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**Tom Lantos Human Rights Commission**

**Briefing on Ethiopia**

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Co-Chairmen McGovern and Wolf and distinguished Members of the Commission, it is an honor to address you today regarding the troubling state of civil society in Ethiopia.

Ethiopian civil society or, more precisely, the segment engaged in promoting democratic reform and defending fundamental human rights, has been severely restricted as the Government of Ethiopia has imposed a raft of measures and policies designed to silence critics and cripple the sector. From draconian laws that all but cut off foreign funding for advocacy organizations, to outright repression to prevent citizens from exercising basic freedoms, the country's leadership has made unequivocally clear that proponents of democracy, human rights and accountable governance constitute a grave threat to the nation.

**Background**

Authoritarian rule in Ethiopia has a long history. The most recent stage can be traced to 2009, when the country's dominant party, the Ethiopian People's Revolutionary Democratic Front (EPRDF), enacted a series of repressive laws to quash any dissenting voices. The 2009 Charities and Societies Proclamation (CSP) imposed a virtual ban on foreign funding for non-governmental organizations (NGOs) and effectively prohibited work on political and human rights issues. The same year saw the 2009 Anti-Terrorism Proclamation (ATP) which has been used to target independent journalists and pro-democracy activists. Rather than bolster civil society and bring greater security and stability, these two pieces of legislation underscore the cynical attempt by the Ethiopian government to confuse the rule *of* law and the rule *by* law, and thereby lend a patina of legitimacy to the suppression of basic human rights.

The CSP has been particularly detrimental to Ethiopian civil society as it restricts NGOs that receive more than 10 percent of their funding from foreign sources from engaging in advocacy involving human rights and democracy. The Proclamation has been widely criticized for ushering in a new wave of repression and for violating international standards relating to freedom of association. Many of the country's leading democracy and human rights organizations have struggled to maintain operations in the wake of the CSP.

**Impact of the Charities and Societies Proclamation (CSP)**

The CSP, which the government ludicrously claimed was enacted "to aid and facilitate the role of NGOs in the development of the country," has had the intended and predictably devastating impact on the democracy and human rights sector. It forced several prominent organizations to abandon their mandates in order to continue receiving foreign funding while others had to significantly scale back their operations, with the expected corresponding diminution in overall

impact. As a direct result of the CSP, Ethiopia's leading human rights NGO, the Ethiopian Human Rights Council (EHRCO, now HRCO), had to close 9 of its 12 regional offices across the country and cut 85 percent of its staff, ensuring a dramatic drop in monitoring and reporting on human rights violations perpetrated by the government. Another leading group, the Ethiopian Women Lawyers' Association (EWLA), cut nearly 70 percent of its staff. At the same time, influential members of the human rights community went into exile amid growing threats to their safety. Many who stayed, including courageous independent journalists, regularly engaged in self-censorship in the growing climate of fear and intimidation.

The Charities and Societies Proclamation also provided for a regulatory body, the Charities and Societies Agency (ChSA), which almost immediately ordered the freezing of HRCO's and EWLA's bank accounts. In what was effectively a retroactive application of the law, the ChSA claimed that the money in the accounts had been received in violation of the ban on foreign funding. HRCO's and EWLA's appeals to the courts were not successful, an unsurprising outcome in a system where the judiciary is politicized and subordinate to the executive branch.

In July 2011, ChSA issued eight directives or guidelines which have exacerbated the grim situation of pro-democracy and human rights NGOs. One directive in particular imposed a 30 percent cap on administrative expenses, a deliberate attempt to severely weaken the capacity of NGOs, while also facilitating much greater government intrusion into groups' internal operations.

### **Charities and Societies Proclamation has not Brought Efficiency**

Contrary to the professed intention of the Ethiopian government to bring about a more efficient and robust civil society sector, the CSP has seriously impeded the work of democracy and human rights groups and done little to improve conditions generally. A February 2014 government audit conducted by the Federal Auditor General on the Charities and Societies Agency revealed that the body had not conducted sufficient field and desk-based monitoring of registered NGOs. Of course, that was never the goal; the point of the law was to target and hobble organizations dedicated to advancing citizens' fundamental freedoms and holding those in power to account.

In June 2014, the Director General of the Charities and Societies Agency told Parliament that if the Agency were to follow to the letter the Proclamation and companion implementing guidelines and directives, 'the majority of NGOs would fail to comply and have to close down. This statement of the Director General was reinforced by the finding of the Auditor General that more than 80 percent of the nearly 1550 NGOs reviewed by the Agency in 2012 were in violation of the 30 percent cap on administrative expenses. Wildly inconsistent application of the law demonstrates that the government's interest was not in improving the sector but in vanquishing those organizations that dared to challenge authoritarian power.

### **Pro-Democracy Groups Continue to Push Back**

Despite the intensifying climate of fear surrounding the systematic crackdown on critical voices within civil society and on perceived political opponents, democracy and human rights activists have demonstrated inspiring determination and resilience. They are continuing to speak out and

to resist the Ethiopian government's attempt to shrink the space for independent political activity and exercising the core freedoms of expression, association and assembly.

One such example occurred in September 2013, when a civil society task force composed of four major Ethiopian human rights organizations prepared and submitted a Universal Periodic Review (UPR) stakeholders' report to the United Nations Human Rights Council. Task force members then organized and/or took part in several advocacy events around the UPR review session in Geneva in May of this year. They also held high level meetings with permanent missions, some of whose delegations at the Council took on board nearly word-for-word recommendations advocated by the task force to be posed to the Ethiopian government.

The Ethiopian government has responded to civil society resistance with still more repression, quite possibly to quell any challenge to its monopoly on power as the country begins to enter the pre-election season, with citizens scheduled to go to the polls next May. After permitting a more open political environment leading up to the 2005 elections which produced a strong showing by the opposition, the ruling EPRD made sure there would be no repeat in subsequent elections.

The government clampdown on dissent includes the arrest of nine bloggers and journalists in April 2014. Since then, Ethiopia has seen the detention of more than a dozen pro-democracy activists and the exile of 25 independent press journalists and publishers in July and August.

### **The Role of the Government of Ethiopia's Development Partners/Donors**

While the state of human rights and democratic reform has steadily deteriorated, progress on economic growth over the past several years coupled with a strategic partnership with the West in the fight against terrorism in the Horn of Africa has enabled the Government of Ethiopia to enjoy very large sums of development assistance. Ethiopia receives an annual average of some \$4 billion in aid and concessionary loans from its donor partners that include the US, UK, the European Union and the World Bank. Yet despite this obvious source of leverage, donor governments have been reluctant to press Ethiopia's leadership to end its brutal repression of civil society critics and organized political opposition and instead move toward greater political pluralism, respect for human rights and establishment of the rule of law.

The generally timid response has emboldened the Ethiopian government, which covers 30-40 percent of its budget through foreign aid, to continue to defy, without consequence, any concerns raised by Western donors on its dismal human rights record. The fact that government repression creates the very conditions in which more radical, violence-prone opposition forces are more likely to emerge should propel donors to reject the false trade-off between support for human rights and democratic governance on the one hand and stability on the other. Genuine stability as well as sustainable broad-based socio-economic advancement is most reliably achieved in a democratic political system, where citizens can exercise their fundamental rights, an independent press flourishes, the government is accountable to the people, and the rule of law prevails.

### **What can the United States Government Do?**

The United States must intensify efforts to press the Government of Ethiopia to abandon its assault on civil society, expand the space for civic activism and free expression, and, more

broadly to move the country in the direction of democratic political reform. Washington should be guided by President Obama's forceful speech at the Clinton Global Initiative gathering in September around the UN General Assembly in which he condemned the worldwide pushback against democracy and human rights advocates and reaffirmed the U.S. commitment to "stand with civil society."

### *Support Civil Society*

- While conveying in private to their Ethiopian counterparts grave concerns about the deteriorating operating environment for human rights activists, journalists, and other pro-democracy groups, Members of Congress and senior Administration officials should also speak out publicly in support of citizens exercising their fundamental rights. Such an expression of solidarity would be welcomed enthusiastically by beleaguered civil society activists.
- The U.S. Congress has the ability to bring awareness and highlight the deteriorating human rights situation in Ethiopia. Continuing the dialogue through hearings on the closing space for civil society and suppression of political opposition parties will add pressure to the Ethiopian government to address its anti-democratic trend.

### *Modify Foreign Assistance*

- Congress should leverage its appropriations power by placing conditions on the hundreds of millions of dollars in annual assistance to Ethiopia. Congress should also assess aid effectiveness, as there are credible allegations of aid money being used in the suppression of human rights, including in the context of Ethiopia's "villageization" program.
- Congress and the Administration should also explore mechanisms through which US government funds can be accessed by Ethiopian human rights and pro-democracy NGOs, essentially circumventing the 10 percent foreign funding cap. The European Union has done just that, having successfully negotiated with the Ethiopian Government to make the EU Civil Society Fund (EUCSF) a local fund, resulting in desperately needed resources going to some of the country's most effective democracy and human rights organizations to carry on their work.

### *Engage in Multilateral Efforts*

- The U.S. Congress and the Administration, together with other Western donors, should also push the Ethiopian leadership to amend the restrictive provisions of the Charities and Societies Proclamation citing both the essential role that civil society plays in the country's political and socio-economic development and the growing evidence that the regulatory framework is not only stifling the NGO sector but also placing Ethiopia in violation of national and international commitments to respect and protect human rights.

- The US is well-positioned to play a leading role to make human rights and democratic reform central to the agenda of the donors' Development Assistance Group (DAG), which works closely with the Ethiopian government. It is incumbent on donor governments, especially the United States, to insist on greater transparency and results in the use of the funds they provide the Ethiopian government for reforming the security sector and the judicial system. This is particularly important because there is accumulating evidence of torture and mistreatment of human rights activists and journalists in detention facilities --with very little oversight or accountability. Ethiopia's courts routinely ignore petitions about torture and convict nearly all human rights activists, leaders and members of legitimate opposition political parties, and journalists who the government has charged under the anti-terrorism law.

#### *Focus on Upcoming Ethiopian Elections*

- With an eye toward the upcoming Ethiopian elections in May 2015, the U.S. and the rest of the democratic donors should stress the importance of a level playing field if elections are to be judged legitimate. That means unfettered ability of democracy and human rights groups as well as opposition political parties to organize. This would be a radical departure to the Ethiopian government's approach to the 2010 election where tight control over the entire process resulted in the EPRDF winning more than 99 percent of seats in parliament.
- The pre-election period is also expected to bring stepped up attacks on Ethiopia's human rights defenders and democracy activists, necessitating a substantial increase in emergency assistance available to those brave women and men who become targets of government intimidation, harassment and arrest.

These are some of the principal pragmatic steps Congress and the Obama Administration should take in the face of growing repression against Ethiopian proponents of peaceful democratic change and respect for fundamental human rights.

Thank you for this opportunity to address you on this important and urgent topic. I look forward to your questions.