligations under international human rights law and fundamental rights guaranteed in its own constitution, including the rights to freedom of association and freedom of expression. Human Rights Watch and Amnesty International have both produced separate detailed analyses of the draft law. Among its most damaging provisions are articles that would:

Impose stiff criminal penalties for anyone participating in "unlawful" civil society activity. The draft law accords government agencies nearly unfettered discretion in deciding whether to register individual NGOs, and then defines as "unlawful" any civil society group that is not registered. To lend teeth to this restriction, the draft law would impose fines and prison sentences of up to 15 years for a range of new offenses including participation in any meeting held by an "unlawful" organization. It would also make dissemination of any information "in the interests of an unlawful charity" punishable by imprisonment. *If the law were in effect today, this last provision could potentially be used to imprison anyone in Ethiopia who disseminated this statement.*

Subject all civil society groups to intrusive government control and surveillance. The draft law would set up a Charities and Societies Agency (CSA) with extensive discretionary powers to refuse

to accord legal recognition to NGOs; to disband NGOs that have already been legally recognized; and to interfere in the management and staffing of NGOs up to the point of altering their organizational missions. The CSA would also have broad powers to monitor all activities of every NGO covered under the law. No NGO could hold any meeting without notifying the CSA in writing at least one week in advance, and the CSA and other government agencies would then be empowered to send police officers to attend and report on those meetings.

Prohibit all activities carried out by non-Ethiopian NGOs that relates to human rights and other identified fields. The draft law draws an important distinction between “foreign” and “Ethiopian” NGOs. “Foreign” NGOs are expressly barred from doing any work related to human rights, governance, protection of the rights of women, children and people with disabilities, conflict resolution and a range of other issues. This would make expressly illegal any attempt by Human Rights Watch, Amnesty International or any other international human rights organization to engage in human rights activities in Ethiopia unless the government would chose to exempt them from the law.

Strip Ethiopian NGOs that work on human rights issues of access to foreign funding. The draft law would effectively close down the few independent domestic NGOs who continue to work on human rights- and governance-related issues by stripping them of access to foreign funding. The draft law defines as “foreign” any Ethiopian NGO that receives more than 10 percent of its funding from foreign sources or has any members who are foreign nationals, and then bars “foreign” NGOs from working on human rights and governance issues. This would hit hard given the lack of obvious fundraising and development opportunities inside of Ethiopia, one of the poorest countries in the world.

These and other similar provisions in the draft law would have a devastating impact if implemented. But the likely impact is still more ominous when understood in its broader context.

Should this law be passed, Ethiopia’s already-limited political space would be further narrowed. Over the years, the government of Ethiopia has demonstrated a pattern of repression, harassment of political opponents and human rights defenders critical of the government, and pervasive human rights violations. These trends have accelerated since the country’s controversial 2005 elections. Disputes about the results of those elections led to street protests that were brutally suppressed and then followed by the arrest of opposition politicians and leading activists on charges of treason.

Official tolerance of political dissent, already thin, has waned markedly in the years since then. Formal political opposition has largely evaporated in most of Ethiopia. April’s *kebele* and *wereda* elections saw the ruling party running unopposed in most constituencies and winning more than 99% of all seats.

“This law is not just an assault on independent civil society organizations,” said Michelle Kagari, Deputy Africa Director at Amnesty International. “It’s part of a broader effort to silence the few independent voices that have managed to make their criticisms of the government heard in an increasingly repressive climate.”

Ethiopia is one of the world’s most aid-dependent countries. Ethiopia’s key bilateral donors, however, have largely maintained a public silence in the face of the government’s worsening human rights record. For example, the United States and Britain, which collectively provide Ethiopia with more than U.S. \$600 million in foreign assistance each year, are the Ethiopian government’s most important donors. Both governments have consistently failed to speak out publicly against longstanding patterns of repression and human rights violations including war crimes committed by Ethiopian armed forces in Somalia.

Several donor governments, along with a range of international and domestic NGOs, have had intensive private discussions with Ethiopian officials in an attempt to convince the government to abandon the most repressive aspects of the draft law. These efforts, however, have failed to improve many of the most worrying provisions of the law according to the latest draft released in late June.

“Ethiopia’s bilateral partners have consistently failed to speak out publicly against severe patterns of government-sponsored human rights violations,” Gagnon said. “Their policy of silence has had the effect of helping to embolden the Ethiopian government to make further assaults on human rights, exemplified by the draft NGO law.”

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