DIVIDE, DEVELOP, AND RULE: HUMAN RIGHTS VIOLATIONS IN ETHIOPIA

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1. PURPOSE, SCOPE AND METHODOLOGY

This report surveys human rights issues in Ethiopia affecting actual or perceived political opponents or dissenters—including journalists—members of certain ethnic groups, the LGBT community, and women and girls. The Center for International Human Rights Law & Advocacy (CIHRLA) has selected these issues for their relevance to asylum proceedings in the U.S., Europe, Africa, and elsewhere. This report is intended as a reference document, providing a snapshot of current country conditions, and a starting point for additional research.

Access to information about human rights conditions in Ethiopia can be difficult to obtain. The Ethiopian government has stifled local human rights advocates and organizations, and restricted access for international human rights observers. Government institutions and state-run media are generally considered unreliable; and the government has a record of intimidating, prosecuting, and detaining independent journalists and bloggers. While domestic and international media outlets continue to report from inside Ethiopia, they self-censor—to varying degrees—to remain in operation. Moreover, many diaspora media outlets are politically motivated or ill equipped to corroborate information from inside the country.

This report aggregates reliable information from elements of the Ethiopian government, foreign governments, human rights organizations, journalists, lawyers, researchers, and scholars. Some sections contain primary research conducted in Ethiopia, Egypt, and the United States between October 2017 and February 2018. CIHRLA has consulted media and human rights experts inside and outside Ethiopia, and the report relies only on sources generally considered credible. To ensure accuracy, we have cross-referenced sources and accounts from individuals and organizations. Most sources are publically available and identified herein.

2. INTRODUCTION

The Ethiopian People’s Revolutionary Democratic Front (EPRDF)—a coalition of four ethnically and regionally representative parties1—came to power in Ethiopia in 1991 after ousting the Derg, the military junta that had ruled since 1974.2 In the 1990s, the EPRDF promoted Ethiopia as a fledgling democracy and opened its doors to international investment. The international community hailed former Prime Minister Meles Zenawi as a “new African” leader and began funneling development aid to the country—an estimated 56 billion USD in official assistance from 1991 to 2016.3 In the 2000s, Ethiopia established itself as a stable state in an unstable region, and became a key strategic partner in the global war on terrorism.

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1 The Amhara National Democratic Movement (ANDM), the Oromo Peoples' Democratic Organization (OPDO), the Southern Ethiopian People's Democratic Movement (SEPDM), and the Tigrayan People’s Liberation Front (TPLF).


3 Ethiopia received 56 billion USD in official development assistance (ODA) between 1991 and 2016. ODA to Ethiopia dipped during the 1998-2000 conflict between Ethiopia and Eritrea but has exceeded two billion USD per year since 2004. In 2016, Ethiopia was the top recipient of ODA in Africa—more than four billion USD. ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, https://stats.oecd.org/.
The country also experienced staggering economic growth—between 2004 and 2016, Ethiopia’s GDP grew by an annual average of 10.65%.4

However, Ethiopia’s rapid development has been marred by serious human rights violations. The EPRDF’s ideological commitment to revolutionary democracy—a doctrine of top-down governance—has undermined the country’s democratic institutions and subordinated human rights to economic development.5 After defeating the Derg, and witnessing the collapse of the Soviet Union and the re-establishment of liberal multi-party democracies in Africa, the EPRDF began adapting revolutionary democracy to the project of state-formation. This meant drafting a liberal constitution and committing Ethiopia to multi-party democracy, while retaining the conviction that only the EPRDF could ensure Ethiopia’s successful democratic transition. As Africa experts and political scientists note, it was democracy in form only.6

In the early 2000s, the EPRDF-led government—now more confident and less reliant on Western aid—began explicitly eschewing the link between liberal democracy and economic development. The government embraced the notion of a “democratic developmental state,” a corollary of revolutionary democracy in which a strong, unified, and active state is necessary to steward capitalist development.7 Development became the EPRDF’s watchword and source of legitimacy, and provided a rationale for the government’s subversion of liberal democratic norms.8

Despite a short-lived period of political liberalization in advance of the 2005 national and regional elections, the EPRDF has consistently used political institutions, media, police, and security services to intimidate opposition figures and to consolidate power. The EPRDF-led government continues to hold elections, but some observers remark that Ethiopia can no longer plausibly claim to be a democracy.  

Ethiopia’s elections are generally considered unfair, and the government has passed regressive laws to silence critics and to shutter opposition political parties and human rights organizations. Journalists and human rights advocates have documented the detention and abuse of political dissenters—actual or perceived—including opposition party members and their families, human rights advocates, journalists, and bloggers. The government has ignored criticism, dismissed it as political propaganda, or tempered it by leveraging Ethiopia’s political and economic importance.

In 2015 and 2016, protests erupted across Ethiopia. The protests expressed frustration with EPRDF authoritarianism and human rights violations but also provided an outlet for simmering ethnic grievances, particularly among the Oromo, who have long felt economically and politically marginalized despite being Ethiopia’s largest ethnic group. The protests also revealed resentment within the EPRDF toward the Tigrayan People’s Liberation Front (TPLF). Although Tigrayans make up only 6.1 percent of Ethiopia’s population, the TPLF led the armed revolt against the Derg and has traditionally dominated the EPRDF, the military, and the security services.

In late 2016, the government imposed a national state of emergency that remained in effect for ten months. There are credible reports that federal and regional security forces injured, killed or detained thousands of protesters before and during the state of emergency. A small number of security officials

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were also reportedly killed. Protests continued around the country in 2017 and into 2018, and the government imposed a new state of emergency in mid-February 2018 following the sudden resignation of Prime Minister Hailemariam Desalegn.

In April 2018, Ahmed Abiy, Chairman of the EPRDF’s Oromo Peoples’ Democratic Organization (OPDO), was sworn in as Ethiopia’s new Prime Minister. Abiy, Ethiopia’s first Oromo leader, has called for reconciliation and reform, including the privatization of some government-run firms and the liberalization of Ethiopia’s political system. Abiy’s administration has dropped terrorism charges against high-profile political opponents, and held discussions with dissidents and civil society groups. In early June 2018, the government lifted the state of emergency two months earlier than planned.

But while Abiy’s leadership has inspired cautious optimism inside and outside of Ethiopia, the EPRDF’s commitment to place human rights before development, to hold human rights violators accountable, and to establish a free and fair electoral process are uncertain. Moreover, anti-reform elements within Ethiopia’s leadership circles have begun to push back. Violence has continued in some parts of the

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country, and Ethiopia’s political and security situation remains precarious. Abiy himself was the presumed target of a recent bomb attack at a rally in Addis Ababa.\(^{21}\)

Beyond the treatment of dissenters, development priorities and top-down governance have continued to guide the government’s treatment of lesbian, gay, bisexual, and transgender (LGBT) persons, and women and girls. While many of Ethiopia’s donors have prioritized the recognition of LGBT rights, Ethiopia has not. Ethiopia is socially conservative; consensual same-sex sexual activity is criminalized, and private and public campaigns in recent years have targeted the LGBT community. A number of LGBT rights advocates and social media users have fled Ethiopia fearing persecution from government officials and civilians. In order not to alienate foreign donors and endanger development, the government has stoked less public animosity toward the LGBT community in recent years; however, LGBT persons remain at risk in Ethiopia.\(^{22}\)

Moreover, the rights of many women and children are largely unprotected. Ethiopian society is male-dominated, and women have less access than men to education, employment, and legal protections. Gender-based violence and female genital mutilation are commonplace, and police protection and social support for survivors is inadequate.\(^{23}\) While elements of the government appear committed to improving the lived realities of women and girls, the general approach has been development-oriented not rights-based, and progress has been modest and centered predominantly in urban areas.\(^{24}\)

### 3. POLITICAL DISSENTERS

#### 3.1. CIVIC AND POLITICAL SPACE

The EPRDF-led government has used political institutions, media, police, and security services to undermine civil and political rights, and to narrow public space available to dissenters.\(^{25}\) Following the

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\(^{22}\) Interview with LGBT advocate, Addis Ababa (December 11, 2017); interview with human rights expert, Addis Ababa, (December 12, 2017).


2005 parliamentary elections, in which opposition parties made surprising gains, the government’s attacks on political opponents and other dissenters intensified. At the national level, the government has curtailed rights of assembly, association, and expression by enacting laws to muzzle independent media, political opponents, and human rights advocates; and by providing police and security services with broad powers to combat terrorism—in practice, often directed against dissenters.26 At the sub-national level, the EPRDF through its constituent parties and allies has ensured dominance by expanding local administrative structures, co-opting elites, and mobilizing the citizenry.27 The strategy has been both inclusive and exclusive—a larger section of the population is offered a place within the EPRDF tent through coercion or patronage, while opposition supporters and other dissenters are kept out and denied genuine participation in political processes.28

3.1.1. Elections

To limit space for dissent, the EPRDF has monopolized local, regional, and national elections.29 EPRDF members and their allies have used force and leveraged political and state institutions to manipulate the electoral process, and to marginalize and intimidate opponents. Moreover, the EPRDF has coerced high voter turnout by threatening to withhold local services and benefits.30 While elections continue to take place at regular intervals, they are considered neither free nor fair, but rather as opportunities for the EPRDF to claim legitimacy at home and abroad.31

The first local and regional elections in 1992 demonstrated the EPRDF’s determination to exercise complete control over the political process. EPRDF cadres dominated local administrative structures


(kebeles), which allowed them control over distribution of voter registration materials.\textsuperscript{32} Opposition candidates were reportedly intimidated, harassed, denied equal access to media, or barred from participating.\textsuperscript{33} Unhappy with the EPRDF’s heavy-handedness and an unfair electoral process, and uncertain about their own goals, major opposition parties boycotted the elections.\textsuperscript{34} The EPRDF and affiliated parties won 96.6 percent of regional assembly seats.\textsuperscript{35} Irregularities notwithstanding, the international community recognized the results.\textsuperscript{36}

Following the 1992 elections, with a mightier military and better organization than opponents, the EPRDF positioned itself to dominate future political contests by militarily defeating the rival Oromo Liberation Front (OLF) and by expanding its control over local administrative structures.\textsuperscript{37} Frustrated, major opposition parties organized opposition events in Ethiopia and abroad, appealed to Western nations for help, and boycotted the June 1994 elections for the Constituent Assembly, the body created to approve the draft Constitution.\textsuperscript{38} The Constitution, adopted in December 1994, established a parliamentary system and included liberal commitments to direct, free, and fair elections.\textsuperscript{39} However, the EPRDF did not loosen its grip on government. During the 1995 national and regional elections, opponents complained of police harassment, unequal access to media, and unequal footing in the electoral process; major opposition parties again boycotted.\textsuperscript{40} Though deemed generally fair by international observers, the


\textsuperscript{36} Id. at 72.


\textsuperscript{39} CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA, Arts. 38, 45, 54, 102, \url{http://www.ethiopia.gov.et/constitution}.

\textsuperscript{40} HUMAN RIGHTS WATCH, \textit{World Report 1996: Ethiopia} (January 1, 1996), \url{http://www.refworld.org/docid/3ae6a8af34.html}.}
elections were largely uncompetitive.  

Compelled by an electoral law that cancels the legal status of political parties missing two consecutive elections, opposition parties participated in the 2000 national elections in greater numbers. Observers reported electoral fraud, intimidation, and violence, and opposition parties claimed that the police had arbitrarily detained, imprisoned, and—in at least seven cases—killed opposition members.

The 2005 national elections marked a departure from past elections. Emboldened by a split in the TPLF that seemed to weaken the EPRDF, opposition parties pressed the government for greater electoral openness and mobilized as never before. Entrenched in government and confident in its economic record, but looking to boost its international legitimacy, the government allowed opposition parties unprecedented freedom to organize rallies and to campaign via state and private media. The relative openness notwithstanding, there were reports of intimidation, arrests, and killings of opposition activists


in the lead up to the elections. Moreover, on the eve of the elections, the government banned mass demonstrations and gatherings in Addis Ababa.

Seeking strength in numbers, leading opposition groups came together in two coalitions—the Coalition for Unity and Democracy (CUD) and the United Ethiopian Democratic Forces (UEDF). Voter turnout was nearly 83 percent, and the CUD, the UEDF, and smaller opposition parties won a combined 174 of 547 seats in parliament—a dramatic result in an electoral process still dominated by the EPRDF. However, the CUD rejected the results, citing vote rigging. In spite of the ban on mass gatherings, opposition outrage led to protests in June, particularly in Addis Ababa where the opposition had done well. In the month following the elections, the government reportedly detained thousands of actual and suspected opposition supporters, killed an estimated 46 people including one parliamentarian-elect, and wounded hundreds more.

Elections results were announced September 5, 2005, and the CUD and the UEDF were internally split on whether elected parliamentarians should take their seats. In October, opposition parties again called for protests. Between October and December, police and security services detained a majority of the

50 Lovise Aalen and Ragnhild L. Muriaas, MANIPULATING POLITICAL DECENTRALISATION: AFRICA’S INCLUSIVE AUTOCRATS 66 (2018)(citing International IDEA 2011). Earlier government estimates of voter turnout were higher—around 90%.
54 Id.
CUD’s parliamentarians-elect, and arrested thousands of CUD members and other dissenters—an estimated 18,000 people by December 2005.\textsuperscript{55} A government inquiry estimates that security forces killed around 250 people.\textsuperscript{56}

The EPRDF found internal and external explanations for the election results. Between 2001 and 2005—in a bid to further erode the distinction between coalition and state—the EPRDF shifted political functions to the state bureaucracy.\textsuperscript{57} Scholars suggest that this shift weakened the EPRDF’s political brand and deafened the EPRDF to popular discontent.\textsuperscript{58} The EPRDF also blamed opposition parties, civil society, journalists, and foreign influence for the election outcome and the unrest that followed.\textsuperscript{59}

After the 2005 elections, political liberalization came to an abrupt end. The EPRDF again sought to eliminate competition from the electoral process, and diverted resources to rebuilding the coalition distinct from the state.\textsuperscript{60} The EPRDF launched a recruitment drive, particularly in rural areas, growing membership from more than 750,000 before the 2005 elections to an estimated 4 million by 2008,\textsuperscript{61} and 6 million by 2012.\textsuperscript{62} The EPRDF also expanded existing mass mobilization efforts and increased its presence in local government, growing the size of local councils and making it impossible for smaller opposition parties to contest enough seats to win control.\textsuperscript{63}

As a result, opposition parties have since been unable to mount serious electoral challenges to the EPRDF. During the 2008 local elections, the relatively open political space prior to the 2005 elections was


\textsuperscript{58} See Id. at 52-53; Jon Abbink, \textit{A Decade of Ethiopia: Politics, Economy and Society} 2004-2016 36-37 (2017).


closed, and the EPRDF’s efforts to expand membership and control local councils proved effective.\textsuperscript{64} Opposition parties were divided, weakened, and unable to compete for a substantial number of seats.\textsuperscript{65} The government ensured victory by refusing to register many opposition candidates, curtailing campaigning, and intimidating and harassing opponents and their supporters.\textsuperscript{66}

In the lead up to the 2010 national and regional elections, the government again threatened and harassed opposition party members,\textsuperscript{67} and obstructed opposition campaigning and voter registration.\textsuperscript{68} As reported in previous elections, the government told citizens that they needed to register with and vote for the EPRDF in order to receive food aid, fertilizer, jobs, and university placements.\textsuperscript{69} Voter turnout was an estimated 93 percent.\textsuperscript{70} However, international observers—in a now common refrain—reported that the elections lacked fairness and transparency.\textsuperscript{71} The EPRDF and allied parties won 99.6 percent of national parliamentary seats.\textsuperscript{72}

The 2015 elections were the first elections since the death of Prime Minister Meles Zenawi in 2012, and scholars explain that, to signal its continued strength, the EPRDF stepped up attacks on opponents to ensure complete victory in the national parliament for its candidates and allies.\textsuperscript{73} Opposition parties were divided and weakened but also found it nearly impossible to organize and campaign prior to the


elections.\textsuperscript{74} Opposition members were also reportedly intimidated, detained, beaten, arrested, and denied access to polling places in some areas.\textsuperscript{75} The conclusion foregone, few international observers were present.\textsuperscript{76} The EPRDF and allied parties captured every seat in the national parliament.\textsuperscript{77}

3.1.2. Laws Targeting Dissent

3.1.2.1. Charities and Society Proclamation

In the wake of the 2005 elections, the government also created laws targeting opponents and civil society groups. Among the most controversial is the Proclamation to Provide for the Registration and Regulation of Charities and Societies—commonly referred to as the Charities and Societies Proclamation (CSP). Enacted in January 2009, the CSP imposes broad government oversight on civil society organizations.\textsuperscript{78} The government gave organizations a one-year grace period to conform to the new law.\textsuperscript{79}

Ostensibly, the CSP is meant to ensure greater transparency and accountability. Among its many provisions, the CSP requires charities\textsuperscript{80} and societies\textsuperscript{81} to provide annual statements of their accounts and activities,\textsuperscript{82} to submit to annual audit,\textsuperscript{83} and to spend no more than 30 percent of their budgets on administrative costs.\textsuperscript{84} However, the 70/30 rule—as it is known—is vaguely defined and has been broadly interpreted to include program staff salaries and benefits, training and consultancy services, monitoring

\textsuperscript{80} A “charity” is defined as an institution “established exclusively for charitable purposes and gives benefit to the public.” Id. at Art 14(1).
\textsuperscript{81} A “society” is defined as “an association of persons organized on non-profit making and voluntary basis for the promotion of the rights and interests of its members and to undertake other similar lawful purposes as well as to coordinate with institutions of similar objectives. Id. at Art. 55(1).
\textsuperscript{82} Id. at Arts. 78, 80.
\textsuperscript{83} Id. at Art. 79.
\textsuperscript{84} Id. at Art. 88(1).
and evaluation, and transportation. The rule has led civil society organizations to cut salaries and staff, to restructure, to spend less on monitoring and evaluation, and to take other steps that risk compromising the quality of their work.

The CSP also restricts the types of organizations allowed to work on human rights and governance issues. Only Ethiopian charities and societies may advance or promote: human and democratic rights; equality of nations, nationalities, peoples, religion, or gender; the rights of children and the disabled; conflict resolution and reconciliation; and the efficiency of justice and law enforcement services. The CSP defines Ethiopian charities and societies as organizations formed under Ethiopian law, fully controlled by Ethiopian nationals, and primarily funded from domestic sources—not more than 10 percent of funds can come from abroad. Following enactment, the government froze 90 percent of funds belonging to prominent local human rights organizations. Moreover, the CSP has forced foreign NGOs like Amnesty International and Human Rights Watch to cease human rights advocacy from inside Ethiopia.

The government has argued that these restrictions prevent undue foreign influence in Ethiopia's domestic affairs. However, the CSP has been widely criticized for violating freedom of association and for unnecessarily impeding civil society, and is regarded as a thinly veiled effort to silence critics. Indeed,

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87 Id. at Art. 14(5).

88 Id. at Art 2(2).


because of limited domestic funding sources, the CSP has forced many organizations to close their doors, to restructure, or to rebrand and work on development or other issues not reserved for Ethiopian charities and societies.\textsuperscript{93} According to one source, the CSP has eliminated 90\% of local human rights organizations,\textsuperscript{94} and the most prominent organizations that do remain have been forced to reduce capacity by as much as 85\%.\textsuperscript{95}

\begin{itemize}
\item http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/ETIndex.aspx; UNITED NATIONS COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, Concluding Observations: Ethiopia, ¶ 28 (July 27, 2011).
\item http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/ETIndex.aspx; UNITED NATIONS COMMITTEE AGAINST TORTURE, Concluding Observations: Ethiopia, ¶ 34 (January 20, 2011).
\end{itemize}
3.1.2.2. Anti-Terrorism Proclamation

The government also enacted the Anti-Terrorism Proclamation (ATP) in 2009, creating a broad definition of terrorism and expanding government powers toward terrorism suspects.96 In enacting the ATP, the government claimed that existing law was inadequate to combat the threat of terrorism and to meet Ethiopia’s obligations under international law.97

The ATP defines “terrorist acts” to include acts causing serious bodily injury, serious risk to public health and safety, serious damage to property, or serious interference or disruption of any public service; if intended to “advance a political, religious or ideological cause by coercing the government, intimidating the public or section of the public, or destabilizing or destroying the fundamental political, constitutional or, economic or social institutions of the country.”98 The law expands the powers of police and security services to surveil, search, arrest, and detain terrorism suspects.99 It also relaxes evidentiary and procedural rules in terrorism cases, allowing courts to admit hearsay or indirect evidence and intelligence reports—even reports that do not identify how information was gathered or from whom.100

The ATP has received widespread condemnation.101 UN bodies, human rights organizations, and scholars have criticized the law’s broad and vague definition of terrorism for including damage to property and disruption of public services.102 Political protests causing disruption to public transportation, for

99 Id. at Arts. 13-22.
100 Id. at Art. 23.
example, could be treated as acts of terrorism. Critics have also expressed concern that the ATP gives police and security services too much power to conduct warrantless searches and to seize property, authorizes detention of suspects for up to four months without charge, and places no prohibition on the use of evidence obtained through torture.

Moreover, since 2011, the government has used the ATP to charge political opponents, human rights advocates, teachers, students, journalists, and religious leaders and their supporters with acts of terrorism or affiliation with terrorist organizations. According to Ethio-Trial Tracker (ETT)—an online project tracking prosecutions brought under the ATP—as of mid-January 2018, 923 individuals were being prosecuted on terrorism-related charges. Among them, 440 (48%) are alleged to have connections with the Oromo Liberation Front (OLF), and 311 (34%) are alleged to have connections with Ginbot 7. ETT has also documented an additional 526 individuals previously charged with terrorism. 463 were sentenced to prison or death; 63 were acquitted or had charges dropped.

3.1.2.3. Mass Media Proclamation

The government has also created laws targeting independent media. Among the most controversial is the Freedom of Mass Media and Access to Information Proclamation (MMP). Enacted in 2008, the MMP requires publishers of periodicals to register with the Ministry of Information—now known as the


107 In 2011, the government designated the Oromo Liberation Front (OLF), Ginbot 7, and three other groups as terrorist organizations under the ATP. ETT also documents that 38 individuals are alleged to have connections to the Oromo Liberation Front, Patriotic Ginbot 7, and Al-Shabaab. Id. This is striking given the divergent political aims of these groups; see also see also Zelalem Kibret, The Terrorism of ‘Counterterrorism’: The Use and Abuse of Anti-Terrorism Law, the Case of Ethiopia, EUROPEAN SCIENTIFIC JOURNAL 521-529 (May 2017), https://eujournal.org/index.php/esj/article/viewFile/9348/8911 (analyzing terrorism charges brought under the ATP against 981 individuals and four organizations between September 2011 and March 2017).


109 Id.


111 Periodicals are defined as “printed material which is scheduled to appear in regular sequences of at least twice a year, which has a fixed title and which has a general distribution aimed at the entire public or a section thereof, and
Government Communications Affairs Office (GCAO)—gives public prosecutors and courts vague powers to block publication of books and periodicals,\textsuperscript{112} and creates stiff monetary penalties for defamation.\textsuperscript{113} Lawsuits have been brought against many independent newspapers under the MMP.\textsuperscript{114}

The MMP recognizes a qualified right\textsuperscript{115} of citizens to access information held by public bodies and creates a process for making access-to-information requests.\textsuperscript{116} In practice, however, the government makes information difficult if not impossible to obtain.\textsuperscript{117}

3.2. Police, State Security, and the Judiciary

3.2.1. Communications Surveillance

The EPRDF views information and communication technology (ICT) as critical to advancing development and to maintaining political dominance.\textsuperscript{118} To these ends, the EPRDF-led government has sought to take advantage of new ICT while retaining control of information flows. For instance, the government has expanded access to mobile phone service and to the internet—internet usership was an estimated 15.37 percent in 2016, compared to 0.8 percent in 2010—through Ethio-Telecom, the country’s lone and government-owned internet and mobile phone service provider.\textsuperscript{120} The government has defended its monopoly by arguing that ICT is too key to development to leave to market forces.\textsuperscript{121} The monopoly, however, has enabled the government to regulate the expansion of ICT, to broaden the


\textsuperscript{113} Id. at Art. 41(2).

\textsuperscript{114} HUMAN RIGHTS WATCH, ONE HUNDRED WAYS OF PUTTING PRESSURE - VIOLATIONS OF FREEDOM OF EXPRESSION AND ASSOCIATION IN ETHIOPIA 50 (March 2010), https://www.hrw.org/sites/default/files/reports/ethiopia0310webwcover.pdf.

\textsuperscript{115} Id. at Art. 15 (exempted Information).

\textsuperscript{116} Id. at Arts. 11-12, 14.


\textsuperscript{118} Ignio Gagliardone, Strategies and Tactics: Reshaping the Internet in Ethiopia, SPEECH AND SOCIETY IN TURBULENT TIMES: FREEDOM OF EXPRESSION IN COMPARATIVE PERSPECTIVE 293-313 (2018), Monroe Price and Nicole Stromlau eds.


\textsuperscript{121} Ignio Gagliardone, Strategies and Tactics: Reshaping the Internet in Ethiopia, SPEECH AND SOCIETY IN TURBULENT TIMES: FREEDOM OF EXPRESSION IN COMPARATIVE PERSPECTIVE 309 (2018), Monroe Price and Nicole Stromlau eds. (quoting former Minister of Communication and Information Technology, Debretsion Gebremichael in 2008).
government’s ability to communicate policy directly to the masses, and to monitor the use of the internet and mobile technologies.\textsuperscript{122}

In 2016, to strengthen its surveillance capabilities, the government passed the Computer Crime Proclamation (CCP), which enables real-time monitoring and interception of communications.\textsuperscript{123} Under the CCP, security officials can access records of all phone calls made inside Ethiopia with few restrictions.\textsuperscript{124} Additionally, as recently as December 2017, researchers have reported that the government has used malware to infect and monitor computers belonging to activists, political opponents, and independent journalists outside Ethiopia.\textsuperscript{125}

\subsection*{3.2.2. Decentralized Monitoring}

In 1991, the EPRDF began a process of political decentralization.\textsuperscript{126} In the EPRDF’s view, devolving power to regional and local governments was necessary to correct historic power imbalances and to win broad-based support for a multi-ethnic state.\textsuperscript{127} The EPRDF, itself a coalition of regional and ethnically based parties, advocated for ethnic diversity and considerable autonomy for regional states within a

\begin{thebibliography}{9}
\bibitem{humanrights2014c} \textit{Human Rights Watch, They Know Everything We Do: Telecom and Internet Surveillance in Ethiopia 36} (March 2014), https://www.hrw.org/sites/default/files/reports/ethiopia0314_ForUpload_1.pdf.
\bibitem{aalen2018} \textit{See Lovise Aalen and Ragnhild L. Muriaas, Manipulating Political Decentralisation: Africa’s Inclusive Autocrats 61-62 (2018).}
\end{thebibliography}
federal system—an arrangement commonly termed “ethnic federalism.”\textsuperscript{128} Ethnic and regional self-determination were enshrined in the Constitution,\textsuperscript{129} and in the early 2000s, in a second phase of decentralization, the EPRDF-led government stepped up efforts to build the capacity of local administrative structures.\textsuperscript{130} International donors supported decentralization initiatives, including the direct transfer of funds to local communities, under the theory that decentralization would increase political participation and make government more responsive to local needs.\textsuperscript{131}

Instead of increasing autonomy or promoting democratic governance, however, decentralization has served to extend the EPRDF’s influence within local government and to strengthen its control over the country.\textsuperscript{132} Rather than devolving power to traditional governance structures, the EPRDF has expanded local bureaucratic bodies established by the Derg, and recruited local elites—including traditional elders—to implement EPRDF policy.\textsuperscript{133} Moreover, in line with concepts of revolutionary democracy and the democratic developmental state, the EPRDF has used coercion and patronage to mobilize local populations to contribute to development and to support EPRDF governance.\textsuperscript{134}

\textsuperscript{128} For a description of national and subnational government structures, see Solomon M. Gofie, \textit{Central Control and Regional States’ Autonomy in Ethiopia}, \textit{African State Governance} 180-186 (2015), A. Carl LeVan, Joseph Olayinka Fashagba and Edward R. McMahon eds.


21
Regional states are divided into zones, districts (woredas) and sub-districts (kebeles). Kebeles are responsible for local administrative tasks, including the collection of taxes and issuance of identity cards. Kebeles also register, distribute and maintain housing; collect socio-demographic information; and engage in a range of development activities. Around the 2005 elections, the government established sub-kebele units in rural areas. These local administrative structures enable coordination between central and local authorities, and provide the national government a means of communicating policy to the grassroots level. By increasing the presence of the EPRDF in local economic, social, and political activities, sub-kebele structures enable the EPRDF to both mobilize and to monitor the population, and to identify and punish opposition.

3.2.3. Arrest and Detention

The government has a record of monitoring, harassing, arresting, and detaining political opponents, journalists, human rights advocates, and other actual or perceived critics and their family members.

In 2016, Ethiopia had six federal prisons, 120 regional prisons, and many unofficial detention centers, including sites in Dedessa, Bir Sheleko, Tolay, Hormat, Blate, Tatek, Jijiga, Holeta, and Senkele. Pretrial


137 Id. at 141, 143-145.


detention often takes place in police stations, where prisoners endure unsanitary conditions and abuse.\(^{143}\) Lengthy legal procedures, large numbers of detainees, judicial inefficiency, and staffing shortages contribute to trial delays.\(^{144}\) The 2016-2017 and 2018 states of emergency (see below) allowed the government to detain a person without a court order.\(^{145}\)

Although a bail system exists, bail is reportedly not available for persons charged with terrorism, murder, treason, or corruption.\(^{146}\) Officials have held some prisoners incommunicado for weeks at a time and placed civilians under house arrest for an undisclosed period.\(^{147}\) Authorities reportedly allow pretrial detainees little or no contact with legal counsel, do not provide full information on their health status, and do not allow family visits.\(^{148}\) According to one source, the police “are more likely to present detainees promptly before a judge in cases involving public figures.”\(^{149}\)

### 3.2.4. Fair Trial

The Constitution provides defendants the right to a fair public trial “without undue delay,”\(^{150}\) provides for a presumption of innocence,\(^{151}\) the right to legal counsel of their choice,\(^{152}\) the right to appeal,\(^{153}\) the

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\(^{147}\) Id.

\(^{148}\) U.S. Department of State, Human Rights Practices 2016: Ethiopia 8 (March 3, 2017), https://www.state.gov/documents/organization/160121.pdf; see also Human Rights Watch, They Want a Confession: Torture and Ill-Treatment in Ethiopia’s Maekelawi Police Station (October 2013), https://www.hrw.org/report/2013/10/17/they-want-confession/torture-and-ill-treatment-ethiopias-maekelawi-police-station (documenting how police investigators at Maekelawi [prison] have used coercive methods on detainees amounting to torture or other ill-treatment to extract confessions, statements, and other information from detainees; that ‘[d]etainees are often denied access to lawyers and family members’; and that ‘[d]epending on their compliance with the demands of investigators, detainees are punished or rewarded with denial or access to water, food, light, and other basic needs.’)

\(^{149}\) Yonas Mebrahtu and Sam Ponniah, Ethiopia, Does Torture Prevention Work? 486 (2016), Richard Carver and Lisa Handley eds.

\(^{150}\) Constitution of the Federal Democratic Republic of Ethiopia, Art. 19, http://www.ethiopia.gov.et/constitution (“Persons arrested have the right to be brought before a court within 48 hours of their arrest.”)

\(^{151}\) Id. at Art. 20(3) (“During proceedings accused persons have the right to be presumed innocent until proved guilty according to law and not to be compelled to testify against themselves.”)
right not to self-incriminate,\textsuperscript{154} the right to present witnesses and evidence in their defense and cross-examine prosecution witnesses,\textsuperscript{155} and the right to access government-held evidence.\textsuperscript{156} The Constitution also requires that detainees be informed of the reasons of their arrests.\textsuperscript{157}

In practice, however, the government has not always maintained the presumption of innocence, allowed defendants to communicate with an attorney, provided timely and free interpretation services for defendants, or provided defendants with access to government-held evidence.\textsuperscript{158} These rights have been particularly limited in cases involving allegations of terrorism.\textsuperscript{159}

In some civil and criminal cases that do not have political implications, the judicial system reportedly operates in a “reasonably fair and independent manner with regard to routine legal matters,” but “suffers from a lack of capacity.”\textsuperscript{160} Although civil courts operate with a large degree of independence, criminal courts remain weak, overburdened, and subject to political influence.\textsuperscript{161} A 2012 study produced by the World Bank and the government’s Federal Ethics and Anti-Corruption Commission (FEACC) found that “there is a perception...that since about 2004, there has been an effort to recruit judges and prosecutors who...are active rather than passive members of the ruling party (or its regional affiliates).”\textsuperscript{162} The study

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\begin{itemize}
\item \textsuperscript{152} \textit{Id.} at Art. 20(5) (“Accused persons have the right to be represented by legal counsel of their choice, and, if they do not have sufficient means to pay for it and miscarriage of justice would result, to be provided with legal representation at state expense.”)
\item \textsuperscript{153} \textit{Id.} at Art. 20(6) (“All persons have the right of appeal to the competent court against an order or a judgement of the court which first heard the case.”)
\item \textsuperscript{154} \textit{Id.} at Art. 19(2) (“Persons arrested have the right to remain silent. Upon arrest, they have the right to be informed promptly, in a language they understand, that any statement they make may be used as evidence against them in court.”); Art. 19(5) (“Persons arrested shall not be compelled to make confessions or admissions which could be used in evidence or against them. Any evidence obtained under coercion shall not be admissible.”)
\item \textsuperscript{155} \textit{Id.} at Art. 20(5) (“Accused persons have the right to full access to any evidence presented against them, to examine witnesses testifying against them, to adduce or to have evidence produced in their own defence, and to obtain the attendance of and: examination of witnesses on their behalf before the court.”)
\item \textsuperscript{156} \textit{Id.}
\item \textsuperscript{157} \textit{Id.} at Art. 20(2) (“Accused persons have the right to be informed with sufficient particulars of the charge brought against them and to be given the charge in writing.”); \textit{see also} United States State Department, Human Rights’ Practices 2016 – Ethiopia 10 (March 3, 2017).
\item \textsuperscript{159} Yonas Mebrahtu and Sam Ponniyah, \textit{Ethiopia, Does Torture Prevention Work?} 486 (2016), Richard Carver and Lisa Handley eds.
\item \textsuperscript{162} THE WORLD BANK, DIAGNOSING CORRUPTION IN ETHIOPIA: PERCEPTIONS, REALITIES, AND THE WAY FORWARD FOR KEY SECTORS 212 (2012), Janelle Plummer ed., https://openknowledge.worldbank.org/handle/10986/13091. The study has been criticized for, \textit{inter alia}, ignoring previous studies of corruption in Ethiopia. See Berhanu Mengistu et al., \textit{Public
also reports claims that “in cases important to the government, judges were more likely to sway their decisions (a) in line with explicit instructions, or (b) still more likely, with what they believed the government wanted.” Public perception surveys show that members of the public and government officials have low confidence in the independence of the judiciary and other criminal justice actors. For example, a 2012 survey commissioned by the FEACC found that the majority of respondents, including public officials, regarded the judiciary—at all levels—the police, and woreda and kebele officials to be corrupt.

3.2.5. Torture and Cruel, Inhuman, Degrading Treatment or Punishment

Multiple sources report that detainees have been subjected to torture and other abuses while in detention in Ethiopia to punish, or to obtain information or confessions. Political prisoners, including opposition party members, journalists, bloggers and others perceived opponents, are at particular risk of torture, and political prisoners are routinely denied access to proper medication or any medical treatment.


165 Only 27.4 percent of public official respondents rated zonal high courts as “honest” or “very honest.” Figures were slightly higher for first instance woreda courts (27.8 percent), regional supreme courts (31.3 percent), federal high court (37.8 percent), and prosecutors’ offices (27.7 percent). Kilimanjaro International, Ethiopia Second Corruption Perception Survey 71 (April 2012), http://www.feac.gov.et/images/downloads/corruption_survey.pdf.


The government restricts access to detention centers by independent observers, and there is no reliable, publicly available information on deaths in custody in the Ethiopian prison system. Evidence of torture, however, is particularly well documented among former detainees of federal detention facilities, including Maekelawi detention center in Addis Ababa. In 2012, the African Commission on Human Peoples’ Rights passed a resolution communicating concern “at frequent allegations of the use of torture in pre-trial detention in Ethiopia, particularly in the Federal Police Crime Investigation and Forensic Department of Maikelawi...where political prisoners are detained, interrogated and frequently subjected to torture or other forms of cruel, inhuman or degrading treatment or punishment.”

There are credible reports that the government tortured political opponents in advance of and during the 2016-2017 state of emergency.

3.3. STATES OF EMERGENCY

3.3.1. 2016-2017

In April 2014, the government announced the Addis Ababa and Oromia Special Zone Integrated Master Plan—commonly known as the “Master Plan”—to expand Addis Ababa into surrounding Oromo

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farmland. Oromo leaders criticized the Master Plan as a government land grab, and student-led demonstrations began in late April 2014. Protests against the Master Plan spread through the region and intensified in November 2015. The government blamed “anti-peace forces” for the ensuing violence, and accused protestors of having links to terrorist organizations. By mid-2016, security forces were estimated to have killed more than 400 people and arrested tens of thousands in Oromia. Security forces reportedly tortured some protestors and detained many more in prisons, military camps, and prisons, often, and an “improvised explosive device” was used to try to kill the police officer who was to be the next emperor. The police officer was killed, and several other officers were injured. The incident took place in the town of Gedi, around 50 kilometers from the capital, Addis Ababa. It is not clear how many people may have been killed in the attack, but it is believed that several bodies were recovered from the site. The government has not yet commented on the incident, and it is not clear whether the attack was carried out by members of the “anti-peace forces” mentioned in the previous section. The government has also denied reports that it is overseeing mass executions of Oromo people, saying that such reports are “false and baseless.”

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classrooms, and other locations. The government suspended the Master Plan in January 2016, but by then the protests were giving voice to a broader range of ethnic and political grievances.

In June 2016, the government-affiliated Ethiopian Human Rights Commission (EHRC) presented a report to Parliament about protests in Oromia and elsewhere, including an assessment of the conduct of security forces. Contrary to the claims of human rights organizations, the EHRC found that only 173 people—including 28 security and government officials—had been killed in Oromia. The EHRC also concluded that security forces had responded proportionally in Oromia; and blamed poor governance, inefficient public services, corruption, and land mismanagement for the unrest.

Beginning in July 2016, protests also spread in the Amhara region after the government arrested Amhara nationalist leaders advocating for the return of Welkait, a district granted to the Tigray region in 1991. Amhara protesters were motivated not only by the arrests, but also by persistent government brutality toward opponents, and a sense of disempowerment under the Tigrayan-dominated government. Some protests became violent. In Gondar—to which Welkait historically belonged—protesters burned Tigrayan businesses.

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As in Oromia, protests catalyzed grievances across the Amhara region. In 2016, hundreds of Amhara protesters and students were jailed, and in July and August of that year, security forces reportedly killed an estimated 70 to 100 protesters. Others were disappeared or killed in circumstances that have not been investigated. Additionally, security forces were accused of burning Amhara-owned shops, farms, and businesses.

In Oromia, anti-government protests came to a head in early October 2016, during the Oromo festival of Irreecha in the town of Bishoftu. Human rights organizations have reported that the protest was peaceful; however, the government has alleged protest leaders incited the crowd to violence. The number of people killed and the causes of their deaths are contested. The government claims that 55 people were killed; however, the Oromo Federalist Congress—a leading Oromo opposition party—is said update/. Yoseph Badwaza and Jennifer Charette, Ethiopia: Attack on Civil Society Escalates as Dissent Spreads, FREEDOM HOUSE (July 22, 2016), https://freedomhouse.org/blog/ethiopia-attack-civil-society-escalates-dissent-spreads.

to have put the number at almost 700. Protestors claim that the government used tear gas and fired bullets into the crowd causing a stampede. Witnesses report that some protestors died of bullet wounds and others were trampled to death.

A week after the Irreecha festival, on October 9, 2016, the government declared a state of emergency. The state of emergency expanded police power with the stated objective of eliminating “anti-peace elements.” The state of emergency restricted speech, movement, and freedom of assembly; limited communication and media access; and gave the government broad powers to arrest and detain suspects without court warrant. A Command Post was created to administer the state of emergency.

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In April 2017, the EHRC released a second report, which covered protests from June to September 2016.202 The reports concluded that 669 people had been killed, lower than figures presented by human rights organizations.203 The EHRC blamed diaspora media outlets and poor governance in some areas—particularly in Oromia—for the unrest, and again concluded that security forces had used proportional force in most places.204 Human rights experts criticized the report for minimizing government abuses and for repeating government allegations against protestors.205 The United Nations High Commissioner for Human Rights renewed previous calls206 for an independent international investigation into human rights abuses.207

By early 2017, more than 20,000 Ethiopians had been arrested during the state of emergency;208 many were reportedly denied procedural safeguards and arbitrarily detained.209 Detainees reported physical

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abuse, torture, inadequate food and medical care, poor sanitation, and overcrowding.\textsuperscript{210} The government released 10,000 prisoners in December 2016, but thousands remained in detention.\textsuperscript{211} Despite a decrease in the number of protests after imposition of the state of emergency,\textsuperscript{212} arrests continued into 2017.\textsuperscript{213} In March 2017, the government extended the state of emergency for an additional four months.\textsuperscript{214}

Parliament ended the state of emergency on August 4, 2017.\textsuperscript{215} According to the Minister of Defense, the government had detained more than 29,000 Ethiopians during the state of emergency, and was prosecuting nearly 8,000 in connection with protests.\textsuperscript{216}

3.3.2. 2018

The end of the 2016-2017 state of emergency did not quiet demands for reform. Thousands of protesters, journalists, and political opposition figures remained in detention; and the government had


\textsuperscript{216} Id. (citing Minister of Defense Siraj Fegessa); Ethiopia under state of emergency following prime minister’s resignation, DEUTSCHE WELLE (February 17, 2018), https://www.independent.co.uk/news/world/africa/ethiopia-state-emergency-hailemariam-desalegn-siraj-fegessa-a8215271.html.
made little effort to address long-held grievances. Protests continued, and in October 2017, in a widely publicized event, security forces killed ten protesters in the town of Ambo, Oromia. That month, the Armed Conflict Location and Event Data Project (ACLED) recorded 60 riots and protests in Oromia alone.

On January 2, 2018, the EPRDF’s Executive Committee released a statement following weeks of closed-door meetings. The statement explained that an “absence of internal party democracy” and narrow group interests had become “obstacles” for the developmental state, and blamed governance failures and weak leadership for conflict and instability in the country. Observers say the statement revealed tensions within the EPRDF and Hailemariam Desalegn’s embattled position as Prime Minister. Acknowledging the value of multi-party democracy but still committed to a top-down developmental state, the EPRDF vowed to improve public participation in “democratic and development activities.”

In a sign that the EPRDF might pursue reform, Hailemariam announced on January 3, 2018 that the government would close the notorious Maekelawi detention center and release some political leaders and others detainees in a bid to promote national reconciliation. Between early January and mid-February,

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221 Id.


223 Id.

the government released more than 6,000 detainees, including prominent journalists and opposition leaders. The releases generated optimism that Ethiopia might be entering an era of greater civil and political freedom.

However, on February 15, 2018, Prime Minister Hailemariam resigned, and the following day the government’s Council of Ministers declared a new six-month state of emergency, which the Council claimed was necessary to protect the public and the economy. The new state of emergency reinstated the Command Post and reinstated bans on a broad range of activities, including acts that “erode unity and tolerance,” unauthorized protests or gatherings, promotion of a political agenda, and obstruction of public transportation. The directive also reauthorized warrantless searches of people and places, warrantless arrest and detention, and detention in unofficial locations decided by the Command Post. On March 2, 2018, Parliament voted to approve the state of emergency.

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Aaron Maasho, Ethiopia pardons 746 prisoners, including journalists, dissident, REUTERS (February 8, 2018), https://www.reuters.com/article/us-ethiopia-prisoners/ethiopia-pardons-746-prisoners-including-journalist-dissident-idUSKBN1FS2BA.


The new state of emergency cast doubt on the seriousness of the EPRDF about liberal democratic reform,231 and received widespread criticism, including an unusually strong statement of opposition from the U.S. Embassy in Ethiopia.232

Demonstrators defied the new state of emergency and continued protests. The government also stepped up arrests. On March 24, 2018, more than a dozen people were arrested in the city of Bahir Dar, including academics and journalists.233 The following day another 11 people were arrested in Addis Ababa—including recently released opposition leader Andalem Arage, and journalists Eskinder Nega and Temesegn Desalegn.234 By the end of March 2018, according to state-affiliated media, the government had reportedly arrested 1,107 people during the new state of emergency.235


On April 2, 2018, OPDO Chairman Abiy Ahmed was sworn in as the new Prime Minister, pledging
democratic reforms. On April 6, 2018, the government made good on its January promise to close
Maekelawi detention center. Many prisoners were transferred to other facilities, where some were
subsequently released. In April and May 2018, the government released journalist Eskinder Nega,
Oromo Federalist Congress Chairperson Bekele Gerba, and other prisoners. Additionally, Abiy has
sought to shake up the military and security services by replacing General Samora Yunis, Chief of Staff of
the Ethiopian National Defense Forces, and Getachew Assefa, director of the National Intelligence
and Security Services (NISS), and by reshuffling the board of directors of MeTEC, a military industrial
corporation involved in critical development projects. Abiy has also announced the government’s
readiness to implement the Algiers Accord—the agreement that ended the 1998-2000 war between
Ethiopia and Eritrea—and to abide by the 2002 border commission ruling that awarded most disputed
areas to Eritrea.

While many are cautiously optimistic that Abiy’s leadership could lead to substantive political reform
in Ethiopia, opponents, advocates, and scholars say it is too soon to tell. The government has not

236 Aaron Maasho, UPDATE 2-Ethiopia’s new PM pledges reforms to end violence, REUTERS (April 2, 2018),
https://af.reuters.com/article/commoditiesNews/idAFL5N1RF0PP.
237 GOVERNMENT COMMUNICATION AFFAIRS OFFICE (Ethiopia), Ethiopia closes Maekelawi investigation center (April 6,
238 Id.; Abdur Rahman Alfa Shaban, Ethiopia frees blogger and Oromia official detained under martial law, AFRICA
detained-under-martial-law/; AMNESTY INTERNATIONAL, Ethiopia: Further Information: Two Government Critics
239 Daniel Schearf, Ethiopian Journalist Undeterred by Threats to Press Freedom VOA (May 2, 2018),
to PROTECT JOURNALISTS, CPI expresses concerns to Ethiopia’s PM about lack of media freedom in the country expresses
concerns to Ethiopia’s PM about lack of media freedom in the country (May 3, 2018), https://cpj.org/2018/05/cpj-
expresses-concerns-to-ethiopias-pm-about-lack-.php.
240 Aaron Maasho, Ethiopia’s prime minister replaces security chiefs as part of reforms, REUTERS (June 8, 2018),
reforms-idUSKCN1J40PU; Eric Oteng, Ethiopian PM replaces army chief in major shakeup, AFRICA NEWS (June 7, 2018),
241 Nizar Manek, Ethiopia Shakes Up Board at Military-Affiliated Corporation (June 1, 2018),
Prime Minister Abiy Reshuffles MeTEC Board, ADDIS FORTUNE (May 24, 2018), https://addisfortune.net/breaking-
242 Awol K Allo, Ethiopia offers and olive branch to Eritrea, AL JAZEERA (June 7, 2018),
https://www.aljazeera.com/indepth/opinion/ethiopia-offers-olive-branch-eritrea-180607104544523.html; Ethiopia
accepts peace deal’ to end Eritrea border war, BBC (June 5, 2018), https://www.bbc.com/news/world-africa-
44376298.
243 E.g. Aaron Maasho, Ethiopia’s PM seeks end to violence that displaced nearly a million, REUTERS (April 7, 2018),
https://www.reuters.com/article/us-ethiopia-politics/ethiopias-pm-seeks-end-to-violence-that-displaced-nearly-a-
million-idUSKBN1HE0FN; Geoffrey York, New Ethiopian Leader Abiy Ahmed, youngest in Africa, sparks hope for
reform (April 13, 2018), https://www.theglobeandmail.com/world/article-new-ethiopian-leader-abiy-ahmed-
youngest-in-africa-sparks-hope-of/; Ahmed Soliman, Ethiopia’s Prime Minister Shows Knack for Balancing Reform
and Continuity, CHATHAM HOUSE (April 27, 2018), https://www.chathamhouse.org/expert/comment/ethiopia-s-prime-
acknowledged decades of serious human rights violations, and observers explain that closing Maekelawi does not mean an end to the security services’ use of torture and harsh detention conditions elsewhere.\(^{244}\) Moreover, ethnic violence continues in many parts of the country. Since April 2018, dozens of people have been killed in Oromia and other regions, and more than 200,000 people have been displaced by ethnically-motivated attacks in Oromia and the Southern Nations, Nationalities and Peoples region.\(^{245}\)

### 3.4. Opposition Groups

More than 100 opposition political parties have formed in Ethiopia since 1991.\(^{246}\) Against EPRDF domination of the electoral process, opposition parties operating in isolation have traditionally stood little chance of electoral success. Some groups have been pushed outside of the political process; others have sought to form coalitions—as in the 2005 national elections—to create collective strength in the political process. However, ideological differences—for example, over support for the ethnic federalist system—has made forming and sustaining coalitions problematic.\(^{247}\)

Despite the relatively weak and fragmented state of the opposition, the government has harassed, detained, and prosecuted actual or suspected opposition supporters, including rank-and-file party members.

#### 3.4.1. Coalition for Unity and Democracy (CUD)

Established in early 2005, the Coalition for Unity and Democracy (CUD) was a coalition of four political parties that became the EPRDF’s main challenger during the 2005 elections.\(^{248}\) The CUD was better

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organized than other opposition parties and benefitted from diaspora financial support.\textsuperscript{249} Prior to the
election, CUD members reported politically motivated intimidation, harassment, physical and verbal assaults, and threats of demotion or dismissal from government positions.\textsuperscript{250} In a widely reported attack,
two men—allegedly led by a police officer—beat and threw stones at prospective CUD candidate, Tesfaye
Tereku, at Tereku's home until he lost consciousness.\textsuperscript{251}

The CUD accused the government of fraud in the 2005 elections and refused to accept the results.\textsuperscript{252} Consequently, the government targeted CUD members in the wake of the elections.\textsuperscript{253} On June 12, 2005,
government militia shot and killed CUD MP, Tesfaye Adane Jara.\textsuperscript{254} Additionally, the government
imprisoned CUD leaders, including Berhanu Nega (chairman), Hailu Shawel (deputy chairman), and
Birtukan Mideksa (vice chair) and charged them with treason and genocide.\textsuperscript{255} Internal divisions fractured
the CUD during the election fallout, and the coalition finally collapsed in 2007, when the National Election
Board (NEBE) awarded the CUD name to a faction of the CUD supportive of the government.\textsuperscript{256} In July
2007, the government released CUD leaders.\textsuperscript{257}

\textsuperscript{249} CENTER, OBSERVING THE 2005 ETHIOPIA NATIONAL ELECTIONS: FINAL REPORT 17 (2009),

\textsuperscript{250} Id.; LAHRA SMITH, Voting in Fear: Electoral Violence in Sub-Saharan Africa 185 (2012), Dorina Bekoe ed.; CARTER
CENTER, OBSERVING THE 2005 ETHIOPIA NATIONAL ELECTIONS: FINAL REPORT 17 (2009),
https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/ethiopia-2005-
finalrpt.pdf.

\textsuperscript{251} AMNESTY INTERNATIONAL, Ethiopia: the 15 May 2005 Elections and Human Rights – Recommendations to the
Government, Election Observers and Political Parties 10 (May 2, 2005),

\textsuperscript{252} HUMAN RIGHTS WATCH, Country Summary: Ethiopia (January 2006),
http://pantheon.hrw.org/legacy/wr2k6/pdf/ethiopia.pdf; ETHIOPIAN POLITICAL FORCES FORM NEW PARTY, SUDAN TRIBUNE,

\textsuperscript{253} See LAHRA SMITH, Voting in Fear: Electoral Violence in Sub-Saharan Africa 189 (2012), Dorina A. Bekoe ed.;


\textsuperscript{255} Ethiopian opposition CUD leader, his deputy arrested, SUDAN TRIBUNE (November 1, 2005),
http://www.sudantribune.com/spip.php?article12350; AMNESTY INTERNATIONAL, ETHIOPIAN PRISONER OF CONSCIENCE
Birtukan Mideksa Released!, https://www.amnestyusa.org/ethiopian-prisoner-of-conscience-birtukan-mideksa-
released/; Zainab Salbi, Spotlight on the Struggle of Birtukan Mideksa: Ethiopian Human Rights Activist in the Global
Women’s Movement, HUFFINGTON POST, https://www.huffingtonpost.com/zainab-salbi/spotlight-on-the-


\textsuperscript{257} Jon Abbink, A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016 71 (2017); AMNESTY INTERNATIONAL,
Ethiopia: Submission to the 46th Ordinary Session of the African Commission on Human and Peoples’ Rights 3
3.4.2. Ginbot 7

In 2008, two former CUD leaders, Berhanu Nega and Andargachew Tsige, formed the Ginbot 7 Movement for Justice, Freedom, and Democracy. Nega had been chairman of the CUD and elected Mayor of Addis Ababa in the 2005 elections.

The government claims Ginbot 7 is supported by Eritrea and designated Ginbot 7 a terrorist group under the ATP in 2011. The government has arrested and detained journalists and political opponents and charged them with terrorism for alleged affiliation with Ginbot 7. The government has also reportedly engaged in collective reprisals, detaining people because of familial ties to members or suspected members of Ginbot 7. In January 2018, the government sentenced more than 30 people to prison for alleged affiliation with Ginbot 7.

While Ginbot 7 remains a designated terrorist group, in May 2018, the government pardoned Berhanu Nega and Andargachew Tsige for convictions on terrorism charges from 2009. Both men were convicted in absentia; Tsige was arrested in Yemen in 2014 and extradited to Ethiopia, where he was imprisoned awaiting execution. The government released Tsige on May 28, 2018. In June 2018, Ginbot 7 announced it would suspend armed resistance.


3.4.3. Medrek

Medrek, also known as the Forum Party, was founded in the lead up to the 2010 elections as a coalition of six parties, including the Oromo Federalist Democratic Movement (OFDM), the Oromo People’s Congress (OPC), Arena Tigray, the Ethiopian Social Democratic Party, the Southern Ethiopia People's Democratic Union (SEPU), and the Coalition of Somali Democratic Forces. Medrek participated in the 2010 regional and national elections, and was one of two main opposition parties in the 2015 elections.

Medrek reported harassment, violence, and discrimination of party members before and during the 2010 elections. For example, Medrek reported that government security forces stabbed six men to death who were campaigning prior to the 2010 election.

Medrek has also alleged that security forces or EPRDF cadres killed Medrek member, Tadesse Abreha, in his home in June 2015, and that the police blocked Abreha’s aids from taking him to the hospital.

3.4.4. Unity for Democracy and Justice (UDJ)

The Unity for Democracy and Justice (UDJ) party, also known as Andinet—Amharic for “unity”—was formed in 2008. Birtukan Mideksa, former vice-chair of the CUD, was UDJ’s first president.

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271 Id.


part of Medrek, but split with the coalition in 2010. Like members of Medrek, UDJ members have reported discrimination, harassment, threats, and violence at the hands of the government. In a two-week period during August and September 2013, UDJ reported to Amnesty International that 62 UDJ members were arrested for distributing flyers. Prior to the 2015 election, UDJ leaders Habtamu Ayalew and Daniel Shebeshi, were arrested. Ayalew has publically disclosed that he was tortured in Maekelawi prison. UDJ members have also reported dismissal without cause and other forms of employment discrimination because of their affiliation with the party.

3.4.5. Blue Party (Semayawi)

The Blue Party formed in 2012 and soon established itself as a major Ethiopian opposition party. In June 2013, the party organized a rally in Addis Ababa joined by more than 10,000 people. It was the first large-scale protest since the 2005 election, and led some International media sources to speculate that space for political freedom might be re-opening in Ethiopia.

However, in August 2013, the Blue Party reported that security forces raided its headquarters while members were preparing posters and flags for a rally. Blue Party members were reportedly beaten and

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279 Id.


281 Id.


tortured during the raid.\textsuperscript{285} In October 2013, security forces arrested 12 members as they left Blue Party headquarters.\textsuperscript{286}

In 2014 and 2015, the Blue Party continued to report a pattern of arrests and detentions of party members, including of women, during peaceful demonstrations.\textsuperscript{287} In December 2015, the government charged Yonatan Tesfaye, a spokesperson for the Blue Party, under the ATP for comments he posted on Facebook.\textsuperscript{288} Additionally, the Blue Party reported that 15 members were detained between October 2016 and February 2017.\textsuperscript{289} In May 2017, Tesfaye was convicted on terrorism charges;\textsuperscript{290} he was released.\textsuperscript{291}

3.5. JOURNALISTS

Despite constitutional freedoms of expression and of the press, the government controls Ethiopia’s media environment. All domestically licensed television networks are state-owned or affiliated,\textsuperscript{292} and


\textsuperscript{286} Twelve Ethiopian opposition party leaders said arrested, BBC MONITORING NEWSFILE (October 13, 2013).


\textsuperscript{292} Fana Broadcasting Corporation is ostensibly a private company but was formerly a TPLF media outlet and still has links to the TPLF and EPRDF. MESERET CHEKOL RETA, \textit{The Quest for Press Freedom: One Hundred Years of History of the Media in Ethiopia} 264-265 (2013).
some private radio stations have government connections.\textsuperscript{293} Broadcasts from select international media outlets are permitted but periodically blocked.\textsuperscript{294}

The government has accused independent journalists of being under-qualified and irresponsible;\textsuperscript{295} and enacted laws that limit the growth of independent media, restrict access to information, expand censorship, and create stiff penalties for defamation.\textsuperscript{296} As a result, independent media is largely confined to print or online, and reaches smaller audiences because of low literacy rates, high printing costs, and limited internet usership. Independent journalists and media outlets within Ethiopia self-censor to stay in operation.\textsuperscript{297} Reporters without Borders' 2017 World Press Freedom Index ranks Ethiopia 150 out of 180 countries.\textsuperscript{298}

In response to criticism, the government has periodically blocked social media and news websites,\textsuperscript{299} and harassed, intimidated, and prosecuted independent journalists.\textsuperscript{300} Human rights organizations have


\textsuperscript{300} Simegnish Mengesha, \textit{Crawling to Death of Expression: Restricted Online Media in Ethiopia}, \textsc{Center for International Media Assistance} (April 8, 2015), https://www.cima.ned.org/blog/crawling-death-expression-restricted-
documented numerous arrests since 1993 of journalists critical of the government, and in the past decade, journalists and publishers have faced growing government hostility when criticizing Ethiopia’s development programs, covering politically sensitive topics, or writing articles about government-designated terrorist organizations. Ruling party cadres have threatened journalists, and government officials have questioned journalists about their connections to freedom of expression organizations—for example, Article 19 and the Committee to Protect Journalists—and human rights groups with greater frequency. Security officials and police have reportedly confronted journalists on the street, or summoned them to Maekelawi prison or to the GCAO for interrogation. Foreign journalists have also been targeted. Many Ethiopian journalists have gone into exile.


Moreover, since 2011, the government has used the ATP to arrest, prosecute, and detain at least 38 journalists. Indeed, five of the first nine known cases brought under the ATP were against journalists. In 2014, the government charged bloggers from the Zone 9 blogging collective under the ATP after detaining them for 80 days without charge. In May 2016, the Federal High Court sentenced another blogger to more than five years in prison under the ATP.

Journalists are reluctant to report on five designated terrorist organizations—Ginbot 7, the Ogaden National Liberation Front (ONLF), the Oromo Liberation Front (OLF), al-Qa‘ida, and al-Shabaab—for fear they will be harassed or prosecuted under the ATP. Additionally, government animosity toward independent journalists, compounded by the absence of an independent judiciary, suggests journalists are unlikely to receive due process or a fair trial.

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As of December 1, 2016, there were at least sixteen journalists detained in Ethiopia. The government released some journalists in January and February 2018; but rearrested several—including Eskinder Nega, Temesgen Desalegn, and blogger Seyoum Teshome—in March 2018 during the state of emergency before releasing them again in April 2018.

4. ETHNIC GROUPS

Scholars and human rights advocates explain that political decentralization and ethnic federalism have deepened ethnic divisions within the country. In 1994, the EPRDF-led government organized regional states along ethno-linguist lines, dividing some ethnic groups across borders and including smaller groups in regions identified with larger groups. At the local level, in ethnically heterogeneous regions, the politicization of ethnic identity has elevated ethnic majorities and marginalized minorities, stirring inter-ethnic conflict over political representation and resource allocation. For example, members of the Konso, the Qemant, and the Surma ethnic groups have staged protests in recent years demanding more

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autonomy and greater access to land and resources. Some protests have turned violent. Similarly, since late 2016, clashes between Oromos and ethnic Somalis over disputed territory on the border of Oromia and Somali regions have left dozens dead and around a million people displaced. Oromo and Amhara resentment at political and economic marginalization has also fueled recent protests and sparked attacks against ethnic Tigrayans.

At the national level, ethnic federalism has operated as a divide-and-rule arrangement, enabling the Tigrayan TPLF to retain disproportionate control over the government, the military, the intelligence services, and the commercial sector.

### 4.1. Oromo

The Oromo comprise roughly 35% of the Ethiopian population, making the Oromo Ethiopia’s largest ethnic group. Oromia region, the traditional homeland of the Oromo, covers 32% of Ethiopia’s total land area. Despite their numbers, the Oromo were largely excluded from the political arena until 1991, when

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320 Id.


325 Id.
the Oromo Liberation Front (OLF) helped the TPLF to overthrow the Derg.\textsuperscript{326} In the early 1990s, EPRDF domination of the post-Derg political space pushed the OLF out of the transitional government, away from electoral politics, and toward armed resistance.\textsuperscript{327}

Subsequently, many Oromo have insisted that they are inadequately represented in the TPLF-dominated government.\textsuperscript{328} Although the Oromo People’s Democratic Organization (OPDO) is part of the ruling EPRDF,\textsuperscript{329} the TPLF created the OPDO and many Oromo have traditionally viewed the OPDO as weak and subordinate.\textsuperscript{330}

The Oromo Federalist Congress (OFC) is a main Oromo opposition party led by Deputy-Chairman Bekele Gerba and Chairman Dr. Merera Gudina.\textsuperscript{331} Although the OFC is legally registeres, the government


has arrested and detained members—including Bekele Gerba and Merera Gudina—frequently for alleged ties with the OLF.\(^3\) The OLF has continued limited armed resistance against the Ethiopian government,\(^3\) and many Oromo are reportedly harassed, fired, discriminated against, or arrested and detained based on loose or imputed affiliations with the OLF.\(^3\)

In 2017, border conflicts between the Oromo and ethnic Somali groups turned deadly. Tensions have persisted over access to arable land since 2004, when a referendum awarded more than 400 contested kebeles to Oromia and set the nearly 1,000-mile border between the two regions.\(^3\) Ongoing drought in the Somali region (Ogaden) and accusations that the Liyu police—a paramilitary force in the Somali region—targets Oromo has exacerbated conflict.\(^3\) On September 11, 2017, reports that the Liyu police arrested and killed two Oromo sparked the beginning of widespread Oromo evictions from the Somali

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\(^3\) ASYLUM RESEARCH CONSULTANCY (ARC), *Ethiopia COI Query Responses: The Master Plan; OLF members and their family members; ill-treatment by State agents of Oromo persons who are not politically active* (September 7, 2016), http://www.refworld.org/docid/57cff8c14.html.


\(^3\) Id.
region. The federal government has stated that hundreds of people have been killed, and local media has reported that tens of thousands of Oromos have been displaced, leading the government to deploy security forces to the volatile area. Both Oromo and Somali spokespeople have blamed the other side for causing the conflict.

4.2. Somalis

The Somali region is predominantly inhabited by ethnic Somali Ethiopians, who make up 6.2% of Ethiopia’s population; and share ethnic, linguistic, and religious similarities with Somalia’s population. The Somali region is commonly called the Ogaden, and its inhabitants Ogadenis. Publically available information about the Ogaden is limited because the government has restricted access to travelers, journalists, and aid organizations.

Conflict between Ogadenis and the government increased with the discovery of oil and ensuing natural resource exploration in the early 2000s. In 2007, the Oromo National Liberation Front (ONLF)—an armed separatist group—was accused of attacking an exploration company, resulting in the deaths of 65 Ethiopians and 9 foreigners. In response, the government implemented a “phased system of terror” to

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control the Ogadeni population.\textsuperscript{343} Subsequently, many Ogadeni have faced persecution based on their real or imputed affiliation with the ONLF, whose anti-EPRDF, anti-foreigner rhetoric, and goal of self-determination threaten the government.\textsuperscript{344}

Security forces have been accused of burning villages, attacking and slaughtering civilians, and restricting access to medicine and water to the already-impoverished region.\textsuperscript{345} In 2011, Ogadenis reported being forcibly expelled from their homes by government forces providing security to the Chinese company PetroTrans.\textsuperscript{346} The government is also alleged to have conscripted untrained civilians to fight against Ogadeni opposition groups.\textsuperscript{347}

Sexual violence against Ogadeni women is reportedly a government tactic of punishment and control.\textsuperscript{348} Women have been accused of supporting the ONLF and threatened with rape, beatings, or


\textsuperscript{348} HUMAN RIGHTS WATCH, COLLECTIVE PUNISHMENT - WAR CRIMES AND CRIMES AGAINST HUMANITY IN THE OGADEN AREA OF ETHIOPIA'S SOMALI REGIONAL STATE 112-13 (June 2008), https://www.hrw.org/reports/2008/ethiopia0608/ethiopia0608web.pdf; U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON
death if they do not confess. Human rights observers report that soldiers have beaten and raped women and girls during attacks on Ogadeni villages, and soldiers are claimed to have used sexual violence against women collecting wood or water as a means of terrorizing the population. Rape of women while in military custody is alleged to be widespread.

The regional government is controlled by the EPRDF-allied Ethiopian Somali People’s Democratic Party, which commands the Liyu police. The Liyu have committed serious human rights violations against Ogadenis, including torture, rape, arbitrary arrest and detention, and extrajudicial execution. In 2012, for example, the Liyu executed 10 civilians and left the bodies for villagers to bury. Moreover, on June 5, 2016, the Liyu executed twenty-one people in Jamaa Dhuubed and threatened to shoot relatives of the dead when they arrived to mourn and bury their slain family members.


Thousands have fled the Ogaden for Somalia and Kenya.\textsuperscript{357} Human rights organizations have characterized government abuses as war crimes;\textsuperscript{358} however, to date the government has not held those responsible accountable for the killings.\textsuperscript{359}

5. THE LGBT COMMUNITY

LGBT Ethiopians have been subject to violence and stigmatization from their communities that the government has failed to prevent or address and, at times, has condoned. The deliberate targeting of LGBT Ethiopians has escalated in recent years.

Evidence of persecution of LGBT Ethiopians understates the harm suffered by this community. LGBT victims of violence and other forms of persecution often do not file formal complaints with the government for fear of repercussions.\textsuperscript{360} This fear is compounded by the criminalization of consensual same-sex conduct, a lack of legal protections for LGBT individuals, and pervasive social stigmatization of the LGBT community. Traditionally, mainstream human rights organizations in Ethiopia have not reported on LGBT rights,\textsuperscript{361} and foreign embassies and human rights organizations in Ethiopia have faced difficulties in gaining access to and reporting on challenges faced by the LGBT community because of mistrust within the community, particularly after the names of LGBT advocates who met with Danish and American embassy personnel were reportedly leaked.\textsuperscript{362}

Nonetheless, there is substantial evidence of mistreatment of LGBT individuals. Members of the LGBT community, particularly gay men, have been targets of violence by the government and by non-state actors. Over the past several years, the U.S. Department of State has chronicled instances of violence against the LGBT community, with the caveat that “reporting was limited due to fear of retribution,


\textsuperscript{358} Jeffrey Gettleman, In Ethiopia, Fear and Cries of Army Brutality, NEW YORK TIMES (June 18, 2007), \url{http://www.nytimes.com/2007/06/18/world/africa/18ethiopia.html}.

\textsuperscript{359} RIFT VALLEY INSTITUTE, Talking Peace in the Ogaden: The search for an end to conflict in the Somali Regional State in Ethiopia 49 (2014), \url{http://riftvalley.net/publication/talking-peace-ogaden#.WhCydraZNE4}.


\textsuperscript{361} Interview with Ethiopian human rights expert (October 31, 2017).

\textsuperscript{362} Interview of GT and LN, Ethiopian LGBT rights advocates in exile (January 25, 2018).
discrimination, or stigmatization.” Moreover, in 2014, the Swedish International Development Agency (SIDA) reported that “[i]nterviews with LGBTI persons in Ethiopia provide evidence of . . . violence against LGBTI persons in society, and not at least, in prisons.” SIDA’s account confirmed earlier reports from the Norwegian Organisation for Asylum Seekers (NOAS) that “[m]embers of the Ethiopian [LGBT] community are consistently subjected to hate crimes and violence by both the government and private citizens.”

5.1. Institutionalized Persecution and Criminalization

Ethiopia criminalizes consensual same-sex activity. Article 629 of the Criminal Code states: “Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment” of not less than one year. Moreover, the government does not prohibit discrimination against LGBTI individuals and has resisted international pressure urging the repeal of Article 629. Ethiopia underwent the Universal Periodic Review process of the United Nations Human Rights Council in 2014. At the conclusion of the process, Ethiopia rejected recommendations to decriminalize same-sex conduct and to take measures to combat discrimination based on sexual orientation. Additionally, religious groups and other anti-LGBT advocates in Ethiopia have lobbied the government to pass harsher criminal laws against same-sex conduct. Proposed legislation has included the

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enactment of the death penalty for those convicted of homosexuality and mandatory jail time for same-sex public displays of affection.  

Although reports of prosecutions under Article 629 of the Criminal Code are limited, the 2015 U.S. Department of State Human Rights Report states that “[t]here were reports [that] as many as a dozen individuals were incarcerated for allegedly engaging in same-sex sexual activities.” Moreover, the government has used the ATP to search, arrest, and imprison LGBT individuals and activists. A Financial Times article from November 2016 reports that “the Ethiopian government . . . uses antiterrorism legislation to imprison homosexuals for up to 20 years.”

These reports are consistent with first-person accounts from LGBT Ethiopians. For example, a December 2014 study published by the Center for Human Rights at the Addis Ababa University, School of Graduate Studies (AAU Center for Human Rights) relays findings from interviews with twelve LGBT Ethiopians who reported that LGBT individuals are arrested and detained for being gay. Beki Abi, a gay Ethiopian man (now living in the United Kingdom) and co-founder of the DANA Social Club (DANA), an informal and now defunct Addis Ababa-based collective focused on LGBT rights and healthcare needs, spoke about the difficulties of tracking arrests of LGBT individuals in a June 2016 interview: “Homosexuality is totally illegal in Ethiopia and it carries jail penalties. We know that some men are in jail for it but it is impossible to quantify this because government information is not available in Ethiopia and even trying to access it can be dangerous.” He added that “[t]here have been outings of DANA members

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372 Selamawit Tsegaye, The Human Rights Approach to Sexual Minority Rights: The Life and Experience of Gay, Lesbian and Bisexual Ethiopians Living in Addis Ababa, ADDIS ABABA UNIVERSITY, SCHOOL OF GRADUATE STUDIES, CENTER FOR HUMAN RIGHTS 53 (December 2014), http://etd.aau.edu.et/bitstream/123456789/11858/1/Selamawit%20Tsegaye.pdf, (“Additionally there are instances we know in which individuals are accused of committing [a] same-sex sexual act and detained without formally being charged for [a] long time and we have to give money unofficially to bail them out.”).

373 Interview of GT and LN (January 25, 2018).

and some have fled the country and one person who has lost everything is currently awaiting trial on false charges.\footnote{375}{Id.}

Abi’s statements were confirmed in a January 2018 interview with two other DANA co-founders, GT and LN. GT and LN are gay men who were forced to flee Ethiopia in 2016 and seek asylum in Europe after facing escalating harassment and violence.\footnote{376}{Interview of GT and LN (January 25, 2018).} They reported that one of DANA’s functions was finding lawyers willing to represent gay or lesbian Ethiopians arrested by the police, usually on false charges for a crime other than homosexuality—“almost always a rape [charge].”\footnote{377}{Id.} GT and LN recounted the case of a DANA ally and a gay man who was formerly employed by one of Ethiopia’s intelligence services. The government discovered this man had provided information to DANA regarding government surveillance and targeting of DANA members, and shortly thereafter arrested and charged him with raping children. DANA has been unable to find a lawyer to assist in his case. The man reportedly does not have access to the evidence against him and has been assigned a public defender who has not been able to investigate the allegations.\footnote{378}{Id.}

following him for years."\textsuperscript{382} Mercy “attended another AIDS conference in Washington, D.C. a few months later,” and when he returned to Ethiopia, “he was arrested and tortured."\textsuperscript{383} Once he was released, he fled to the United States.

The pressure for LGBT individuals to leave Ethiopia is compounded by a culture of impunity within the country’s police and security forces—“There are no hate crime laws or other criminal justice mechanisms to aid in the investigation of abuses against LGBTI persons.”\textsuperscript{384} Police regularly refuse to investigate violent crimes committed against LGBT Ethiopians.\textsuperscript{385} An LGBT Ethiopian interviewed for the Addis Center for Human Rights LGBT study reported knowing “two gay men who have been detained in prison and g[ot] beaten up by other homophobic prisoner mates and the police officers did nothing to protect them.”\textsuperscript{386}

\subsection*{5.2. Discrimination and Stigmatization}

According to the 2007 Pew Global Attitudes Project, 97 percent of Ethiopians think that homosexuality should be rejected.\textsuperscript{387} In 2014, SIDA reported that in Ethiopia, “homo- and transphobia is widespread[] in general society, politics as well as in religious settings.”\textsuperscript{388} Ethiopia ranked as the most religious country in the world in the 2015 Pew Global Attitudes Survey, with 98% of Ethiopians reporting that they consider religion a very important part of who they are.\textsuperscript{389} Religious organizations hold particular sway with the Ethiopian public, and some pose barriers to the acceptance of LGBT persons. As one DANA member described the situation: “[Religion] is the most significant thing there is. All the arguments that are being raised: It’s unnatural…because the bible says so…99% of the arguments [against homosexuality] is religion.”\textsuperscript{390}

\begin{thebibliography}{99}
\bibitem{382} Id.
\bibitem{383} Id.
\bibitem{385} A 2013-2014 investigation by the Center for International Human Rights Law & Advocacy found that violence against LGBT individuals in Ethiopia is rarely investigated and has not resulted in any known criminal prosecutions against the perpetrators.
\bibitem{390} The Biopolitics of Marginalisation: Opportunity and Risk Within Ethiopian Gay Rights Activism 23 (2015) (on file with authors).
\end{thebibliography}
Religious organizations have held a series of events to promote the message that homosexuality is a Western disease and perversion that must be eliminated in Ethiopia. In June 2012, Dr. Seyoum Antonius, president of the Ethiopian GTO United for Life, organized a conference in Addis Ababa called “Homosexuality and its Associated Social Disastrous Consequences.” Over 2,000 people reportedly attended, including Ethiopia’s main religious leaders, government officials, members of the Ethiopian parliament, leaders of political parties, youth organizations, and representatives from other civil society groups. At the conference, the Patriarch of the Ethiopian Orthodox Church reportedly “read a statement of an interfaith group of Ethiopia’s religious leaders condemning homosexuality as unnatural,” “call[ing] upon the Ethiopian government to punish ‘those who are found infested with sodomite activities,’” and “call[ing] for raising awareness [of] how to protect society from this ‘infestation.’” At least two other widely attended anti-homosexuality conferences were held in 2013. At one of those conferences, an anti-homosexuality documentary called Sodomy in Ethiopia, the Satanic Work of 666 was screened, and later widely viewed in Ethiopia.

Anti-LGBT rhetoric is not limited to large conferences—“homophobic religious sentiments are reinforced to civil society through local sermons.” This anti-LGBT religious message has persisted in recent years; as one DANA member reports: “You can go to church and it’s preached like ‘kill the gays, we hate the gays’ kind of thing. It’s not [sic] used to be a topic in church but now it’s a topic.”

Likewise, anti-LGBT sentiment has pervaded government rhetoric and policies. During the 2012 United for Life conference, an unidentified Ethiopian government spokesman reportedly stated:

Recently, the US President Barack Obama, British Prime Minister David Cameron and other western leaders are trying to establish ties between aid and the rights of homosexuals, but this will never happen in Ethiopia...We don’t want their aid as long as it is related to

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391 Dan Littauer, Leaders of Ethiopia call for anti-gay measures, PINK NEWS (June 13, 2012), https://www.pinknews.co.uk/2012/06/13/leaders-of-ethiopia-call-for-anti-gay-measures/.


393 Id.


397 Id.
homosexuality. I assure you that Ethiopia has no room for homosexuality and our country will be the graveyard of homosexuality.\(^{398}\)

In May 2013, “United for Life Ethiopia hosted a workshop during which police told government officials, religious leaders and health professionals that ‘homosexual family members and neighbors’ were likely to sexually abuse children.”\(^{399}\) A news article reported that, at that workshop, “police alleged ‘homosexual family members and neighbors’ have sexually abused 117 boys last year.”\(^{400}\)

Another anti-LGBT rally was planned by The Addis Ababa Youth Forum, a government-affiliated group, but was canceled in late 2014 due to fears of upsetting international aid donors. At that time, the chairman of the Youth Forum stated: “Gay practices are not our culture so we wanted the society to be aware of the danger and protect itself.”\(^{401}\)

The media has also helped promote an anti-LGBT agenda. For example, in 2012, Yegna Press—an influential Amharic newspaper in Ethiopia—published an article warning about a gay “infestation” in Ethiopia that had infected at least 16,000 people, and accused Western countries of plotting to export, spread and promote homosexuality in Ethiopia.\(^{402}\) In 2013, Yegna Press published another article warning the public that the “problem” of homosexuality, a “disease imported” from the West, is spreading in Ethiopia.\(^{403}\) The article equated homosexuality with pedophilia, rape, and male sex work.\(^{404}\) The Yegna Press articles were part of a broader media campaign against homosexuality, including a 2013 press drive utilizing magazine and newspaper reports condemning the spread of homosexuality.\(^{405}\) One newspaper,

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\(^{400}\) *Ethiopia Lesbian Couple Tell of Attack, as Fear of Anti-Gay Action Rises*, Ethiopian Media Forum (May 13, 2013).


\(^{404}\) Id.

Addis Guday, featured an article titled “A Waking Call on Spread of Homosexuals in a Dormant State” that demanded that government officials “fully exercise the criminal law against homosexuality.”

The rise in anti-gay rhetoric has increased the threat of violence for Ethiopians who are outed or are suspected of being members of the LGBT community. As noted by Ethiopian LGBT activist Beki Abi in his June 2016 interview, “the law [criminalizing homosexuality] is a justification for anyone to abuse LGBT people as they want... Violence is also a very real risk.” In 2013, a lesbian Ethiopian couple reported to Bikyanews.com, a now-defunct website, that they were attacked at a nightclub in Addis Ababa by a group of women when they started to hold hands. The couple said that “[t]he women just kept yelling at us and screaming and pushing when we started to hold hands... They shoved and punched at us until we were forced to leave.” The couple also explained that “[i]t is becoming more and more common in Ethiopia to be attacked because people are gay or lesbian. The campaign against the community is growing.” Additionally, in 2012, Robel Hailu, a gay Ethiopian man, participated in the international Mr. Gay World contest. Hailu decided he could not safely return to Ethiopia after receiving numerous anonymous death threats by phone.

Beyond violence or threats of violence, LGBT Ethiopians face a variety of other harm from their communities. As reported by NOAS, “[o]penness about one’s sexual orientation in Ethiopia can result in ostracism at the family and community level. At the professional level, there is also the risk of losing your job if your homosexual orientation is discovered.”

5.3. Internal Flight Alternatives

Due to severe social stigmatization of and discrimination against LGBT individuals in Ethiopia, and the criminalization of consensual same-sex activity, many LGBT individuals attempt to keep their sexual orientation a secret for their own safety. According to the 2015 U.S. Department of State Human Rights

409 Id.
410 Id.
412 Id.
Report, “[t]he AIDS Resource Center in Addis Ababa reported the majority of self-identified gay and lesbian callers, most of whom were male, requested assistance in changing their behavior to avoid discrimination. Many gay men reported anxiety, confusion, identity crises, depression, self-ostracism, religious conflict, and suicide attempts.” Gay men also face significant barriers to accessing LGBT-specific health services. \textsuperscript{416} GT and LN, the cofounders of the DANA Social Club, reported that most gay men would never tell a doctor their sexuality, for fear of being reported to the police. \textsuperscript{417}

After the 2013 release of the anti-homosexuality documentary Sodomy in Ethiopia, the Satanic Work of 666, clandestine gatherings of LGBT persons reportedly dropped dramatically. \textsuperscript{418} While at least one group—the DANA Social Club—held meetings after 2013, the group effectively disbanded in 2016 after the identities of its members were published online. \textsuperscript{419} Similarly, individuals outing by the undercover cameraman for the 2013 anti-homosexuality documentary were forced into hiding. \textsuperscript{420}

The barriers to safe gatherings are magnified by pervasive state surveillance. The 2015 U.S. Department of State Human Rights Report found that “[a]ctivists in the LGBTI community stated they were followed and at times feared for their safety.” \textsuperscript{421} LGBT individuals have also reported government monitoring of their email and social media communications. \textsuperscript{422} In a November 2016 Financial Times interview, a gay Ethiopian man reported that he and his group of gay friends had been monitored by the Ethiopian government for some time, and that as a result he fled from Ethiopia to Kenya. \textsuperscript{423}

Once outed, LGBT Ethiopians are left with little recourse but to flee the country. \textsuperscript{424} Relocating outside of the capital city of Addis Ababa is not an option as the government has cultivated an omnipresent


\textsuperscript{417} Interview of GT and LN (January 25, 2018).


\textsuperscript{419} Interview of GT and LN (January 25, 2018).


\textsuperscript{422} Interview of GT and LN (Jan. 25, 2018); see also AMNESTY INTERNATIONAL & OPEN OBSERVATORY OF NETWORK INTERFERENCE, Ethiopia Offline: Evidence of Social Media Blocking and Internet Censorship in Ethiopia, at 18, 23 (2016), https://www.amnesty.org/download/Documents/AFR2553122016EGTLISH.pdf (reporting that between June and October 2016, the Ethiopian government blocked access to “sites supporting freedom of expression and LGBTI rights.”).

\textsuperscript{423} John Aglionby, The Gay Ethiopian Health Worker Forced to Flee to Kenya, Financial Times (Nov. 18, 2016).

surveillance network of informants that reaches even the most remote villages. Moreover, LGBT Ethiopians report that anti-LGBT sentiment is even more pronounced outside the capital.

5.4. A Case Study: The DANA Social Club

The operational challenges of the DANA Social Club members illustrate the risk of serious harm faced by members of Ethiopia’s LGBT community.

DANA started as an informal group of LGBT friends who connected over Facebook, generally using pseudonyms. In the beginning, the members gathered in an apartment on the outskirts of Addis to “watch Ru Paul and pass out lubricants and condoms.” The group drew members from all walks of life, including health professionals, doctors, lawyers, filmmakers, graphic designers, and IT professionals. GT and LN estimate that DANA had up to 45 members in this period, when their focus was on serving the social needs of the hidden LGBT community.

However, with the country facing a rash of anti-gay rallies and campaigns in 2013, DANA became more activist. The group began an online campaign called “Stop The Hate, Spread The Love” to advocate for the repeal of the law criminalizing homosexuality and to increase the visibility of LGBT Ethiopians. As a result of this campaign, the group began receiving hostile messages, including death threats, from members of the broader community. DANA’s membership decreased, with many fearful of being outed if they maintained their connection to the group.

After the campaign, DANA moved from being a predominately online organization to having a literal home. LN inherited his mother’s house, and GT and another friend moved in. Their home served as a sort of community center for DANA’s small but tight-knit group.

Beginning with the “Stop The Hate, Spread The Love” campaign, DANA attracted the attention and dismay of the government. At some point in 2015, a DANA ally within the government sent DANA Social Club a list he had come across purporting to identify the online personas of more than 200 LGBT Ethiopians. Unlike others on the list whose names reflected their online pseudonyms, the DANA members

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426 Interview of GT and LN (January 25, 2018).


428 LGBT Ethiopians rely on pseudonyms so that they may connect anonymously in the face of government surveillance.

were singled out by their real names and contact information. The list included information on visits the members had made to the Dutch and U.S. embassies, as well as information on their families.  

Several members, fearful for their safety, fled the country after the list was shared with DANA. The remaining members hoped that the government’s pushback might pass after the May 2015 elections. They temporarily ceased public activism and turned their focus to supporting the healthcare needs of the LGBT community. DANA conducted sexual health seminars and attempted to connect its members with healthcare professionals willing to treat LGBT persons.

After the 2015 elections, DANA members decided to return to public advocacy for LGBT rights. In July 2015, after members attended the Salzburg Global LGBT Forum, DANA ran a “Rainbow Photo Project” depicting the rainbow flag near Addis Ababa with the slogan “This is my story.” The images included a statement in Amharic and English affirming that LGBT individuals lived in Ethiopia and were contributing to Ethiopian society. The campaign went viral, and DANA’s Facebook page began to receive an overwhelming amount of negative comments.

GT and LN were publicly outed as gay and members of DANA—they think by the seamstress who had sewn the rainbow flag used in the “Rainbow Photo Project.” GT and LN’s neighbors soon discovered that their home was serving as an LGBT gathering place, and these neighbors circulated a petition that falsely accused GT and LN of being child molesters and advocated for them to be kicked out of their house.

The public ostracization of DANA members soon escalated. A list—potentially the same list DANA had previously seen—that included names, photographs, and contact information was leaked online and posted on various popular social media pages. These events coincided with the 2016 state of emergency, a period in which Ethiopian police were emboldened to target anyone deemed “subversive” by the government. Police raided the DANA home three times in 2016. On the first occasion, police broke into the home through the windows. Security officials confiscated sexual health materials DANA had gathered for its members and demanded a bribe. On the second raid, the police returned to collect the bribe. The third time, the police took LN (who owned the house) to the station for questioning. The questioning lasted all day and covered a range of topics, with the police only letting LN go after they requested, and LN was forced to pay, another significant bribe.

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432 For an English-language translation of the post, as well as copies of the rainbow flag photos, see *The Biopolitics of Marginalisation: Opportunity and Risk Within Ethiopian Gay Rights Activism* 24-25 (2015) (on file with authors).

433 The authors have reviewed a portion of this list, as well as screen shots showing that the list was shared on social media.
Police targeting of DANA members emboldened LN and GT’s neighbors to step-up their harassment. On one occasion, their neighbors surrounded their house, and on another occasion, LN was attacked outside the DANA home. In response, LN and GT installed a fence around their home, which was subsequently vandalized.

The government’s broader crackdown on anyone labeled subversive during the 2016 state of emergency also led to physical attacks against DANA members from apparent strangers. GT and LN reported being physically attacked in Bole, Addis Ababa’s most progressive district. Separately, GT was attacked in Bole when leaving work one day with his colleague, who was himself beaten when he tried to stop the attack on GT. GT had a broom broken over his back; LN’s nose was broken. A lesbian DANA member was attacked on multiple occasions, including a beating in which her attackers broke her elbows. DANA members also experienced verbal threats. One DANA member was in a taxi when two individuals unknown to him entered the cab and delivered a warning: “We know you. We know what you are doing. Just wait, we will shut you down.”

Several members fled for Kenya, Europe and the United States. After the third raid on their home, LN and GT realized that they could no longer live safely in Ethiopia. They moved to the outskirts of Addis Ababa before ultimately fleeing for Europe, leaving behind their jobs, home, and loved ones because it was no longer safe for them in Ethiopia. They are aware of continued attacks against DANA members who stayed behind.

6. WOMEN AND GIRLS

Ethiopia is a party to the Convention on the Elimination of Discrimination against Women and has signed but not ratified the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol).434 The Constitution incorporates gender equality; 435 the Revised Family Code establishes rights for women within domestic relationships; 436 and the Criminal Code criminalizes domestic violence, 437 harmful traditional practices (HTPs), 438 and trafficking in women and children. 439


438 Id. Arts. 561, 562, 565-70 (addressing various harmful traditional practices, including FGM).

439 Id. Arts. 597 & 598 (addressing trafficking of women and children).
enforcement and the judiciary are influenced by cultural stereotypes.\textsuperscript{447} Moreover, the CSP\textsuperscript{448} has restricted the activity of NGOs working on issues concerning women.\textsuperscript{449} For example, in December 2009, the government froze the bank accounts of the prominent Ethiopian Women's Lawyers Association (EWLA).\textsuperscript{450} The EWLA had in previous years provided free legal services to substantial numbers of women—17,357 women in 2008.\textsuperscript{451}


\textsuperscript{448} See 3.2.1 Charities and Societies Proclamation.


6.1. Access to Education and Employment

Ethiopian women are generally less educated than men in terms of the years and level of education obtained. Girls are enrolled in primary school at rates similar to or higher than that of boys; however, this is not the case at the secondary and tertiary levels. Early marriage, poverty, distance from school, and family priorities are prominent reasons that women and girls do not pursue a higher education.

Ethiopian women face similar challenges in accessing employment. Stereotypes about women ensure that women participate disproportionately in unpaid family work and traditional household activities, especially in rural areas where more than 80% of the population lives. Of the women who are employed, many work in the informal sector (including self-employment) where wages are lower and


“access to legal protection, financial and business development services are even further limited.”

Women’s disadvantages are compounded because “[w]omen employed in vulnerable work or the informal economy may lack decent work conditions, social security and voice and have lower earnings than do other workers.” The government’s 2016 Demographic and Health survey finds 46% of employed women are unpaid.

Ethiopia ranks 95 out of 144 countries for its wage equality for similar work performed by men, and 74 for estimated earned income. In terms of overall economic participation and opportunity for women, Ethiopia ranks 109 out of 144 countries. In addition to receiving unequal pay, women who manage to enter the workforce face discrimination and harassment.

Many women, particularly in rural areas, are dependent on men; and fewer women than men own land. The land holdings owned by female-headed households are smaller than those owned by male-headed households. Additionally, women who experience gender-based violence face loss of economic

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461 WORLD ECONOMIC FORUM, THE GLOBAL GENDER GAP REPORT - 2017 148 (2017), http://www3.weforum.org/docs/WEF_GGGR_2017.pdf (stating that Ethiopia’s score is 0.604, where a score of 1.0 indicates parity between men and women).


opportunities, and the economic situations of widows and divorced women are adversely affected by cultural norms, which often supersede legal protections.

### 6.1.1. General Violence Against Women

Ethiopia does not have a systematized method for collecting data about VAW. Many factors make data collection difficult, including the subordinate social positions of women, the use of informal legal systems to resolve family conflicts, underreporting due to cultural attitudes, and state inaction.

Despite recent changes to the Criminal Code in 2005 and the Revised Family Code in 2000, legal protections are inadequate. The Criminal Code includes several articles pertaining to harmful traditional

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469 MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, *ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 5-6* (November 2013); Megersa Dugasa Fite, *The Ethiopia’s Legal Framework on Domestic Violence*
practices (HTPs) committed against women™but there are no separate provisions for the different types of VAW or domestic violence.™ Even with existing protections, VAW is often not reported; when it is, little is done to enforce the law.™ As a complement to the Criminal Code, the Revised Family Code provides for gender equality, particularly in the family context.™ However, reliance on informal systems of adjudication that do not recognize gender equality is allowed by the Constitution, and is still widespread among some ethnic and geographic groups.

VAW permeates every aspect of some women's lives, from school to work to home life.™ In the school setting, the most prevalent types of VAW are physical, sexual, and psychological.™ Psychological VAW includes ridicule by male teachers and classmates, teasing during women and girls’ menstrual cycle,

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and degrading and derogatory comments.\textsuperscript{477} Perpetrators of VAW in the school setting include male students, school guards, teachers, and administrators to community members.\textsuperscript{478}

In the workplace, some protections provided for women, including maternity leave and affirmative action policies are unavailable or end up adversely affecting women.\textsuperscript{479} Physical and sexual violence also occur in the workplace but are less common than psychological and economic violence. An example of sexual violence in the workplace is being asked for sexual favors in exchange for promotions or advancement.\textsuperscript{480} Other examples of VAW include placing unreasonable expectations on women designed to exclude them from receiving promotions, and male co-workers perpetuating stereotypes that women are incapable of performing some tasks and are inferior to men.\textsuperscript{481} Perpetrators include fellow employees, supervisors and bosses, and customers.\textsuperscript{482}

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\textsuperscript{479} MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 57 (November 2013); Tebeje Molla and Denise Cuthbert, Qualitative Inequality: experiences of women in Ethiopian higher education, GENDER AND EDUCATION Vol. 26(7) 759, 768 (2014), http://www.tandfonline.com/doi/pdf/10.1080/09540253.2014.970614?needAccess=true.

\textsuperscript{480} MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 63 (November 2013).

\textsuperscript{481} Id.

\textsuperscript{482} MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 66 (November 2013); Tebeje Molla and Denise Cuthbert, Qualitative Inequality: experiences of women in Ethiopian higher education, GENDER AND EDUCATION Vol. 26(7) 759, 768 (2014), http://www.tandfonline.com/doi/pdf/10.1080/09540253.2014.970614?needAccess=true.
6.1.2. Domestic Violence (DV)

Ethiopian society is patriarchal and generally views women as inferior to men; DV persists and is widely tolerated. Ethiopia has one of the highest rates of DV/intimate partner violence among African states. A 2015 study, for example, found that 98 percent of men in one area of Ethiopia had committed or were committing some form of violence against their wives. The 2016 Demographic and Health Survey reports that 63 percent of women agreed that wife-beating was "justified in at least one of the five specified circumstances", i.e., "burns the food, argues with [husband], goes out without telling [husband], neglects the children, [or] refuses sexual intercourse."

Only one article in the Criminal Code expressly addresses domestic violence, yet it is limited to a "marriage partner or a person cohabiting in an irregular union." Depending on the circumstances,

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483 Carlie D. Trott et al., Women’s Attitudes Toward Intimate Partner Violence in Ethiopia: The Role of Social Norms in the Interview Context, VIOLENCE AGAINST WOMEN Vol. 23 1016, 1032 (June 29, 2016), http://journals.sagepub.com/doi/abs/10.1177/1077801216654018 ("Violence perpetrated against women by their partners is referred to using a number of terms, including "domestic violence" and "spousal abuse," and is encompassed by broader categories such as "violence against women" and "gender-based violence.").


penalties range from small fines to imprisonment of fifteen years. Despite the existence of legal penalties, domestic violence is rarely prosecuted, partly because societal norms and ignorance of the law result in underreporting of such crimes. Many women do not report incidents of domestic violence because it may be accompanied by stigmatization and shame. Some women are also unaware of legal remedies. When such crimes are reported, domestic violence cases are delayed and considered a low priority. Ethiopian police reportedly consider domestic violence to be a less serious offense than theft. Additionally, reliance on informal systems of adjudication to handle family issues often means that women’s rights are not protected.

Marital rape is not criminalized in Ethiopia. The Criminal Code defines rape as encompassing only those encounters where a person “compels a woman to submit to sexual intercourse outside wedlock,

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491 Submission from African Rights Monitor to the Committee on the Elimination of All Forms of Discrimination Against Women, AFRICAN RIGHTS MONITOR 8 (June 2010), http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ARM_Ethiopia.pdf; Lahra Smith, MAKING CITIZENS IN AFRICA: ETHNICITY, GENDER, AND NATIONAL IDENTITY IN ETHIOPIA 175 (December 2014), (“Women in Ethiopia suffer tremendous bias in the provision of services and the protection of law.”).


whether by the use of violence or grave intimidation, or after having rendered her unconscious or incapable of resistance.” In justifying the marital rape exemption, members of parliament have argued that spousal sexual relationships are too personal to be considered criminal. Ethiopia’s failure to recognize marital rape illustrates an accepted culture of violence against women in the context of marriage and beyond.

The Constitution grants men and women equal rights while “entering into, during marriage and at the time of divorce.” However, legal protections also offer little recourse for a woman seeking to leave an abusive husband, and it is often difficult for women to leave their husbands because of poverty, social and family pressures, and religious beliefs. Financial dependence is perhaps the most common reason women give for not leaving a marriage because the Civil Code does not enforce alimony or allow remedies for child support. Only 16 percent of women independently own property, and the chances of owning property without a spouse decrease with education and economic levels. The 2016 Demographic and Health Survey reports that “only 23% of women age 15-49 who have ever experienced any type of physical or sexual violence by anyone have sought help.” Of that 23 percent, 79 percent

500 See Abbi Kedir and Lul Admasachew, Violence against women in Ethiopia, GENDER, PLACE & CULTURE Vol. 17(4) 437 (2010), https://doi.org/10.1080/0966369X.2010.485832 (sharing “’Saet ena aheya dula yewodale’ is an Ethiopian adage, which translates into English as ‘Women and donkeys love being battered.’.”).
504 Id. at 10.
507 Id. at 297.
turned to neighbors or family; only eight percent went to the police; and less than three percent turned to lawyers, doctors, and other organizations.\textsuperscript{508}

Ethiopia has both legislative and institutional provisions that support rehabilitation and reintegration shelters for survivors of domestic violence.\textsuperscript{509} Nevertheless, rehabilitation and reintegration services are extremely limited.\textsuperscript{510} In 2016, there were only 12 shelters throughout the country, only one of which was managed and funded by the government.\textsuperscript{511} Five of the 12 shelters were located in Addis Ababa.\textsuperscript{512} Consequently, a majority of the population does not have access to shelter services, particularly in rural regions.\textsuperscript{513}

Even where shelters exist, the public may not know they exist, which contributes to the problem of underreporting.\textsuperscript{514} Some shelters make deliberate attempts to conceal their existence because knowledge of the shelters may compromise the safety of shelter residents.\textsuperscript{515} Additionally, wider awareness of shelters might exacerbate the existing inability to meet demands.\textsuperscript{516} Indeed, because demand often exceeds capacity, some shelters operate on a referral-only basis, meaning a survivor must have a referral by a relevant stakeholder such as local law enforcement, a one-step center, or the Women’s Affairs Offices, before they will be accepted into the shelter.\textsuperscript{517} Some shelters also exclude women with certain disabilities, while others exclude pregnant women.\textsuperscript{518} This is problematic because Ethiopia has a high level of domestic violence during pregnancy.\textsuperscript{519}

Even if victims are able to locate and stay in a rehabilitative shelter, reintegration is still because of social stigma attached to being a victim of violence.\textsuperscript{520}

\begin{flushright}  
\textsuperscript{508} Id.  
\textsuperscript{510} Id. at IV.  
\textsuperscript{511} Id. at VI.  
\textsuperscript{512} Id. at VI.  
\textsuperscript{514} Id. at 17.  
\textsuperscript{515} Id.  
\textsuperscript{516} Id.  
\textsuperscript{517} Id.  
\textsuperscript{518} Id.  
\end{flushright}
6.2. Female Genital Mutilation/Cutting

The Criminal Code criminalizes female genital mutilation (FGM), but the practice remains widespread in the country. —Ethiopia ranks second in the world in prevalence of FGM. 74 percent of women and girls between the ages of 15 and 49 years old have endured FGM/cutting. According to a report from Freedom House, “[l]egislation protects women’s rights, but these rights are routinely violated in practice...[and] there has been little effort to prosecute perpetrators” of FGM and forced child marriage. Many communities and religious leaders have advocated publically to end FGM, and while FGM is decreasing in urban areas, the same is not true in rural areas.

Traditional harmful practices such as FGM/cutting contribute to maternal mortality rates, and significant trauma and related psychological problems.

6.3. Child/Early Marriage

In Ethiopia, a person must be 18 to be legally married, and the Criminal Code penalizes marriage to someone below the age of 18. Child marriage, however, remains prevalent. Child marriage is defined as

528 Id. at 12.
marriage that takes place under the age of 18. While child marriage affects both boys and girls, girls are more likely to be victims of the practice.

The average age for Ethiopian women to marry is 17.1 years of age. The prevalence of child marriage persists in part because it is difficult to enforce child marriage laws, and it is difficult to identify the age of the child bride. Additionally, socio-cultural factors such as poverty, religion, low education levels, and community norms contribute to the practice’s prevalence. In some cases, rural families are unaware of the law prohibiting marriage before the age of 18. Moreover, child marriage is encouraged as a preventative measure against “pre-marriage risks” such as loss of virginity, abduction, and unwanted or illegitimate pregnancies. Poor families often also perceive child marriage as a means to relieve

531 Id.
economic burdens. Women in rural areas are four times more likely to become child brides than their urban counterparts.

Child marriage is a significant factor for women and girls’ exposure to violence.