

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



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**Center for International Human Rights Law & Advocacy
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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.

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).

² For a history of the formation of the Ethiopian state under the EPRDF, see CHRISTOPHER CLAPHAM, *THE HORN: STATE FORMATION AND DECAY* 65-110 (2017).

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

⁴ THE WORLD BANK: DATA, https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2016&locations=ET&name_desc=true&start=1986&view=chart.

⁵ For a history of the evolution of *revolutionary democracy*, see Sarah Vaughan, *Revolutionary democratic state-building: party, state and people in the EPRDF’s Ethiopia*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 40-61 (2013), Jon Abbink and Tobias Hagmann eds.; Jean-Nicolas Bach, *Abyotawi democracy: neither revolutionary nor democratic, a critical review of EPRDF’s conception of revolutionary democracy in post-1991 Ethiopia*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 62-84 (2013), Jon Abbink and Tobias Hagmann eds.

⁶ E.g. Marina Ottaway, *The Ethiopian Transition: Democratization or New Authoritarianism?*, NORTHEAST AFRICAN STUDIES 68-74, Vol. 2(3) (1995), <https://www.jstor.org/stable/41931114>; Tobias Hagmann and Jon Abbink, *Twenty years of revolutionary democratic Ethiopia, 1991 to 2011*, JOURNAL OF EASTERN AFRICAN STUDIES Vol. 5(4) 582-585 (2011), <https://www.tandfonline.com/doi/abs/10.1080/17531055.2011.642515>; CHRISTOPHER CLAPHAM, *THE HORN: STATE FORMATION AND DECAY* 75-77 (2017).

⁷ There is a substantial body of scholarship addressing the “democratic developmental state;” e.g. Bizuayehu Daba and Fesseha Mulu, *Incorporating “Democratic Developmental State Ideology” into Ethiopia’s Ethnic Federalism – A Contradiction?*, UNIVERSITÄTSPARK BÜLTEN, 6(1), 109-117 (2017), http://www.unibulletin.com/files/2/articles/article_91/UB_91_article_592962c5b006d.pdf; Christopher Clapham, *The Ethiopian Developmental State*, THIRD WORLD QUARTERLY 1-13 (2017), https://www.researchgate.net/publication/317322581_The_Ethiopian_developmental_state; Dereje Feyissa, *Aid negotiation: the uneasy “partnership” between EPRDF and the donors*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 192-221 (2013), Jon Abbink and Tobias Hagmann eds.

⁸ Leonardo Arriola and Terrence Lyons, *The 100% Election*, JOURNAL OF DEMOCRACY 79-80, Vol. 27(1) (January 2016), <https://www.journalofdemocracy.org/sites/default/files/Arriola-27-1.pdf>; Tobias Hagmann and Jon Abbink, *The politics of authoritarian reform in Ethiopia, 1991 to 2012*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 7 (2013), and Tobias Hagmann eds.

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.⁹ 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.¹⁰

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,¹¹ 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 protestors before and during the state of emergency.¹² A small number of security officials

⁹ E.g., Fessaha M. Gebremariam and Abtewold M. Bayu, *Ethiopia: A Democratic Developmental State?* ILIRIA INTERNATIONAL REVIEW 7(2): 153-170 (2017), <https://doaj.org/article/6798241100c74d73bd927868f7f2a103>; Hilary Matfess, *Rwanda and Ethiopia: Developmental Authoritarianism and the New Politics of African Strong Men*, AFRICAN STUDIES REVIEW Vol. 58(2) 181, 191-195 (September 2015), <https://muse.jhu.edu/article/592084/pdf>.

¹⁰ See Hilary Matfess, *Ethiopia: Counter-Terrorism Legislation in Sub-Saharan Africa*, SMALL WARS JOURNAL (April 11, 2017), <http://smallwarsjournal.com/jrnl/art/ethiopia-counter-terrorism-legislation-in-sub-saharan-africa>; Yoseph Badwaza, *U.S. Congress Should Call Ethiopia's Bluff*, FREEDOM HOUSE (October 16, 2017), <https://freedomhouse.org/blog/us-congress-should-call-ethiopia-s-bluff> (reporting Ethiopia's threat to stop counter-terrorism cooperation if the U.S. House of Representatives votes on Resolution 218 calling for human rights in Ethiopia and placing sanctions on Ethiopian officials responsible for gross human rights violations).

¹¹ FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA POPULATION CENSUS COMMISSION, *Summary and Statistical Report of the 2007 Population and Housing Census* 16 (December 2008), <https://www.scribd.com/doc/28289334/Summary-and-Statistical-Report-of-the-2007>. 2007 census data is the most recent data available. The 2017 census—scheduled for November 2017—has been postponed. E.g. Dawit Endeshaw, *National Census Postponed*, THE REPORTER (Ethiopia) (October 7, 2017), <https://www.thereporterethiopia.com/business/national-census-postponed>.

¹² HUMAN RIGHTS WATCH, "SUCH A BRUTAL CRACKDOWN": KILLINGS AND ARRESTS IN RESPONSE TO ETHIOPIA'S OROMO PROTESTS, 21 - 45 (June 2016), <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests>; HUMAN RIGHTS WATCH, "FUEL ON THE FIRE": SECURITY FORCE RESPONSE TO THE 2016 IRREECHA CULTURAL FESTIVAL (September 19, 2017), <https://www.hrw.org/report/2017/09/19/fuel-fire/security-force-response-2016-irreecha-cultural-festival>; HUMAN RIGHTS COUNCIL – HRCO (Ethiopia), *142nd Special Report: Human Rights Violations Committed During the State of Emergency in Ethiopia: Executive Summary* 6 – 11 (May 28, 2017), <https://ehrc.org/wp-content/uploads/2017/07/HRCO-142nd-Special-Report-English-Executive-summary-2.pdf> (the full report is available in Amharic only <https://ehrc.org/wp-content/uploads/2017/05/የሰብዓዊ-መብቶች-ጉባዔ-142ኛ-ልዩ-መግለጫ-ግንቦት-2009-ዓ.ም.80%82፻፱.pdf>).

were also reportedly killed.¹³ 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.¹⁴ 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.¹⁵ Abiy's administration has dropped terrorism charges against high-profile political opponents,¹⁶ and held discussions with dissidents and civil society groups.¹⁷ In early June 2018, the government lifted the state of emergency two months earlier than planned.¹⁸

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.¹⁹ Moreover, anti-reform elements within Ethiopia's leadership circles have begun to push back.²⁰ Violence has continued in some parts of the

¹³ HUMAN RIGHTS WATCH, "SUCH A BRUTAL CRACKDOWN": KILLINGS AND ARRESTS IN RESPONSE TO ETHIOPIA'S OROMO PROTESTS, 46 (June 2016), <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests>.

¹⁴ *Abiy Ahmed becomes Ethiopia's prime minister*, BBC (April 3, 2018), <https://www.bbc.com/news/world-africa-43567007>.

¹⁵ Ahmed Soliman, *Ethiopia's Prime Minister Show Knack for Balancing Reform and Continuity*, CHATHAM HOUSE (April 27, 2018), <https://www.chathamhouse.org/expert/comment/ethiopia-s-prime-minister-shows-knack-balancing-reform-and-continuity>; Ethiopia's new prime minister wants peace and privatisation, THE ECONOMIST (June 7, 2018), <https://www.economist.com/middle-east-and-africa/2018/06/07/ethiopias-new-prime-minister-wants-peace-and-privatisation>; Justina Crabtree, 'Opening' for investors as Ethiopia lifts state of emergency, CNBC (June 5, 2018), <https://www.cnbc.com/2018/06/05/opening-for-investors-as-ethiopia-lifts-state-of-emergency.html>.

¹⁶ Mahlet Fasil, *News: Ethiopia frees Andargachew Tsige, drops charges against Berhanu Nega, Jawar Mohammed and two media orgs* (May 28, 2018), <http://addisstandard.com/news-ethiopia-frees-andargachew-tsige-drops-charges-against-berhanu-nega-jawar-mohammed-and-two-media-orgs/>; *Andargachew Tsige pardoned by Ethiopia*, AL JAZEERA (May 28, 2018), <https://www.aljazeera.com/news/2018/05/andargachew-tsige-pardoned-ethiopia-180526163642586.html>.

¹⁷ Aaron Maasho, *Ethiopia's new PM meets oppositions leaders*, REUTERS (April 13, 2018), <https://af.reuters.com/article/africaTech/idAFKBN1HKOYO-OZATP>; Aaron Maasho, *Exiled Ethiopian opposition group holds talks with government*, REUTERS (May 14, 2018), <https://af.reuters.com/article/topNews/idAFKCN11F220-OZATP>.

¹⁸ Meron Moges-Gerbi, *Ethiopia lifts state of emergency two months early*, CNN (June 5, 2018), <https://www.cnn.com/2018/06/05/africa/ethiopia-lifts-state-of-emergency/index.html>; *Ethiopia's parliament approves government's move to end emergency rule*, REUTERS (June 5, 2018), <https://www.reuters.com/article/us-ethiopia-politics/ethiopias-parliament-approves-governments-move-to-end-emergency-rule-idUSKCN1J10WN>.

¹⁹ See Somini Sengupta, *Ethiopia's New Leader Raises Hopes. Now Comes the Hard Part*. THE NEW YORK TIMES (June 23, 2018), <https://www.nytimes.com/2018/06/23/world/africa/abiy-ahmed-ethiopia.html>; AMNESTY INTERNATIONAL, *Ethiopia: Lifting of state of emergency must be followed by investigation of abuses* (June 5, 2018), <https://www.amnesty.org/en/latest/news/2018/06/ethiopia-lifting-of-state-of-emergency-must-be-followed-by-investigation-of-abuses/>;

²⁰ *Ethiopia's Reforms Challenged by Party in Ruling Coalition*, NEW YORK TIMES [AP] (June 13, 2018), <https://www.nytimes.com/aponline/2018/06/13/world/africa/ap-af-ethiopia-new-prime-minister.html>; John

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

Aglionby and David Pilling, *Ethiopia's youthful PM steps up pace of change – but provokes enemies*, FINANCIAL TIMES June 24, 2018), <https://www.ft.com/content/c10e0ae8-752e-11e8-aa31-31da4279a601>; Mohammed Adow, *Abiy Ahmed's reforms in Ethiopia may have led to grenade attack*, AL JAZEERA (June 25, 2018), <https://www.aljazeera.com/news/2018/06/abiy-ahmeds-reforms-ethiopia-led-grenade-attack-180625174920999.html> (A deputy police commissioner from Addis Ababa is among 20 suspects arrested in connection with the attack on June 23, 2018.)

²¹ Hadra Ahmed, *Deadly Grenade Attack at Ethiopian Prime Minister's Rally*, THE NEW YORK TIMES (June 23, 2018), <https://www.nytimes.com/2018/06/23/world/africa/ethiopia-explosion-abiy.html>.

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

²³ E.g. Agumasie Semahegn and Bezatu Mengistie, *Domestic Violence Against Women and Associated Factors in Ethiopia; Systematic Review*, REPRODUCTIVE HEALTH 2 (August 29, 2015), <https://reproductive-health-journal.biomedcentral.com/articles/10.1186/s12978-015-0072-1>.

²⁴ *Gender Equality and Women's Empowerment – Ethiopia*, USAID, <https://www.usaid.gov/ethiopia/gender-equality-and-womens-empowerment>; CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016, Chs. 14 -15 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>.

²⁵ See Lahra Smith, *Disturbance or Massacre? Consequence of Electoral Violence in Ethiopia*, VOTING IN FEAR: ELECTORAL VIOLENCE IN SUB-SAHARAN AFRICA 184-185 (2012), Dorina A. Bekoe ed.; CHRISTOPHER CLAPHAM, THE HORN: STATE FORMATION AND DECAY 86-87(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

²⁶ *E.g.*, FREEDOM OF THE MASS MEDIA AND ACCESS TO INFORMATION PROCLAMATION, 590/2008, Art. 2(3), <http://www.refworld.org/docid/4ba7a6bf2.html>; CHARITIES AND SOCIETIES PROCLAMATION, No. 621/2009, <http://www.refworld.org/docid/4ba7a0cb2.html>; ANTI-TERRORISM PROCLAMATION, 652/2009, <http://www.refworld.org/docid/4ba799d32.html>.

²⁷ Lovise Aalen and Ragnhild L. Muriaas, MANIPULATING POLITICAL DECENTRALISATION: AFRICA'S INCLUSIVE AUTOCRATS 57-79 (2018); *see also* Rony Emmenegger, *Decentralization and the Local Developmental State: Peasant Mobilization in Oromiya, Ethiopia*, AFRICA: THE JOURNAL OF THE INTERNATIONAL AFRICAN INSTITUTE Vol. 86(2) 263-287 (May 2016), <https://muse.jhu.edu/article/614701/pdf>.

²⁸ Lovise Aalen and Ragnhild L. Muriaas, MANIPULATING POLITICAL DECENTRALISATION: AFRICA'S INCLUSIVE AUTOCRATS 57-64 (2018); *see also* Zemelak Ayele, *Local Government in Ethiopia: Still an Apparatus of Control?*, LAW, DEMOCRACY & DEVELOPMENT Vol. 15 147 – 151 (2011), <https://www.ajol.info/index.php/idd/article/view/70804>.

²⁹ Kjetil Tronvoll and Tobias Hagmann, *Introduction: Traditional Authorities and Multi-Party Elections in Ethiopia*, CONTESTED POWER IN ETHIOPIA: TRADITIONAL AUTHORITIES AND MULTI-PARTY ELECTIONS 14-15, Kjetil Tronvoll and Tobias eds., <http://ehrp.org/wp-content/uploads/2014/05/Tronvoll-Hagmann-Contested-Power-in-Ethiopia.pdf>.

³⁰ *See* Lovise Aalen and Ragnhild L. Muriaas, MANIPULATING POLITICAL DECENTRALISATION: AFRICA'S INCLUSIVE AUTOCRATS 66 (2018).

³¹ *E.g.*, Terrence Lyons, *Ethiopian Elections: Past and Future*, INTERNATIONAL JOURNAL OF ETHIOPIAN STUDIES Vol. 5(1) 107 - 121 (Spring/Summer 2010), https://www.jstor.org/stable/41757576?seq=1-page_scan_tab_contents; Jon Abbink, *Paradoxes of Electoral Authoritarianism: the 2015 Ethiopian Elections as Hegemonic Performance*, JOURNAL OF CONTEMPORARY AFRICAN STUDIES Vol 35(3) 315 – 318 (2017), <https://www.tandfonline.com/doi/pdf/10.1080/02589001.2017.1324620>.

(kebeles), which allowed them control over distribution of voter registration materials.³² Opposition candidates were reportedly intimidated, harassed, denied equal access to media, or barred from participating.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.³⁴ The EPRDF and affiliated parties won 96.6 percent of regional assembly seats.³⁵ Irregularities notwithstanding, the international community recognized the results.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.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.³⁸ The Constitution, adopted in December 1994, established a parliamentary system and included liberal commitments to direct, free, and fair elections.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.⁴⁰ Though deemed generally fair by international observers, the

³² Terrence Lyons, *Closing the Transition: the May 1995 Elections in Ethiopia*, THE JOURNAL OF MODERN AFRICAN STUDIES Vol. 34(1) 126 - 127 (1996), http://www.jstor.org/stable/161741?pg-origsite=summon&seq=1-page_scan_tab_contents.

³³ U.S. DEPARTMENT OF STATE, ETHIOPIA HUMAN RIGHTS PRACTICES: 1993 (January 31, 1994), http://dosfan.lib.uic.edu/ERC/democracy/1993_hrp_report/93hrp_report_africa/Ethiopia.html; Sandra Fullerton Joireman, *Opposition Politics and Ethnicity in Ethiopia: We Will All Go Down Together*, THE JOURNAL OF MODERN AFRICAN STUDIES 399-400 Vol. 35(3) (1997), <http://www.jstor.org/stable/161748>.

³⁴ See, Marina Ottaway, *The Ethiopian Transition: Democratization or New Authoritarianism?*, NORTHEAST AFRICAN STUDIES 72-74 Vol. 2(3) (1995), <https://www.jstor.org/stable/41931114>.

³⁵ NATIONAL DEMOCRATIC INSTITUTE, *An Evaluation of the June 21, 1992 Elections in Ethiopia* 3 (1992), https://www.ndi.org/sites/default/files/068_et_evaluation.pdf.

³⁶ *Id.* at 72.

³⁷ *Id.* at 72-74; see also Terrence Lyons, *Closing the Transition: the May 1995 Elections in Ethiopia*, THE JOURNAL OF MODERN AFRICAN STUDIES Vol. 34(1) 128-131 (1996), http://www.jstor.org/stable/161741?pg-origsite=summon&seq=1-page_scan_tab_contents; see also Theodore M. Vestal, *An Analysis of the New Constitution of Ethiopia and the Process of Its Adoption*, NORTHEAST AFRICAN STUDIES Vol. 3(2) 22 - 26, (1996), <http://www.jstor.org/stable/41931136>.

³⁸ U.S. DEPARTMENT OF STATE, ETHIOPIA HUMAN RIGHTS PRACTICES: 1994 (February 1995), http://dosfan.lib.uic.edu/ERC/democracy/1994_hrp_report/94hrp_report_africa/Ethiopia.html; HUMAN RIGHTS WATCH, *Ethiopia: Human Rights Developments: 1994* (1995), <https://www.hrw.org/reports/1995/WR95/AFRICA-03.htm>; Terrence Lyons, *Closing the Transition: the May 1995 Elections in Ethiopia*, THE JOURNAL OF MODERN AFRICAN STUDIES Vol. 34(1) 128-131 (1996), http://www.jstor.org/stable/161741?pg-origsite=summon&seq=1-page_scan_tab_contents.

³⁹ CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA, Arts. 38, 45, 54, 102, <http://www.ethiopia.gov.et/constitution>.

⁴⁰ HUMAN RIGHTS WATCH, *World Report 1996: Ethiopia* (January 1, 1996), <http://www.refworld.org/docid/3ae6a8af34.html>.

elections were largely uncompetitive.⁴¹

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.⁴² Observers reported electoral fraud, intimidation, and violence;⁴³ and opposition parties claimed that the police had arbitrarily detained, imprisoned, and—in at least seven cases—killed opposition members.⁴⁴

The 2005 national elections marked a departure from past elections.⁴⁵ 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.⁴⁶ 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.⁴⁷ The relative openness notwithstanding, there were reports of intimidation, arrests, and killings of opposition activists

⁴¹ For an analysis of the 1995 elections, see Terrence Lyons, *Closing the Transition: the May 1995 Elections in Ethiopia*, THE JOURNAL OF MODERN AFRICAN STUDIES Vol. 34(1) 121 – 142 (1996), http://www.jstor.org/stable/161741?pg-origsite=summon&seq=1-page_scan_tab_contents; U.S. DEPARTMENT OF STATE, ETHIOPIA HUMAN RIGHTS PRACTICES: 1995 (March 1996), http://dosfan.lib.uic.edu/ERC/democracy/1995_hrp_report/95hrp_report_africa/Ethiopia.html.

⁴² Asnake Kefale, *The (un)making of opposition coalitions and the challenge of democratization in Ethiopia, 1991-2011*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 88-89 (2013), Jon Abbink and Tobias Hagmann eds.; see also REVISED POLITICAL PARTIES REGISTRATION PROCLAMATION No. 573/2008 (September 24, 2008), http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=85150&p_country=ETH&p_count=141 (Art. 39(c); revising POLITICAL PARTIES REGISTRATION PROCLAMATION No. 46/1993).

⁴³ HUMAN RIGHTS WATCH, *World Report 2001: Ethiopia* (2002), <https://www.hrw.org/legacy/wr2k1/africa/ethiopia.html>; AMNESTY INTERNATIONAL, *Amnesty International Report 2000 - ETHIOPIA* (June 1, 2000), <http://www.refworld.org/docid/3ae6aa0f20.html>; FREEDOM HOUSE, *Freedom in the World 2005: Ethiopia* (2005), <https://freedomhouse.org/report/freedom-world/2005/ethiopia>.

⁴⁴ HUMAN RIGHTS WATCH, *World Report 2001: Ethiopia* (2002), <https://www.hrw.org/legacy/wr2k1/africa/ethiopia.html>.

⁴⁵ For more about the 2005 elections and surrounding unrest, see Jon Abbink, *Discomfiture of Democracy? The 2005 Election Crisis in Ethiopia And Its Aftermath*, AFRICAN AFFAIRS 176 (2006), <https://openaccess.leidenuniv.nl/bitstream/handle/1887/9551/ASC-1242160-225.pdf?sequence=1>; Lovise Aalen and Kjetil Tronvoll, *The End of Democracy? Curtailing Political and Civil Rights in Ethiopia*, REVIEW OF AFRICAN POLITICAL ECONOMY No. 120 193–207, https://www.researchgate.net/publication/233044194_The_End_of_Democracy_Curtailing_Political_and_Civil_Rights_in_Ethiopia; Lahra Smith, *Disturbance or Massacre? Consequence of Electoral Violence in Ethiopia*, VOTING IN FEAR: ELECTORAL VIOLENCE IN SUB-SAHARAN AFRICA 184-190 (2012), Dorina A. Bekoe ed.; Jon Abbink, A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016 34-41 (2017).

⁴⁶ See Sarah Vaughan, *Revolutionary democratic state-building: party, state and people in the EPRDF's Ethiopia*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 52-53 (2013); Paulos Milkias, *Ethiopia, the TPLF, and the Roots of the 2001 Political Tremor*, NORTHEAST AFRICAN STUDIES Vol.10 (2) 52-52 (2003), http://www.jstor.org/stable/41931375?seq=1-page_scan_tab_contents.

⁴⁷ E.g., Jon Abbink, *Discomfiture of Democracy? The 2005 Election Crisis in Ethiopia And Its Aftermath*, AFRICAN AFFAIRS 176, 181 (2006), <https://openaccess.leidenuniv.nl/bitstream/handle/1887/9551/ASC-1242160-225.pdf?sequence=1>; Lahra Smith, *Disturbance or Massacre? Consequence of Electoral Violence in Ethiopia*, VOTING IN FEAR: ELECTORAL VIOLENCE IN SUB-SAHARAN AFRICA 185-186 (2012), Dorina A. Bekoe ed.

in the lead up to the elections.⁴⁸ Moreover, on the eve of the elections, the government banned mass demonstrations and gatherings in Addis Abba.⁴⁹

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,⁵⁰ and the CUD, the UEDF, and smaller opposition parties won a combined 174 of 547 seats in parliament⁵¹—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.⁵²

Elections results were announced September 5, 2005, and the CUD and the UEDF were internally split on whether elected parliamentarians should take their seats.⁵³ In October, opposition parties again called for protests.⁵⁴ Between October and December, police and security services detained a majority of the

⁴⁸ E.g., Amnesty International, *Ethiopia: The 15 May 2005 Elections and Human Rights – Recommendations to the Government, Election Observers and Political Parties* 9 – 13 (April 28, 2005), <https://www.amnesty.org/en/documents/afr25/002/2005/en/>; Jon Abbink, A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016 35 (2017).

⁴⁹ Leonardo R. Arriola, *Protesting and Policing in a Multiethnic Authoritarian State: Evidence from Ethiopia*, 45 *COMPARATIVE POLITICS* 147, 153 (2013), http://polisci.berkeley.edu/sites/default/files/people/u3618/Arriola_CP_2013.pdf; S.Y. Mengesha, *Silencing Dissent*, 27 *JOURNAL OF DEMOCRACY*, at 89-94 (2016), <https://muse.jhu.edu/article/607619/pdf>; Leonardo R. Arriola, *Protesting and Policing in a Multiethnic Authoritarian State: Evidence from Ethiopia*, 45 *COMPARATIVE POLITICS*, 147, 153 (2013), http://polisci.berkeley.edu/sites/default/files/people/u3618/Arriola_CP_2013.pdf; J. Abbink, *Discomfiture of Democracy? The 2005 Election Crisis in Ethiopia And Its Aftermath*, *AFRICAN AFFAIRS* 176 (2006), <https://openaccess.leidenuniv.nl/bitstream/handle/1887/9551/ASC-1242160-225.pdf?sequence=1>.

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%. Lovise Aalen and Kjetil Tronvoll, *The End of Democracy? Curtailing Political and Civil Rights in Ethiopia*, *REVIEW OF AFRICAN POLITICAL ECONOMY* No. 120 195 (2009), https://www.researchgate.net/publication/233044194_The_End_of_Democracy_Curtailing_Political_and_Civil_Rights_in_Ethiopia.

⁵¹ Jon Abbink, *Discomfiture of Democracy? The 2005 Election Crisis in Ethiopia And Its Aftermath*, *AFRICAN AFFAIRS* 183 (2006), <https://openaccess.leidenuniv.nl/bitstream/handle/1887/9551/ASC-1242160-225.pdf?sequence=1>; Asnake Kefale, *The (un)making of opposition coalitions and the challenge of democratization in Ethiopia, 1991-2011*, *RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM* 104 (2013), Jon Abbink and Tobias Hagmann eds. (includes a table of 2005 parliamentary election results by party).

⁵² Jon Abbink, *Discomfiture of Democracy? The 2005 Election Crisis in Ethiopia And Its Aftermath*, *AFRICAN AFFAIRS* 185-186 (2006), <https://openaccess.leidenuniv.nl/bitstream/handle/1887/9551/ASC-1242160-225.pdf?sequence=1>; Leonardo R. Arriola, *Protesting and Policing in a Multiethnic Authoritarian State: Evidence from Ethiopia*, 45 *COMPARATIVE POLITICS* 153 (2013).

⁵³ Asnake Kefale, *The (un)making of opposition coalitions and the challenge of democratization in Ethiopia, 1991-2011*, *RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM* 89 (2013), Jon Abbink and Tobias Hagmann eds.

⁵⁴ *Id.*

CUD's parliamentarians-elect, and arrested thousands of CUD members and other dissenters—an estimated 18,000 people by December 2005.⁵⁵ A government inquiry estimates that security forces killed around 250 people.⁵⁶

The ERPDF 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.⁵⁷ Scholars suggest that this shift weakened the EPRDF's political brand and deafened the EPRDF to popular discontent.⁵⁸ The EPRDF also blamed opposition parties, civil society, journalists, and foreign influence for the election outcome and the unrest that followed.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.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 2008,⁶¹ and 6 million by 2012.⁶² 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.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

⁵⁵ *Id.*; see also Lovise Aalen and Kjetil Tronvoll, *The End of Democracy? Curtailing Political and Civil Rights in Ethiopia*, REVIEW OF AFRICAN POLITICAL ECONOMY No. 120 197, https://www.researchgate.net/publication/233044194_The_End_of_Democracy_Curtailing_Political_and_Civil_Rights_in_Ethiopia.

⁵⁶ Asnake Kefale, *The (un)making of opposition coalitions and the challenge of democratization in Ethiopia, 1991-2011*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 95 (2013), Jon Abbink and Tobias Hagmann eds.

⁵⁷ Sarah Vaughan, *Revolutionary democratic state-building: party, state and people in the EPRDF's Ethiopia*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 50-53 (2013).

⁵⁸ See *Id.* at 52-53; Jon Abbink, A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016 36-37 (2017).

⁵⁹ See Lovise Aalen and Kjetil Tronvoll, *The End of Democracy? Curtailing Political and Civil Rights in Ethiopia*, REVIEW OF AFRICAN POLITICAL ECONOMY No. 120 197, https://www.researchgate.net/publication/233044194_The_End_of_Democracy_Curtailing_Political_and_Civil_Rights_in_Ethiopia.

⁶⁰ Sarah Vaughan, *Revolutionary democratic state-building: party, state and people in the EPRDF's Ethiopia*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 53-55 (2013).

⁶¹ Lovise Aalen and Kjetil Tronvoll, *Briefing: The 2008 Ethiopian Local Elections: The Return of Electoral Authoritarianism*, AFRICAN AFFAIRS VOL 108(430) 115 (2008), <http://www.ethiox.com/articles/election08.pdf>.

⁶² Tim Kelsall, BUSINESS, POLITICS, AND THE STATE IN AFRICA: CHALLENGING THE ORTHODOXIES ON GROWTH AND TRANSFORMATION 98 (2013).

⁶³ Sarah Vaughan, *Revolutionary democratic state-building: party, state and people in the EPRDF's Ethiopia*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 54-55 (2013); see also Lovise Aalen and Kjetil Tronvoll, *Briefing: The 2008 Ethiopian Local Elections: The Return of Electoral Authoritarianism*, AFRICAN AFFAIRS Vol. 108(430) 115 – 116 (2008), <http://www.ethiox.com/articles/election08.pdf>.

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

In the lead up to the 2010 national and regional elections, the government again threatened and harassed opposition party members,⁶⁷ and obstructed opposition campaigning and voter registration.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.⁶⁹ Voter turnout was an estimated 93 percent.⁷⁰ However, international observers—in a now common refrain—reported that the elections lacked fairness and transparency.⁷¹ The EPRDF and allied parties won 99.6 percent of national parliamentary seats.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.⁷³ Opposition parties were divided and weakened but also found it nearly impossible to organize and campaign prior to the

⁶⁴ See Lovise Aalen and Kjetil Tronvoll, *Briefing: The 2008 Ethiopian Local Elections: The Return of Electoral Authoritarianism*, AFRICAN AFFAIRS Vol. 108(430) 114 - 115 (2008), <http://www.ethiox.com/articles/election08.pdf>.

⁶⁵ *Id.*; Lovise Aalen and Ragnhild L. Muriaas, MANIPULATING POLITICAL DECENTRALISATION: AFRICA'S INCLUSIVE AUTOCRATS 68 – 69 (2018).

⁶⁶ See Lovise Aalen and Kjetil Tronvoll, *Briefing: The 2008 Ethiopian Local Elections: The Return of Electoral Authoritarianism*, AFRICAN AFFAIRS Vol. 108(430) 114 - 115 (2008), <http://www.ethiox.com/articles/election08.pdf>; Lovise Aalen and Ragnhild L. Muriaas, MANIPULATING POLITICAL DECENTRALISATION: AFRICA'S INCLUSIVE AUTOCRATS 69 (2018).

⁶⁷ EUROPEAN UNION, EU ELECTION OBSERVATION MISSION – ETHIOPIA 2010, *Preliminary Statement 6* (May 25, 2010), https://eeas.europa.eu/headquarters/headquarters-homepage/24414/eu-election-observation-mission-ethiopia-2010_en; Jason McLure, *Ethiopian Party Accused of Intimidation Before Election*, NEW YORK TIMES (May 23, 2010), <http://www.nytimes.com/2010/05/24/world/africa/24ethiopia.html>.

⁶⁸ Kjetil Tronvoll, *Briefing: The Ethiopian 2010 Federal and Regional Elections: Re-establishing the One-party State*, AFRICAN AFFAIRS 110/438 125-128 (January 2011), https://watermark.silverchair.com/briefing_2010_ethiopia_elections.

⁶⁹ HUMAN RIGHTS WATCH, *Ethiopia: Repression Rising Ahead of May Elections*, (March 24, 2010), <https://www.hrw.org/news/2010/03/24/ethiopia-repression-rising-ahead-may-elections>; see also Kjetil Tronvoll, *Briefing: The Ethiopian 2010 Federal and Regional Elections: Re-establishing the One-party State*, AFRICAN AFFAIRS 110/438 128 (January 2011), https://watermark.silverchair.com/briefing_2010_ethiopia_elections.

⁷⁰ 93.44 percent. INTERNATIONAL INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE, <https://www.idea.int/data-tools/vt-advanced-search>.

⁷¹ EUROPEAN UNION ELECTION OBSERVER MISSION – ETHIOPIA 2010, *Preliminary Statement* (May 25, 2010), http://eeas.europa.eu/archives/eueom/pdf/missions/eu-eom-ethiopia-preliminary-statement-25052010_en.pdf.

⁷² Kjetil Tronvoll, *Briefing: The Ethiopian 2010 Federal and Regional Elections: Re-establishing the One-party State*, AFRICAN AFFAIRS 110/438 121 (January 2011), https://watermark.silverchair.com/briefing_2010_ethiopia_elections; HUMAN RIGHTS WATCH, *World Report 2011: Ethiopia*, <https://www.hrw.org/world-report/2011/country-chapters/ethiopia>.

⁷³ Leonardo Arriola and Terrence Lyons, *The 100% Election*, JOURNAL OF DEMOCRACY 79-80, Vol. 27(1) (January 2016) <https://www.journalofdemocracy.org/sites/default/files/Arriola-27-1.pdf>.

elections.⁷⁴ Opposition members were also reportedly intimidated, detained, beaten, arrested, and denied access to polling places in some areas.⁷⁵ The conclusion foregone, few international observers were present.⁷⁶ The EPRDF and allied parties captured every seat in the national parliament.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.⁷⁸ The government gave organizations a one-year grace period to conform to the new law.⁷⁹

Ostensibly, the CSP is meant to ensure greater transparency and accountability. Among its many provisions, the CSP requires charities⁸⁰ and societies⁸¹ to provide annual statements of their accounts and activities,⁸² to submit to annual audit,⁸³ and to spend no more than 30 percent of their budgets on administrative costs.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

⁷⁴ Jon Abbink, *A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016* 209-211 (2017).

⁷⁵ *Id.*; Felix Horne, *Elections, Ethiopian Style*, HUMAN RIGHTS WATCH (May 6, 2015), <https://www.hrw.org/news/2015/05/06/elections-ethiopian-style>; Marthe van der Wolf *No Western Observers for Ethiopian Elections*, VOA (May 20, 2015), <https://www.voanews.com/a/no-western-observers-for-ethiopian-elections/2779335.html>.

⁷⁶ Felix Horne, *Dispatches: Alarm Bells for Ethiopia's 100% Election Victory*, HUMAN RIGHTS WATCH (June 23, 2015), <https://www.hrw.org/news/2015/06/23/dispatches-alarm-bells-ethiopia-100-election-victory>.

⁷⁷ Leonardo Arriola and Terrence Lyons, *The 100% Election*, JOURNAL OF DEMOCRACY 79-80, Vol. 27(1) (January 2016), <https://www.journalofdemocracy.org/sites/default/files/Arriola-27-1.pdf>; *Ethiopia Election: EPRDF Wins Every Seat in Parliament*, BBC NEWS (June 22, 2015), <http://www.bbc.com/news/world-africa-33228207>.

⁷⁸ CHARITIES AND SOCIETIES PROCLAMATION, No. 621/2009, <http://www.refworld.org/docid/4ba7a0cb2.html>.

⁷⁹ U.S. DEPARTMENT OF STATE, HUMAN RIGHTS PRACTICES 2010: ETHIOPIA 27 (April 8, 2011), <https://www.state.gov/documents/organization/160121.pdf>; HUMAN RIGHTS COUNCIL (Ethiopia), *The Impact of the CSO Proclamation on the Human Rights Council* 7-8 (July 2011), https://www.ehrco.org/wp-content/uploads/2016/03/impact_of_the_cso_proclamation_on_hrco.pdf. The Human Rights Council (HRCO) reports that in December 2009—less than a year after enactment of the CSP—the government directed four private banks to freeze all of HRCO's assets.

⁸⁰ A “charity” is defined as an institution “established exclusively for charitable purposes and gives benefit to the public.” *Id.* at Art. 14(1).

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).

⁸² *Id.* at Arts. 78, 80.

⁸³ *Id.* at Art. 79.

⁸⁴ *Id.* at Art. 88(1).

and evaluation, and transportation.⁸⁵ 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.⁸⁶

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.⁸⁷ 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.⁸⁸ Following enactment, the government froze 90 percent of funds belonging to prominent local human rights organizations.⁸⁹ 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.⁹⁰ However, the CSP has been widely criticized for violating freedom of association and for unnecessarily impeding civil society,⁹¹ and is regarded as a thinly veiled effort to silence critics.⁹² Indeed,

⁸⁵ *Id.* Berhanu Denu and Ato G. Zewdie, *Impact of the Guideline to Determine Charities' and Societies' Operational and Administrative Costs (70/30 Guideline) – Phase III*, DEVELOPMENT ASSISTANCE GROUP ETHIOPIA), <http://dagethiopia.org/new/working-groups/governance-technical/civil-society-sub-group>. The government has reportedly consented to informally consider the European Union's (EU) Civil Society Fund as local funding. Sisay Alemahu Yeshanew, *The Ethiopian Law Governing Civil Society Organizations: Divorcing human rights and development?*, HUMAN RIGHTS AND DEVELOPMENT IN THE NEW MILLENNIUM: TOWARDS A THEORY OF CHANGE 263 (2014), Paul Greedy and Wouter Vandenhoe eds.

⁸⁶ Berhanu Denu and Ato G. Zewdie, *Impact of the Guideline to Determine Charities' and Societies' Operational and Administrative Costs (70/30 Guideline) – Phase III*, DEVELOPMENT ASSISTANCE GROUP ETHIOPIA, 17-18 (September 19, 2013), <http://dagethiopia.org/new/working-groups/governance-technical/civil-society-sub-group>; Gebre Yntiso, et al., *Non-State Actors in Ethiopia—Update Mapping: Final Report*, EUROPEAN UNION CIVIL SOCIETY FUND II AND CIVIL SOCIETY SUPPORT PROGRAMME 45-46 (February 2014), <http://csf2.org/sites/default/files/NSA Update Mapping Report - 28 February 2015.pdf>.

⁸⁷ *Id.* at Art. 14(5).

⁸⁸ *Id.* at Art 2(2).

⁸⁹ AMNESTY INTERNATIONAL, STIFLING HUMAN RIGHTS WORK: THE IMPACT OF CIVIL SOCIETY LEGISLATION IN ETHIOPIA 13-17 (2012), <https://www.amnesty.org/en/documents/AFR25/002/2012/en/Sisay Alemahu Yeshanew, The Ethiopian Law Governing Civil Society Organizations: Divorcing human rights and development?>, HUMAN RIGHTS AND DEVELOPMENT IN THE NEW MILLENNIUM: TOWARDS A THEORY OF CHANGE 259 (2014), Paul Greedy and Wouter Vandenhoe eds.

⁹⁰ Sisay Alemahu Yeshanew, *The Ethiopian Law Governing Civil Society Organizations: Divorcing human rights and development?*, HUMAN RIGHTS AND DEVELOPMENT IN THE NEW MILLENNIUM: TOWARDS A THEORY OF CHANGE 259 (2014), Paul Greedy and Wouter Vandenhoe eds.; see also Saskia Brechenmacher, *Civil Society Under Assault: Repression and Response in Russia, Egypt, and Ethiopia*, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE 68-69 (May 18, 2017), http://carnegieendowment.org/files/Civil_Society_Under_Assault_Final.pdf.

⁹¹ UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD, *Concluding Observations: Ethiopia*, ¶ 19 (June 3, 2015), <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/ETIndex.aspx>; UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, *Concluding Observations: Ethiopia*, ¶ 7 (May 31, 2012), <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/ETIndex.aspx>; UNITED NATIONS HUMAN RIGHTS COMMITTEE, *Concluding Observations: Ethiopia*, ¶¶ 20,25 (August 19, 2011),

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.⁹³ According to one source, the CSP has eliminated 90% of local human rights organizations,⁹⁴ and the most prominent organizations that do remain have been forced to reduce capacity by as much as 85%.⁹⁵

<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), <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/ETIndex.aspx>; UNITED NATIONS COMMITTEE AGAINST TORTURE, *Concluding Observations: Ethiopia*, ¶ 34 (January 20, 2011); <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/ETIndex.aspx>; AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS, *Concluding Observations and Recommendations on the 5th and 6th Periodic Report of the Federal Democratic Republic of Ethiopia*, ¶¶ 26, 38(i) (July 29 – August 7, 2015), <http://www.achpr.org/states/ethiopia/reports/5-2009-2013/>; AMNESTY INTERNATIONAL, STIFLING HUMAN RIGHTS WORK: THE IMPACT OF CIVIL SOCIETY LEGISLATION IN ETHIOPIA (March 12, 2012), <https://www.amnesty.org/en/documents/AFR25/002/2012/en/>.

⁹² Kendra E. Dupuy, et al., *Who survived? Ethiopia's regulatory crackdown on foreign-funded NGOs*, REVIEW OF INTERNATIONAL POLITICAL ECONOMY, 22(2), 425 (2015), <http://www.tandfonline.com/doi/pdf/10.1080/09692290.2014.903854>; Sisay Alemahu Yeshanew, *The Ethiopian Law Governing Civil Society Organizations: Divorcing human rights and development?*, HUMAN RIGHTS AND DEVELOPMENT IN THE NEW MILLENNIUM: TOWARDS A THEORY OF CHANGE 256-257 (2014), Paul Gready and Wouter Vandenhoe eds.; AMNESTY INTERNATIONAL, STIFLING HUMAN RIGHTS WORK: THE IMPACT OF CIVIL SOCIETY LEGISLATION IN ETHIOPIA 27-28 (March 12, 2012) <https://www.amnesty.org/en/documents/AFR25/002/2012/en/>.

⁹³ Sisay Alemahu Yeshanew, *The Ethiopian Law Governing Civil Society Organizations: Divorcing human rights and development?*, HUMAN RIGHTS AND DEVELOPMENT IN THE NEW MILLENNIUM: TOWARDS A THEORY OF CHANGE 258-262 (2014), Paul Gready and Wouter Vandenhoe eds.; Kendra E. Dupuy, et al., *Who survived? Ethiopia's regulatory crackdown on foreign-funded NGOs*, REVIEW OF INTERNATIONAL POLITICAL ECONOMY, 22(2), 434-435 (2015), <http://www.tandfonline.com/doi/pdf/10.1080/09692290.2014.903854>; see also INTERNATIONAL CENTER FOR NOT-FOR-PROFIT LAW, *Civic Freedom Monitor: Ethiopia* (May 7, 2017) (describing barriers created by the CSP), <http://www.icnl.org/research/monitor/ethiopia.html>.

⁹⁴ Kendra E. Dupuy, et al., *Who survived? Ethiopia's regulatory crackdown on foreign-funded NGOs*, REVIEW OF INTERNATIONAL POLITICAL ECONOMY, 22(2), 433 (2015), <http://www.tandfonline.com/doi/pdf/10.1080/09692290.2014.903854>; see also DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), COUNTRY INFORMATION REPORT – ETHIOPIA 19-20 (September 2017); <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>.

⁹⁵ The Human Rights Council—a nationwide human rights monitor—closed nine of 12 branch offices and cut 49 of 58 staff; the Ethiopian Women Lawyers Association—the leading women's rights organization—reduced staff by almost 75%. AMNESTY INTERNATIONAL, STIFLING HUMAN RIGHTS WORK: THE IMPACT OF CIVIL SOCIETY LEGISLATION IN ETHIOPIA 24-26 (March 12, 2012), <https://www.amnesty.org/en/documents/AFR25/002/2012/en/>; see also HUMAN RIGHTS COUNCIL (Ethiopia), *The Impact of the CSO Proclamation on the Human Rights Council* 9 (July 2011), https://www.ehrco.org/wp-content/uploads/2016/03/impact_of_the_cso_proclamation_on_hrco.pdf; Sisay Alemahu Yeshanew, *The Ethiopian Law Governing Civil Society Organizations: Divorcing human rights and development?*, HUMAN RIGHTS AND DEVELOPMENT IN THE NEW MILLENNIUM: TOWARDS A THEORY OF CHANGE 269, note 10 (2014); U.S. DEPARTMENT OF STATE, HUMAN RIGHTS PRACTICES 2010: ETHIOPIA 27-28 (April 8, 2011), <https://www.state.gov/documents/organization/160121.pdf>. The Human Rights Council has increased its staff but continues to work out of three offices. Interview with human rights lawyer, Addis Ababa (December 12, 2017).

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

⁹⁶ ANTI-TERRORISM PROCLAMATION, 652/2009 (July 7, 2009), <http://www.refworld.org/docid/4ba799d32.html>.

⁹⁷ UNITED NATIONS HUMAN RIGHTS COMMITTEE, *Summary Record of 2804th Meeting, Consideration of reports submitted by State parties under article 40 of the Covenant: Initial report of Ethiopia* ¶¶ 10, 43 (July 11, 2011), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=59; UNITED NATIONS HUMAN RIGHTS COMMITTEE, *Summary Record of 2805th Meeting, Consideration of reports submitted by State parties under article 40 of the Covenant: Initial report of Ethiopia* ¶ 9 (July 12, 2011), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=En&CountryID=59; UNITED NATIONS SECURITY COUNCIL, *Resolution 1373* (September 28, 2001), [http://www.un.org/en/sc/ctc/specialmeetings/2012/docs/United Nations Security Council Resolution 1373 \(2001\).pdf](http://www.un.org/en/sc/ctc/specialmeetings/2012/docs/United%20Nations%20Security%20Council%20Resolution%201373%20(2001).pdf) (directing States to take measure to prevent and punish terrorism).

⁹⁸ ANTI-TERRORISM PROCLAMATION, 652/2009 (July 7, 2009), Art. 3, <http://www.refworld.org/docid/4ba799d32.html>.

⁹⁹ *Id.* at Arts. 13-22.

¹⁰⁰ *Id.* at Art. 23.

¹⁰¹ See e.g., EUROPEAN PARLIAMENT, *Resolution on the Situation in Ethiopia* (January 21, 2016), 2016/2520(RSP), <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2016-0023&language=EN&ring=B8-2016-0121>; AMNESTY INTERNATIONAL, 25 YEARS OF HUMAN RIGHTS VIOLATIONS 2-3 (June 2, 2016), <https://www.amnesty.org/en/documents/afr25/4178/2016/en/>; DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), COUNTRY INFORMATION REPORT: ETHIOPIA 3.31 (September 28, 2017), <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>.

¹⁰² See e.g., UNITED NATIONS COMMITTEE AGAINST TORTURE, *Concluding Observations: Ethiopia*, ¶ 14 (January 20, 2011), <http://www.ohchr.org/EN/Countries/AfricaRegion/Pages/ETIndex.aspx>; HUMAN RIGHTS WATCH, *Analysis of Ethiopia's Draft Anti-Terrorism Law* (June 30, 2009), <https://www.hrw.org/print/237005>; THE OAKLAND INSTITUTE & THE ENVIRONMENTAL DEFENDER LAW CENTER, ETHIOPIA'S ANTI-TERRORISM LAW: A TOOL TO STIFLE DISSENT 9-12 (2015), https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_Ethiopia_Legal_Brief_final_web.pdf; S.Y. Mengesha, *Silencing Dissent*, 27 JOURNAL OF DEMOCRACY 93 (2016), <http://www.ned.org/wp-content/uploads/2016/01/JoD-Jan-2016-Ethiopia-Silencing-Dissent-Mengesha.pdf>.

example, could be treated as acts of terrorism.¹⁰³ 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.¹⁰⁴

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.¹⁰⁵ 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.¹⁰⁶ 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 7.¹⁰⁷ ETT has also documented an additional 526 individuals previously charged with terrorism.¹⁰⁸ 463 were sentenced to prison or death; 63 were acquitted or had charges dropped.¹⁰⁹

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).¹¹⁰ Enacted in 2008, the MMP requires publishers of periodicals¹¹¹ to register with the Ministry of Information—now known as the

¹⁰³ HUMAN RIGHTS WATCH, *Analysis of Ethiopia's Draft Anti-Terrorism Law* (June 30, 2009), <https://www.hrw.org/print/237005>.

¹⁰⁴ *Id.*; see also, THE OAKLAND INSTITUTE AND THE ENVIRONMENTAL DEFENDER LAW CENTER, ETHIOPIA'S ANTI-TERRORISM LAW: A TOOL TO STIFLE DISSENT 14-17 (2015), https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_Ethiopia_Legal_Brief_final_web.pdf.

¹⁰⁵ ASSOCIATION FOR HUMAN RIGHTS IN ETHIOPIA, *Ailing Civic Space in an Authoritarian State: The State of Human Rights Defenders and Cost of Dissent in Ethiopia* 25-26 (January 2018), https://ahrethio.org/2018/01/30/association-for-human-rights-in-ethiopia-launches-new-report-on-human-rights-in-ethiopia/ailingcivicspace_large-3/; DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), COUNTRY INFORMATION REPORT: ETHIOPIA 2.17, 2.19, 3.28, 3.32 (September 28, 2017), <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>.

¹⁰⁶ ETHIO-TRIAL TRACKER, <https://ethiotrialtracker.org/latest-vital-information-on-ethiopians-charged-with-terrorism/>.

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 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).

¹⁰⁸ ETHIO-TRIAL TRACKER, <https://ethiotrialtracker.org/wp-content/uploads/2017/09/Closed-Defendants-1.pdf>.

¹⁰⁹ *Id.*

¹¹⁰ Proclamation No. 590/2008, <http://www.refworld.org/docid/4ba7a6bf2.html>. For background, see Tracy J. Ross, *A Test of Democracy: Ethiopia's Mass Media and Freedom of Information Proclamation*, 114 PENN ST. L. REV. 1047, 1048-57 (2010), http://pennstatelawreview.org/articles/114/114_Penn_St._L._Rev._1047.pdf.

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,¹¹² and creates stiff monetary penalties for defamation.¹¹³ Lawsuits have been brought against many independent newspapers under the MMP.¹¹⁴

The MMP recognizes a qualified right¹¹⁵ of citizens to access information held by public bodies and creates a process for making access-to-information requests.¹¹⁶ In practice, however, the government makes information difficult if not impossible to obtain.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.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 2010¹¹⁹—through Ethio-Telecom, the country's lone and government-owned internet and mobile phone service provider¹²⁰ The government has defended its monopoly by arguing that ICT is too key to development to leave to market forces.¹²¹ The monopoly, however, has enabled the government to regulate the expansion of ICT, to broaden the

includes newspapers and magazines.” FREEDOM OF THE MASS MEDIA AND ACCESS TO INFORMATION PROCLAMATION, 590/2008, Art. 2(3), <http://www.refworld.org/docid/4ba7a6bf2.html>.

¹¹² Proclamation No. 590/2008, Art. 42, <http://www.refworld.org/docid/4ba7a6bf2.html>.

¹¹³ *Id.* at Art. 41(2).

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>.

¹¹⁵ *Id.* at Art. 15 (exempted Information).

¹¹⁶ *Id.* at Arts. 11-12, 14.

¹¹⁷ MESERET CHEKOL RETA, THE QUEST FOR PRESS FREEDOM: ONE HUNDRED YEARS OF HISTORY OF THE MEDIA IN ETHIOPIA 300, 316-317 (2013).

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 Stremlau eds.

¹¹⁹ MESERET CHEKOL RETA, THE QUEST FOR PRESS FREEDOM: ONE HUNDRED YEARS OF HISTORY OF THE MEDIA IN ETHIOPIA 238-239 (2013); INTERNATIONAL TELECOMMUNICATION UNION: *Facts and Figures 2017*, <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>. Internet Live Stats puts the number of Ethiopian internet users in 2016 at 4.2 percent of the population. INTERNET LIVE STATS, *Ethiopia*, <http://www.internetlivestats.com/internet-users/ethiopia/> (elaborating data from the ITU, the World Bank, and the United Nations Population Division).

¹²⁰ HUMAN RIGHTS WATCH, THEY KNOW EVERYTHING WE DO: TELECOM AND INTERNET SURVEILLANCE IN ETHIOPIA 34-82 (March 2014), https://www.hrw.org/sites/default/files/reports/ethiopia0314_ForUpload_1.pdf; *see also Ethiopia telecoms monopoly now Africa's largest mobile operator*, AFRICANEWS (November 16, 2017), <http://www.africanews.com/2017/11/16/ethiopia-telecoms-monopoly-now-africa-s-largest-mobile-operator/>.

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 Stremlau 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.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.¹²³ Under the CCP, security officials can access records of all phone calls made inside Ethiopia with few restrictions.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.¹²⁵

3.2.2. Decentralized Monitoring

In 1991, the EPRDF began a process of political decentralization.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.¹²⁷ The EPRDF, itself a coalition of regional and ethnically based parties, advocated for ethnic diversity and considerable autonomy for regional states within a

¹²² HUMAN RIGHTS WATCH, *THEY KNOW EVERYTHING WE DO: TELECOM AND INTERNET SURVEILLANCE IN ETHIOPIA 2*, (March 2014), https://www.hrw.org/sites/default/files/reports/ethiopia0314_ForUpload_1.pdf; see also FREEDOM HOUSE, *Freedom in the World 2017 Report* (Civil Liberties: Freedom of Expression and Belief), <https://freedomhouse.org/report/freedom-world/2017/ethiopia>.

¹²³ FREEDOM HOUSE, *Freedom on the Net 2016*, <https://freedomhouse.org/report/freedom-net/2016/ethiopia>; ARTICLE 19, *Ethiopia: Computer Crime Proclamation – Legal Analysis* (July 2016), [https://www.article19.org/data/files/medialibrary/38450/Ethiopia-Computer-Crime-Proclamation-Legal-Analysis-July-\(1\).pdf](https://www.article19.org/data/files/medialibrary/38450/Ethiopia-Computer-Crime-Proclamation-Legal-Analysis-July-(1).pdf).

¹²⁴ 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.

¹²⁵ Ron Deibert, *Evidence that Ethiopia is Spying on Journalists Shows Commercial Spyware is out of Control*, WIRED (December 6, 2017), <https://www.wired.com/story/evidence-that-ethiopia-is-spying-on-journalists-shows-commercial-spyware-is-out-of-control/>; *Ethiopia: New Spate of Abusive Surveillance*, HUMAN RIGHTS WATCH (December 6, 2017), <https://www.hrw.org/news/2017/12/06/ethiopia-new-spate-abusive-surveillance>. For an overview of the government's use of digital surveillance, see Daniel Grinberg, *Chilling Developments: Digital Access, Surveillance, and the Authoritarian Dilemma in Ethiopia*, SURVEILLANCE & SOCIETY Vol. 15(3/4) 432-438 (2017), <https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/6623/6424> and Nick Turse, *How the NSA Built a Secret Surveillance Network for Ethiopia*, THE INTERCEPT (September 13, 2017), <https://theintercept.com/2017/09/13/nsa-ethiopia-surveillance-human-rights/>. See also *Doe v. Fed Democratic Republic of Ethiopia*, 851 F.3d 7 (2017) (Doe, an asylee from Ethiopia and now a U.S. citizen residing in Maryland, filed suit against the Ethiopian government, alleging that the government had installed FinSpy, a spyware program, Doe's computer. The suit was dismissed on foreign sovereign immunity grounds.)

¹²⁶ See Solomon M. Gofie, *Central Control and Regional States' Autonomy in Ethiopia*, in *AFRICAN STATE GOVERNANCE* 179-197 (2015), A. Carl LeVan, Joseph Olayinka Fashagba & Edward R. McMahon eds.; see also Paulos Chanie, *Clientelism and Ethiopia's post-1991 Decentralisation*, THE JOURNAL OF MODERN AFRICAN STUDIES Vol. 45(3) 355-384 (September 2007), <https://search.proquest.com/docview/847322637?pq-origsite=summon>.

¹²⁷ See Lovise Aalen and Ragnhild L. Muriaas, *MANIPULATING POLITICAL DECENTRALISATION: AFRICA'S INCLUSIVE AUTOCRATS* 61-62 (2018).

federal system—an arrangement commonly termed “ethnic federalism.”¹²⁸ Ethnic and regional self-determination were enshrined in the Constitution,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.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.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.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.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.¹³⁴

¹²⁸ For a description of national and subnational government structures, see Solomon M. Gofie, *Central Control and Regional States’ Autonomy in Ethiopia*, *AFRICAN STATE GOVERNANCE* 180-186 (2015), A. Carl LeVan, Joseph Olayinka Fashagba and Edward R. McMahon eds.

¹²⁹ CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA, Art. 39, <http://www.ethiopia.gov.et/constitution>. For analyses of Article 39, federalism, and self-determination, see Alem Habtu, *Multiethnic Federalism in Ethiopia: A Study of the Secession Clause in the Constitution*, *PUBLIUS* Vol. 313(2) (Spring 2005), <http://www.jstor.org/stable/4624714>; Paul H. Brietzke, *Ethiopia’s “Leap in the Dark”: Federalism and Self-Determination in the New Constitution*, *JOURNAL OF AFRICAN LAW* Vol. 39(1) 19-38 (1995), http://www.jstor.org/stable/745605?pp-origsite=summon&seq=1-page_scan_tab_contents; see also Lovise Aalen, *Ethnic Federalism and Self-Determination for Nationalities in a Semi-Authoritarian State: the Case of Ethiopia*, *INTERNATIONAL JOURNAL ON MINORITY AND GROUP RIGHTS* Vol. 13 243-261 (2006), https://www.jstor.org/stable/24675370?seq=1-page_scan_tab_contents.

¹³⁰ Rachel Beatty Riedl and J. Tyler Dickovick, *Party Systems and Decentralization in Africa*, *STUDIES IN COMPARATIVE INTERNATIONAL DEVELOPMENT* Vol. 49(3) 332-333 (September 2014), <https://link.springer.com/article/10.1007/s12116-013-9144-9>; Lovise Aalen and Ragnhild L. Muriaas, *MANIPULATING POLITICAL DECENTRALISATION: AFRICA’S INCLUSIVE AUTOCRATS* 60-62 (2018).

¹³¹ Lovise Aalen and Ragnhild L. Muriaas, *MANIPULATING POLITICAL DECENTRALISATION: AFRICA’S INCLUSIVE AUTOCRATS* 60-62 (2018).

¹³² Rachel Beatty Riedl and J. Tyler Dickovick, *Party Systems and Decentralization in Africa*, *STUDIES IN COMPARATIVE INTERNATIONAL DEVELOPMENT* Vol. 49(3) 332-333 (September 2014), <https://link.springer.com/article/10.1007/s12116-013-9144-9>; Lovise Aalen and Ragnhild L. Muriaas, *MANIPULATING POLITICAL DECENTRALISATION: AFRICA’S INCLUSIVE AUTOCRATS* 71-76 (2018).

¹³³ Kjetil Tronvoll and Tobias Hagmann, *Introduction: Traditional Authorities and Multi-Party Elections in Ethiopia*, *CONTESTED POWER IN ETHIOPIA: TRADITIONAL AUTHORITIES AND MULTI-PARTY ELECTIONS* 10 - 11, Kjetil Tronvoll and Tobias Hagmann eds., <http://ehrp.org/wp-content/uploads/2014/05/Tronvoll-Hagmann-Contested-Power-in-Ethiopia.pdf>.

¹³⁴ Rony Emmenegger, *Decentralization and the Local Developmental State: Peasant Mobilization in Oromiya, Ethiopia*, *AFRICA* Vol. 86(2) 263-287 (2016), <https://muse.jhu.edu/article/614701/pdf>; Rachel Beatty Riedl and J. Tyler Dickovick, *Party Systems and Decentralization in Africa*, *STUDIES IN COMPARATIVE INTERNATIONAL DEVELOPMENT* Vol. 49(3) 332 (September 2014), <https://link.springer.com/article/10.1007/s12116-013-9144-9>.

Regional states are divided into zones, districts (*woredas*) and sub-districts (*kebeles*).¹³⁵ *Kebeles* are responsible for local administrative tasks, including the collection of taxes and issuance of identity cards.¹³⁶ *Kebeles* also register, distribute and maintain housing; collect socio-demographic information; and engage in a range of development activities.¹³⁷ Around the 2005 elections, the government established sub-*kebele* units in rural areas.¹³⁸ 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.¹³⁹ 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.¹⁴⁰

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.¹⁴¹

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.¹⁴² Pretrial

¹³⁵ Rony Emmenegger, *Decentralization and the Local Developmental State: Peasant Mobilization in Oromiya, Ethiopia*, AFRICA Vol. 86(2) 263-287 (2016), <https://muse.jhu.edu/article/614701/pdf>; Lovise Aalen and Kjetil Tronvoll, *Briefing: The 2008 Ethiopian Local Elections: The Return of Electoral Authoritarianism*, AFRICAN AFFAIRS VOL 108(430) 116-117 (2008), <http://www.ethiox.com/articles/election08.pdf>.

¹³⁶ Rony Emmenegger, et al., *Decentralization to the household: expansion and limits of state power in rural Oromiya*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 141 (2013), Jon Abbink and Tobias Hagmann eds.

¹³⁷ *Id.* at 141, 143-145.

¹³⁸ Rony Emmenegger, *Decentralization and the Local Developmental State: Peasant Mobilization in Oromiya, Ethiopia*, AFRICA Vol. 86(2) 263-287 (2016), <https://muse.jhu.edu/article/614701/pdf>; Lovise Aalen and Ragnhild L. Muriaas, MANIPULATING POLITICAL DECENTRALISATION: AFRICA'S INCLUSIVE AUTOCRATS 61, 73 (2018).

¹³⁹ Lovise Aalen and Ragnhild L. Muriaas, MANIPULATING POLITICAL DECENTRALISATION: AFRICA'S INCLUSIVE AUTOCRATS 61, 73 (2018); Rachel Beatty Riedl and J. Tyler Dickovick, *Party Systems and Decentralization in Africa*, STUDIES IN COMPARATIVE INTERNATIONAL DEVELOPMENT Vol. 49(3) 332-333 (September 2014), <https://link.springer.com/article/10.1007/s12116-013-9144-9>.

¹⁴⁰ Lovise Aalen and Ragnhild L. Muriaas, MANIPULATING POLITICAL DECENTRALISATION: AFRICA'S INCLUSIVE AUTOCRATS 61, 73 (2018); HUMAN RIGHTS WATCH, ONE HUNDRED WAYS OF PUTTING PRESSURE - VIOLATIONS OF FREEDOM OF EXPRESSION AND ASSOCIATION IN ETHIOPIA 32-38 (March 2010), <https://www.hrw.org/sites/default/files/reports/ethiopia0310webwcover.pdf>; see also Kimiko de Freytas-Tamura, 'We Are Everywhere': How Ethiopia Became a Land of Prying Eyes, NEW YORK TIMES (November 5, 2017), <https://www.nytimes.com/2017/11/05/world/africa/ethiopia-government-surveillance.html> (describing local government surveillance networks).

¹⁴¹ DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), COUNTRY INFORMATION REPORT: ETHIOPIA ¶ 3.34 (September 28, 2017), available at <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>; HUMAN RIGHTS WATCH, THEY KNOW EVERYTHING WE DO: TELECOM AND INTERNET SURVEILLANCE IN ETHIOPIA 68 (March 2014), https://www.hrw.org/sites/default/files/reports/ethiopia0314_ForUpload_1.pdf.

¹⁴² U. S. DEPARTMENT OF STATE, HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 4 (March 3, 2017), <https://www.state.gov/documents/organization/160121.pdf>; WORLD PRISON BRIEF, *Ethiopia*, <http://www.prisonstudies.org/country/ethiopia>.

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

¹⁴³ U. S. DEPARTMENT OF STATE, HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 4 (March 3, 2017), <https://www.state.gov/documents/organization/160121.pdf>; see also AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS, *Resolution on the Human Rights Situation in the Democratic Republic of Ethiopia* (May, 12 2012), <http://www.refworld.org/docid/502d0edc2.html>.

¹⁴⁴ U.S. DEPARTMENT OF STATE, HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 10 (March 3, 2017), <https://www.state.gov/documents/organization/160121.pdf>.

¹⁴⁵ *Id.*; ASSOCIATION FOR HUMAN RIGHTS IN AFRICA, *Ethiopia: End State of Emergency restrictions on political dissent and targeting of human rights defenders* (December 6, 2016), <https://ahrethio.org/2016/12/06/ethiopia-end-state-of-emergency-restrictions-on-political-dissent-and-targeting-of-human-rights-defenders/>; see also Felix Horne, *Ethiopia Lifts Some State of Emergency Restrictions, Time to End Mass Arbitrary Detentions* (March 15, 2017), HUMAN RIGHTS WATCH, <https://www.hrw.org/news/2017/03/16/ethiopia-lifts-some-state-emergency-restrictions>.

¹⁴⁶ U. S. DEPARTMENT OF STATE, HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 8 (March 3, 2017), <https://www.state.gov/documents/organization/160121.pdf>.

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,¹⁵⁴ the right to present witnesses and evidence in their defense and cross-examine prosecution witnesses,¹⁵⁵ and the right to access government-held evidence.¹⁵⁶ The Constitution also requires that detainees be informed of the reasons of their arrests.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.¹⁵⁸ These rights have been particularly limited in cases involving allegations of terrorism.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.”¹⁶⁰ Although civil courts operate with a large degree of independence, criminal courts remain weak, overburdened, and subject to political influence.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).”¹⁶² The study

¹⁵² *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.”)

¹⁵³ *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.”)

¹⁵⁴ *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.”)

¹⁵⁵ *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.”)

¹⁵⁶ *Id.*

¹⁵⁷ *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.”); *see also* United States State Department, Human Rights’ Practices 2016 – Ethiopia 10 (March 3, 2017).

¹⁵⁸ U.S. DEPARTMENT OF STATE, HUMAN RIGHTS’ PRACTICES 2016: ETHIOPIA 10 (March 3, 2017), <https://www.state.gov/documents/organization/160121.pdf>; *see also* FREEDOM HOUSE, *Freedom in the World 2016: Ethiopia*, <https://freedomhouse.org/report/freedom-world/2016/ethiopia>.

¹⁵⁹ Yonas Mebrahtu and Sam Ponniah, *Ethiopia, DOES TORTURE PREVENTION WORK?* 486 (2016), Richard Carver and Lisa Handley eds.

¹⁶⁰ DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), COUNTRY INFORMATION REPORT: ETHIOPIA ¶ 5.12 (September 28, 2017), <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>.

¹⁶¹ U.S. DEPARTMENT OF STATE, HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 10 (March 3, 2017), <https://www.state.gov/documents/organization/160121.pdf>; HOME OFFICE, UK BORDER AGENCY, OPERATIONAL GUIDANCE NOTE – ETHIOPIA 3 (July 2012), <http://www.refworld.org/pdfid/5012a8072.pdf>.

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, *inter alia*, ignoring previous studies of corruption in Ethiopia. *See* Berhanu Mengistu et al., *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.”¹⁶³ 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.¹⁶⁴ 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.¹⁶⁵

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.¹⁶⁶ Political prisoners, including opposition party members, journalists, bloggers and others perceived opponents, are at particular risk of torture,¹⁶⁷ and political prisoners are routinely denied access to proper medication or any medical treatment.¹⁶⁸

Perceptions of Corruption in Ethiopia: Assessment and Descriptive Analysis, INTERNATIONAL JOURNAL OF BUSINESS AND PUBLIC ADMINISTRATION Vol. 10(2) (2013), <http://eds.a.ebscohost.com/eds/detail/detail?>.

¹⁶³ THE WORLD BANK, DIAGNOSING CORRUPTION IN ETHIOPIA: PERCEPTIONS, REALITIES, AND THE WAY FORWARD FOR KEY SECTORS 219 (2012), Janelle Plummer ed., <https://openknowledge.worldbank.org/handle/10986/13091>

¹⁶⁴ Berhanu Mengistu et al., *Public Perceptions of Corruption in Ethiopia: Assessment and Descriptive Analysis*, INTERNATIONAL JOURNAL OF BUSINESS AND PUBLIC ADMINISTRATION Vol. 10(2) (2013), <http://eds.a.ebscohost.com/eds/detail/detail?>; KILIMANJARO INTERNATIONAL, *Ethiopia Second Corruption Perception Survey* (April 2012), http://www.feac.gov.et/images/downloads/corruption_survey.pdf.

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.

¹⁶⁶ E.g. U.S. DEPARTMENT OF STATE, HUMAN RIGHTS’ PRACTICES 2016: ETHIOPIA 11 (March 3, 2017), <https://www.state.gov/documents/organization/160121.pdf>; 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-ethiopia-maekelawi-police-station>. In June 2018, Prime Minister Abiy Ahmed acknowledged the government’s use of torture against opponents. *Ethiopia PM: Security agencies committed ‘terrorist acts’*, AL JAZEERA (June 19, 2018), <https://www.aljazeera.com/news/2018/06/ethiopia-pm-security-agencies-committed-terrorist-acts-180619051321984.html>.

¹⁶⁷ DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), COUNTRY INFORMATION REPORT: ETHIOPIA ¶ 4.8 (September 28, 2017), <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>; see also, *Ethiopia: Horrifying Testimony of Torture in TPLF Prison*, ECADF ETHIOPIAN NEWS (April 2, 2017), <https://ecadforum.com/2017/04/02/ethiopia-horrifying-testimony-of-torture-in-tplf-prison/>.

¹⁶⁸ U.S. DEPARTMENT OF STATE, HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 5 (March 3, 2017), <https://www.state.gov/documents/organization/160121.pdf>; ASSOCIATION FOR HUMAN RIGHTS IN ETHIOPIA, *Ethiopia: Political prisoners and their accounts of Torture* (October 28, 2017), <https://ahrethio.org/2017/10/28/ethiopia-political-prisoners-and-their-accounts-of-torture/>.

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.¹⁶⁹ Evidence of torture, however, is particularly well documented among former detainees of federal detention facilities, including Maekelawi detention center in Addis Ababa.¹⁷⁰ 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."¹⁷¹

There are credible reports that the government tortured political opponents in advance of and during the 2016-2017 state of emergency.¹⁷²

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

¹⁶⁹ DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), COUNTRY INFORMATION REPORT: ETHIOPIA ¶ 4.4 (September 28, 2017), <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>; see also, *European Human Rights Committee Denied Access to Ethiopian Prison*, VOA NEWS (July 17, 2013), <https://www.voanews.com/a/european-human-rights-committee-denied-access-to-ethiopian-prison/1703610.html>; Interview with human rights expert, Addis Ababa (December 12, 2017) (explaining that independent observers have limited access to regional detention centers and no access to federal detention centers).

¹⁷⁰ DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), COUNTRY INFORMATION REPORT: ETHIOPIA ¶ 4.8 (September 28, 2017), <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>; see also Caalaa Hayiluu Abaataa, *My Experience of the Ethiopian Investigation Centre: Maekelawi*, Untold Stories of the Silenced (January 12, 2016), <http://www.untoldstoriesonline.com/my-experience-of-maekelawi-ethiopia/>. As noted in Section 3.1.5 of this report, the government closed Maekelawi on April 6, 2018 and transferred detainees to other detention centers.

¹⁷¹ THE AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS, 218: *Resolution on the Human Rights Situation in the Democratic Republic of Ethiopia* (May 2, 2012), <http://www.achpr.org/sessions/51st/resolutions/218?prn=1>.

¹⁷² E.g. HUMAN RIGHTS WATCH, "SUCH A BRUTAL CRACKDOWN": KILLINGS AND ARRESTS IN RESPONSE TO ETHIOPIA'S OROMO PROTESTS, 36-41 (June 2016), <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopia-oromo-protests>; ASSOCIATION FOR HUMAN RIGHTS IN ETHIOPIA, *Ethiopia: Political prisoners and their accounts of Torture: Part I* (October 28, 2017), <https://ahrethio.org/2017/10/28/ethiopia-political-prisoners-and-their-accounts-of-torture/>; ASSOCIATION FOR HUMAN RIGHTS IN ETHIOPIA, *Ethiopia: Political prisoners and their accounts of Torture: Part II* (November 26, 2017), <https://ahrethio.org/wp-content/uploads/2017/11/AHRE.Report.Part-II.2017.pdf>; Seyoum Tehome, *A License to Torture*, AMNESTY INTERNATIONAL, <https://www.amnesty.org/en/latest/campaigns/2017/03/a-license-to-torture/>. Compare recent methods of torture to methods used by the government since 1991. See AMNESTY INTERNATIONAL, *Ethiopia and Eritrea: The Human Rights Agenda* 10-11, AFR 25/009/1991 (November 1, 1991), <https://www.amnesty.org/en/documents/afr25/009/1991/en/>; U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2010- ETHIOPIA 1, 407 (April 8, 2011), <https://www.state.gov/j/drl/rls/hrrpt/2010/af/154346.htm>; AMNESTY INTERNATIONAL, *Annual Report - Ethiopia* 5, 6 (May 23, 2013), <http://www.refworld.org/docid/519f51a018.html>.

farmland.¹⁷³ Oromo leaders criticized the Master Plan as a government land grab, and student-led demonstrations began in late April 2014.¹⁷⁴ Protests against the Master Plan spread through the region and intensified in November 2015.¹⁷⁵ The government blamed “anti-peace forces” for the ensuing violence,¹⁷⁶ and accused protestors of having links to terrorist organizations.¹⁷⁷ By mid-2016, security forces were estimated to have killed more than 400 people and arrested tens of thousands in Oromia.¹⁷⁸ Security forces reportedly tortured some protestors and detained many more in prisons, military camps,

¹⁷³ Conor Gaffey, *Oromo Protests: Why Ethiopia’s Largest Ethnic Groups is Demonstrating*, NEWSWEEK February 26, 2016), <http://www.newsweek.com/oromo-protests-why-ethiopias-biggest-ethnic-group-demonstrating-430793>; Jon Abbink, A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016 195 (2017); see also HUMAN RIGHTS COUNCIL – HRCO (Ethiopia), 140TH SPECIAL REPORT 4-5 (March 14, 2016), <https://www.ehrco.org/wp-content/uploads/2016/05/140-Special-Report-English-scanned.pdf>.

¹⁷⁴ HUMAN RIGHTS WATCH, *Ethiopia: Brutal Crackdown on Protests: Security Forces Fire On, Beat Students Protesting Plan to Explain Capital Boundaries*, <https://www.hrw.org/news/2014/05/05/ethiopia-brutal-crackdown-protests>.

¹⁷⁵ See FREEDOM HOUSE, *Freedom in the World 2017 - Ethiopia* (May 3, 2017), <http://www.refworld.org/docid/590c5ca826.html>; AMNESTY INTERNATIONAL, *A Government’s Plan, a People’s Protest, and a Government’s Response*, <https://www.amnesty.org/en/latest/campaigns/2017/03/ethiopia-state-of-emergency-violates-human-rights/>; HUMAN RIGHTS WATCH, *Ethiopia – Events of 2016* (January 2017), <https://www.hrw.org/world-report/2017/country-chapters/ethiopia>; *Ethiopia: Dozens killed as police use excessive force against peaceful protesters*, AMNESTY INTERNATIONAL (August 8, 2016), <https://www.amnesty.org/en/latest/news/2016/08/ethiopia-dozens-killed-as-police-use-excessive-force-against-peaceful-protesters/>; 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>.

¹⁷⁶ E.g. *Ethiopia’s Oromo protests: PM Hailemariam Desalegn apologises*, BBC (March 10, 2016), <http://www.bbc.com/news/world-africa-35773888>.

¹⁷⁷ E.g. HUMAN RIGHTS WATCH, “SUCH A BRUTAL CRACKDOWN”: KILLINGS AND ARRESTS IN RESPONSE TO ETHIOPIA’S OROMO PROTESTS, (June 2016), <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests>; AMNESTY INTERNATIONAL, *Ethiopia: Anti-terror rhetoric will escalate brutal crackdown against Oromo protesters* (December 16, 2015), <https://www.amnesty.org/en/latest/news/2015/12/ethiopia-anti-terror-rhetoric-will-escalate-brutal-crackdown-against-oromo-protesters/> (explaining that Oromo protesters were charged as terrorists).

¹⁷⁸ *Id.* at 19-20; HUMAN RIGHTS WATCH, *Ethiopia – Events of 2016* (January 2017), <https://www.hrw.org/world-report/2017/country-chapters/ethiopia>; Jon Abbink, A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016 212 (2017); see also, HUMAN RIGHTS COUNCIL – HRCO (Ethiopia), 140TH SPECIAL REPORT 5-13 (March 14, 2016), <https://www.ehrco.org/wp-content/uploads/2016/05/140-Special-Report-English-scanned.pdf> (documenting 103 extra-judicial killings between November 11, 2015 and February 20, 2016 in 33 *woredas* (districts) where the most serious human rights violations are said to have occurred).

classrooms, and other locations.¹⁷⁹ 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.¹⁸⁰

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.¹⁸¹ 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.¹⁸² 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.¹⁸³

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 1991.¹⁸⁴ Amhara protestors 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.¹⁸⁵ Some protests became violent. In Gondar—to which Welkait historically belonged—protesters burned Tigrayan businesses.¹⁸⁶

¹⁷⁹ *Ethiopia: Dozens killed as police use excessive force against peaceful protesters*, AMNESTY INTERNATIONAL (August 8, 2016), <https://www.amnesty.org/en/latest/news/2016/08/ethiopia-dozens-killed-as-police-use-excessive-force-against-peaceful-protesters/>; HUMAN RIGHTS WATCH, “SUCH A BRUTAL CRACKDOWN”: KILLINGS AND ARRESTS IN RESPONSE TO ETHIOPIA’S OROMO PROTESTS, 26-28 (June 2016), <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests>.

¹⁸⁰ *E.g.* AMNESTY INTERNATIONAL, *Ethiopia: Draconian State of Emergency 2*, (February 10 2017), <https://www.amnesty.org/en/documents/afr25/5669/2017/en/>; AFRICA RESEARCH BULLETIN, National Security, January 1-31 2016, *Ethiopia: Addis Master Plan Scrapped* 20861-20862.

¹⁸¹ See Kalkidan Yibeltal, *News: Rights Commission Declares Measures Against Protestors in Oromia “Proportional,” Admits Excessive Force Used Against Qimant People*, ADDIS STANDARD (June 11, 2016), <http://addisstandard.com/news-rights-commission-declares-measures-against-protesters-in-oromia-proportional-admits-excessive-force-used-against-qimant-people/>; *Human Rights Commission Presents Report on Turmoil in Oromia, Amhara States*, ETHIOPIAN NEWS AGENCY (government) (June 11, 2016), <http://www.ena.gov.et/en/index.php/politics/item/1474-human-rights-commission-presents-report-on-turmoil-in-oromia-amhara-states>.

¹⁸² See Kalkidan Yibeltal, *News: Rights Commission Declares Measures Against Protestors in Oromia “Proportional,” Admits Excessive Force Used Against Qimant People*, ADDIS STANDARD (June 11, 2016), <http://addisstandard.com/news-rights-commission-declares-measures-against-protesters-in-oromia-proportional-admits-excessive-force-used-against-qimant-people/>.

¹⁸³ *Human Rights Commission Presents Report on Turmoil in Oromia, Amhara States*, ETHIOPIAN NEWS AGENCY (government) (June 11, 2016), <http://www.ena.gov.et/en/index.php/politics/item/1474-human-rights-commission-presents-report-on-turmoil-in-oromia-amhara-states>.

¹⁸⁴ Jon Abbink, *Ethiopia’s Unrest Sparked by Unequal Development Record*, THE GLOBAL CONSERVATORY (September 13, 2016), <https://theglobalobservatory.org/2016/09/ethiopia-protests-amhara-oromiya/>; Kalkidan Yibeltal, *Ethiopia: Ethnic nationalism and the Gondar protests*, AL JAZEERA (January 11, 2017), <http://www.aljazeera.com/indepth/features/2017/01/ethiopia-ethnic-nationalism-gondar-protests-170102081805528.html>.

¹⁸⁵ See Jon Abbink, *Ethiopia’s Unrest Sparked by Unequal Development Record*, THE GLOBAL CONSERVATORY (September 13, 2016), <https://theglobalobservatory.org/2016/09/ethiopia-protests-amhara-oromiya/>; ARMED CONFLICT LOCATION & EVENT DATA PROJECT, *Ethiopia – September 2016 Update*, <http://www.crisis.acleddata.com/ethiopia-september-2016->

As in Oromia, protests catalyzed grievances across the Amhara region.¹⁸⁷ In 2016, hundreds of Amhara protesters and students were jailed,¹⁸⁸ and in July and August of that year, security forces reportedly killed an estimated 70 to 100 protesters.¹⁸⁹ Others were disappeared or killed in circumstances that have not been investigated.¹⁹⁰ Additionally, security forces were accused of burning Amhara-owned shops, farms, and businesses.¹⁹¹

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;¹⁹² however, the government has alleged protest leaders incited the crowd to violence.¹⁹³ The number of people killed and the causes of their deaths are contested.¹⁹⁴ 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>.

¹⁸⁶ Jeffrey Gettleman, 'A Generation is Protesting' in Ethiopia, Long a U.S. Ally, NEW YORK TIMES (August 12, 2016), <https://www.nytimes.com/2016/08/13/world/africa/ethiopia-protests.html>.

¹⁸⁷ See Jon Abbink, A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016 228 (2017).

¹⁸⁸ HUMAN RIGHTS WATCH, "SUCH A BRUTAL CRACKDOWN": KILLINGS AND ARRESTS IN RESPONSE TO ETHIOPIA'S OROMO PROTESTS (June 2016), <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopia-omoro-protests>.

¹⁸⁹ *Id.*; Merga Yonas, *Ethiopian anti-government protests set to continue*, DEUTSCHE WELLE (August 8, 2016), <http://www.dw.com/en/ethiopian-anti-government-protests-set-to-continue/a-19485101> (estimating 100 deaths in Gondar); HUMAN RIGHTS WATCH, *Joint letter to UN Human Rights Council on Ethiopia* (September 8, 2016), <https://www.hrw.org/news/2016/09/08/joint-letter-un-human-rights-council-ethiopia> (estimating at least 100 Amhara protesters shot and killed in July-August, and many more injured).

¹⁹⁰ Jon Abbink, *Ethiopia's Unrest Sparked by Unequal Development Record*, THE GLOBAL CONSERVATORY (September 13, 2016), <https://theglobalobservatory.org/2016/09/ethiopia-protests-amhara-oromiya/>; William Davison, *Ethnic tensions in Gondar reflect the toxic nature of Ethiopian politics*, THE GUARDIAN (December 22, 2016), <https://www.theguardian.com/global-development/2016/dec/22/gondar-ethiopia-ethnic-tensions-toxic-politics> (estimating 600 deaths by security forces in 2015-2016); Aaron Maasho, *At least five killed as police fire at protest in Ethiopia*, REUTERS (October 26, 2017), <https://www.reuters.com/article/us-ethiopia-violence/at-least-five-killed-as-police-fire-at-protest-in-ethiopia-idUSKBN1CV1P1> (estimating "nearly 700" Amhara and Oromo killed in 2015-2016 protests).

¹⁹¹ Jon Abbink, *Ethiopia's Unrest Sparked by Unequal Development Record*, THE GLOBAL CONSERVATORY (September 13, 2016), <https://theglobalobservatory.org/2016/09/ethiopia-protests-amhara-oromiya/>.

¹⁹² HUMAN RIGHTS WATCH, *World Report 2017*, <https://www.hrw.org/world-report/2017/country-chapters/ethiopia>; *Ethiopia: Dozens killed as police use excessive force against peaceful protesters*, AMNESTY INTERNATIONAL (August 8, 2016), <https://www.amnesty.org/en/latest/news/2016/08/ethiopia-dozens-killed-as-police-use-excessive-force-against-peaceful-protesters/>; Rift Valley Institute (RVI), *A Year of Protests in Ethiopia* (November 2016), <http://www.refworld.org/docid/583c532d4.html>.

¹⁹³ HUMAN RIGHTS WATCH, "FUEL ON THE FIRE": SECURITY FORCE RESPONSE TO THE 2016 IRREECHA CULTURAL FESTIVAL 15 (September 2017), <https://www.hrw.org/report/2017/09/19/fuel-fire/security-force-response-2016-irreecha-cultural-festival>.

¹⁹⁴ *E.g.* AMNESTY INTERNATIONAL, *Ethiopia: Draconian State of Emergency 2* (February 10, 2017), <https://www.amnesty.org/en/documents/afr25/5669/2017/en/>.

to have put the number at almost 700.¹⁹⁵ Protestors claim that the government used tear gas and fired bullets into the crowd causing a stampede.¹⁹⁶ Witnesses report that some protestors died of bullet wounds and others were trampled to death.¹⁹⁷

A week after the *Irreecha* festival, on October 9, 2016, the government declared a state of emergency.¹⁹⁸ The state of emergency expanded police power with the stated objective of eliminating “anti-peace elements.”¹⁹⁹ 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.²⁰⁰ A Command Post was created to administer the state of emergency.²⁰¹

¹⁹⁵ FREEDOM HOUSE, *Freedom in the World 2017 – Ethiopia* (May 3, 2017), <http://www.refworld.org/docid/590c5ca826.html>; HUMAN RIGHTS WATCH, “FUEL ON THE FIRE”: SECURITY FORCE RESPONSE TO THE 2016 IRREECHA CULTURAL FESTIVAL 22 at n. 59 (September 2017), <https://www.hrw.org/report/2017/09/19/fuel-fire/security-force-response-2016-irreecha-cultural-festival>; see also Jon Abbink, *A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016* 228 (2017) (estimating 80-90 people were killed).

¹⁹⁶ HUMAN RIGHTS WATCH, *World Report 2017*, <https://www.hrw.org/world-report/2017/country-chapters/ethiopia>; HUMAN RIGHTS WATCH, “FUEL ON THE FIRE”: SECURITY FORCE RESPONSE TO THE 2016 IRREECHA CULTURAL FESTIVAL 1, 22 (September 2017), <https://www.hrw.org/report/2017/09/19/fuel-fire/security-force-response-2016-irreecha-cultural-festival>; *Ethiopia: Dozens killed as police use excessive force against peaceful protesters*, AMNESTY INTERNATIONAL (August 8, 2016), <https://www.amnesty.org/en/latest/news/2016/08/ethiopia-dozens-killed-as-police-use-excessive-force-against-peaceful-protesters/>.

¹⁹⁷ HUMAN RIGHTS WATCH, “FUEL ON THE FIRE”: SECURITY FORCE RESPONSE TO THE 2016 IRREECHA CULTURAL FESTIVAL 2, 16 - 21 (September 2017), <https://www.hrw.org/report/2017/09/19/fuel-fire/security-force-response-2016-irreecha-cultural-festival>.

¹⁹⁸ AMNESTY INTERNATIONAL, *Ethiopia’s State of Emergency Violates Human Rights*, <https://www.amnesty.org/en/latest/campaigns/2017/03/ethiopia-state-of-emergency-violates-human-rights/>; AMNESTY INTERNATIONAL, *Ethiopia: Draconian State of Emergency* 1-2 (February 10, 2017), <https://www.amnesty.org/en/documents/afr25/5669/2017/en/>; Awok K. Allo, *The Oromo protests have changed Ethiopia*, AL JAZEERA (November 21, 2016), <http://www.aljazeera.com/indepth/opinion/2016/11/oromo-protests-changed-ethiopia-161119140733350.html#>; HUMAN RIGHTS WATCH, “FUEL ON THE FIRE”: SECURITY FORCE RESPONSE TO THE 2016 IRREECHA CULTURAL FESTIVAL 26-27 (September 2017), <https://www.hrw.org/report/2017/09/19/fuel-fire/security-force-response-2016-irreecha-cultural-festival>.

¹⁹⁹ AMNESTY INTERNATIONAL, *Ethiopia: Draconian State of Emergency* 2 (February 10, 2017), <https://www.amnesty.org/en/documents/afr25/5669/2017/en/>; THE SOCIETY FOR THREATENED PEOPLES, Written Statement submitted by the Society for Threatened Peoples (February 13, 2017), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/035/80/PDF/G1703580.pdf?OpenElement>.

²⁰⁰ HUMAN RIGHTS WATCH, “FUEL ON THE FIRE”: SECURITY FORCE RESPONSE TO THE 2016 IRREECHA CULTURAL FESTIVAL, 26-27 (September 2017), <https://www.hrw.org/report/2017/09/19/fuel-fire/security-force-response-2016-irreecha-cultural-festival>; Freedom House, *Freedom in the World 2017 – Ethiopia* (May 3, 2017), <http://www.refworld.org/docid/590c5ca826.html>; HUMAN RIGHTS WATCH, *Ethiopia – Events of 2016* (January 2017), <https://www.hrw.org/world-report/2017/country-chapters/ethiopia>.

²⁰¹ For details about the state of emergency directive and application of its provisions, see HUMAN RIGHTS COUNCIL – HRCO (Ethiopia), *142nd Special Report: Human Rights Violations Committed During the State of Emergency in Ethiopia: Executive Summary* 3-11 (May 28, 2017), <https://ehrc.org/wp-content/uploads/2017/07/HRCO-142nd-Special-Report-English-Executive-summary-2.pdf> (the full report is available in Amharic only <https://ehrc.org/wp-content/uploads/2017/05/የሰብዓዊ-መብቶች-ጉባዔ-142ኛ-ልዩ-መግለጫ-ግንቦት-2009-ዓ.ክ.አ.፳፻፳፱.፱፻፳፱.pdf>).

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

²⁰² Solomon Dibaba, *Ethiopia's Human Rights Commission Report, Pace Setter in Legal Accountability*, ETHIOPIAN NEWS AGENCY (government) (April 29, 2017), <http://www.ena.gov.et/en/index.php/politics/item/3128-ethiopia-s-human-rights-commission-report-pace-setter-in-legal-accountability>; Elisa Meseret, *Ethiopia say 669 killed in months of violent protests*, ASSOCIATED PRESS (April 18, 2017), <https://www.apnews.com/8eb2bf98fd4d4fa19dfe668c5e7ca71c>.

²⁰³ *Id.*; FREEDOM HOUSE, *Freedom in the World 2017 – Ethiopia* (May 3, 2017), <http://www.refworld.org/docid/590c5ca826.html>.

²⁰⁴ ETHIOPIAN HUMAN RIGHTS COMMISSION, *Ethiopian Human Rights Commission Discloses its Investigation Findings*, (April 19, 2017), <http://www.ehrc.org.et/web/guest/-/ethiopian-human-rights-commission-discloses-its-investigation-findings>; see also Solomon Dibaba, *Ethiopia's Human Rights Commission Report, Pace Setter in Legal Accountability*, ETHIOPIAN NEWS AGENCY (government) (April 29, 2017), <http://www.ena.gov.et/en/index.php/politics/item/3128-ethiopia-s-human-rights-commission-report-pace-setter-in-legal-accountability>.

²⁰⁵ E.g. Felix Horn, *Fear of Investigation: What Does Ethiopia's Government Have to Hide?* HUMAN RIGHTS WATCH (April 21, 2017), <https://www.hrw.org/news/2017/04/21/fear-investigation-what-does-ethiopia-s-government-have-hide> (originally published in ADDIS STANDARD); *A report adds to the controversy over Ethiopia's Oromo protests*, THE WORLD WEEKLY (April 20, 2017), <https://www.theworldweekly.com/reader/view/3989/a-report-adds-to-the-controversy-over-ethiopia-s-oromo-protests>.

²⁰⁶ *UN rights officer urges Ethiopia to ensure independent probe of reported violations in Oromia region*, UN NEWS (August 19, 2016), <https://news.un.org/en/story/2016/08/537022-un-rights-office-urges-ethiopia-ensure-independent-probe-reported-violations-.WQguvBPYuUl>; *UN experts urge Ethiopia to halt violent crackdown on Oromia protestors, ensure accountability for abuses*, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (January 21, 2016), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16977&>; see also EUROPEAN PARLIAMENT, *Resolution on the Situation in Ethiopia* (January 21, 2016), 2016/2520(RSP), <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2016-0023&language=EN&ring=B8-2016-0121>; *Ethiopia Rejects UN, EU Calls to Investigate Deadly Protests*, VOA (ASSOCIATED PRESS) (April 19, 2017), <https://www.voanews.com/a/ethiopia-rejects-un-eu-calls-to-investigate-deadly-protests/3817483.html>.

²⁰⁷ *Opening remarks by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at a press conference during his mission to Ethiopia*, UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (May 4, 2017), <http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21582&LangID=E>.

²⁰⁸ HUMAN RIGHTS COUNCIL – HRCO (Ethiopia), *142nd Special Report: Human Rights Violations Committed During the State of Emergency in Ethiopia: Executive Summary 3-11* (May 28, 2017), <https://ehrc.org/wp-content/uploads/2017/07/HRCO-142nd-Special-Report-English-Executive-summary-2.pdf> (documenting 22,507 detentions from October 2016 to March 2017); FREEDOM HOUSE, *Freedom in the World 2017 – Ethiopia* (May 3, 2017), <http://www.refworld.org/docid/590c5ca826.html>. Other sources put the number arrested during the first half of 2016-2017 state of emergency at more than 25,000. E.g. William Davison, *How long can Ethiopia's state of emergency keep the lid on anger?* THE GUARDIAN (February 12, 2017), <https://www.theguardian.com/global-development/2017/feb/12/ethiopia-state-of-emergency-anger-oromo-people>; Elisa Meseret, *Ethiopia say 669 killed*

abuse, torture, inadequate food and medical care, poor sanitation, and overcrowding.²¹⁰ The government released 10,000 prisoners in December 2016, but thousands remained in detention.²¹¹ Despite a decrease in the number of protests after imposition of the state of emergency,²¹² arrests continued into 2017.²¹³ In March 2017, the government extended the state of emergency for an additional four months.²¹⁴

Parliament ended the state of emergency on August 4, 2017.²¹⁵ 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.²¹⁶

3.3.2. 2018

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

in months of violent protests, ASSOCIATED PRESS (April 18, 2017), <https://www.apnews.com/8eb2bf98fd4d4fa19dfe668c5e7ca71c>.

²⁰⁹ HUMAN RIGHTS COUNCIL – HRCO (Ethiopia), *142nd Special Report: Human Rights Violations Committed During the State of Emergency in Ethiopia: Executive Summary* 10 (May 28, 2017), <https://ehrc.org/wp-content/uploads/2017/07/HRCO-142nd-Special-Report-English-Executive-summary-2.pdf>; HUMAN RIGHTS WATCH, *Ethiopia – Events of 2016* (January 2017), <https://www.hrw.org/world-report/2017/country-chapters/ethiopia>.

²¹⁰ HUMAN RIGHTS COUNCIL – HRCO (Ethiopia), *142nd Special Report: Human Rights Violations Committed During the State of Emergency in Ethiopia: Executive Summary* 10 (May 28, 2017), <https://ehrc.org/wp-content/uploads/2017/07/HRCO-142nd-Special-Report-English-Executive-summary-2.pdf>.

²¹¹ FREEDOM HOUSE, *Freedom in the World 2017 – Ethiopia* (May 3, 2017), <http://www.refworld.org/docid/590c5ca826.html>.

²¹² ARMED CONFLICT LOCATION & EVENT DATASET, *County Report: Popular Mobilisation in Ethiopia: An Investigation of Activity from November 2015 to May 2017* (August 1, 2017), http://www.acleddata.com/wp-content/uploads/2017/06/ACLED_Africa_Country-Reports_Ethiopia_June-2017_pdf.pdf (“The number of reported riots and protests dropped from 56 in October 2016 to 7, 4 and 2 in November 2016, December 2016 and January 2017 respectively.”)

²¹³ HUMAN RIGHTS COUNCIL – HRCO (Ethiopia), *142nd Special Report: Human Rights Violations Committed During the State of Emergency in Ethiopia: Executive Summary* 10 (May 28, 2017), <https://ehrc.org/wp-content/uploads/2017/07/HRCO-142nd-Special-Report-English-Executive-summary-2.pdf> (documenting 6,823 detentions from December 22, 2016 to February 3, 2017).

²¹⁴ *Ethiopia extends state of emergency by four months*, REUTERS (March 30, 2017), <https://www.reuters.com/article/us-ethiopia-security/ethiopia-extends-state-of-emergency-by-four-months-idUSKBN1711FD>; Paul Schemm, *Despite outward calm, Ethiopia extends state of emergency*, WASHINGTON POST (March 30, 2017), https://www.washingtonpost.com/world/despite-outward-calm-ethiopia-extends-state-of-emergency/2017/03/30/b5544098-1529-11e7-ada0-1489b735b3a3_story.html?utm_term=.93e6e36cd49d.

²¹⁵ Aaron Maasho, *Ethiopia lifts emergency rule imposed last October after months of unrest*, REUTERS (August 4, 2017), <https://www.reuters.com/article/us-ethiopia-politics/ethiopia-lifts-emergency-rule-imposed-last-october-after-months-of-unrest-idUSKBN1AK0QV>.

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.²¹⁷ Protests continued, and in October 2017, in a widely publicized event, security forces killed ten protestors in the town of Ambo, Oromia.²¹⁸ That month, the Armed Conflict Location and Event Data Project (ACLED) recorded 60 riots and protests in Oromia alone.²¹⁹

On January 2, 2018, the EPRDF's Executive Committee released a statement following weeks of closed-door meetings.²²⁰ 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.²²¹ Observers say the statement revealed tensions within the EPRDF and Hailemariam Desalegn's embattled position as Prime Minister.²²² Acknowledging the value of multi-party democracy but still committed to a top-down developmental state, the EPDRF vowed to improve public participation in "democratic and development activities."²²³

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.²²⁴ Between early January and mid-February,

²¹⁷ See Felix Horne, *State of Emergency Ends in Ethiopia: Government Should Use Reform, Not Force, to Avoid More Protests*, HUMAN RIGHTS WATCH (August 7, 2017), <https://www.hrw.org/news/2017/08/07/state-emergency-ends-ethiopia>; HUMAN RIGHTS WATCH, *World Report 2018 – Ethiopia*, <https://www.hrw.org/world-report/2018/country-chapters/ethiopia>; Mohammed Ademo, *The Many Layers of the Ethiopia Crisis*, AFRICA CENTER FOR STRATEGIC STUDIES (March 20, 2018), <https://africacenter.org/spotlight/many-layers-ethiopia-crisis/>.

²¹⁸ E.g. Tizita Belachew, *10 Dead in Ethiopia After Security Forces Fire on Protestors*, VOA (October 26, 2017), <https://www.voanews.com/a/ten-dead-in-ethiopia-after-security-forces-fire-on-protesters/4088437.html>; Tom Gardner, *'We fear for our lives': how rumours over sugar saw Ethiopian troops kill 10 people*, THE GUARDIAN (November 7, 2017), <https://www.theguardian.com/global-development/2017/nov/07/we-fear-for-our-lives-how-rumours-over-sugar-saw-10-people-killed-in-ethiopia-oromia>; *10 killed as Ethiopia forces clash with protestors in Oromia*, AFRICA NEWS (October 26, 2017), <http://www.africanews.com/2017/10/26/deaths-reported-as-ethiopia-elite-forces-clash-with-protesters-in-oromia/> (citing DEUTSCHE WELLE [Amharic]).

²¹⁹ See ARMED CONFLICT LOCATION & EVENT DATA PROJECT, *Ethiopia – November 2017 Update*, <https://www.crisis.acledata.com/ethiopia-november-2017-update/>.

²²⁰ *EPRDF's Executive Committee statement*, THE ETHIOPIAN HERALD (ETHIOPIAN PRESS AGENCY) (January 2, 2018), <http://www.ethpress.gov.et/herald/index.php/editorial-view-point/item/10478-eprdf-s-executive-committee-statement>.

²²¹ *Id.*

²²² Mohammed Ademo, *Ethiopia's next Prime Minister*, AFRICAN ARGUMENTS (February 21, 2018), <http://africanarguments.org/2018/02/21/ethiopias-next-prime-minister/>; see also *Ethiopia's regime flirts with letting dissidents speak without locking them up*, THE ECONOMIST (January 27, 2018), <https://www.economist.com/middle-east-and-africa/2018/01/27/ethiopias-regime-flirts-with-letting-dissidents-speak-without-locking-them-up>.

²²³ *Id.*

²²⁴ Jina Moore, *Ethiopia Says it Will Close Notorious Prison and Free Some Inmates*, THE NEW YORK TIMES (January 3, 2018), <https://www.nytimes.com/2018/01/03/world/africa/ethiopia-prisoners.html>. International media outlets quoted Hailemariam as saying that all political prisoners would be released and that *Maekelawi* would be closed. E.g. Ruth Maclean, *Ethiopia says it will free all political prisoners*, THE GUARDIAN (January 3, 2018), <https://www.theguardian.com/world/2018/jan/03/ethiopia-says-free-all-political-prisoners>. However, on January 4, 2018, an aide to the Prime Minister claimed that Hailemariam had been misquoted, and a translation of Hailemariam's January 3, 2018 statement appears to support that claim. See *Ethiopia PM 'misquoted' over Prisoners*, BBC (January 4 2018), <http://www.bbc.com/news/world-africa-42570174>; Zecharia Zelalem, *Here is what Ethiopian*

the government released more than 6,000 detainees, including prominent journalists and opposition leaders.²²⁵ The releases generated optimism that Ethiopia might be entering an era of greater civil and political freedom.²²⁶

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.²²⁷ 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.²²⁸ The directive also reauthorized warrantless searches of people and places, warrantless arrest and detention, and detention in unofficial locations decided by the Command Post.²²⁹ On March 2, 2018, Parliament voted to approve the state of emergency.²³⁰

Prime Minister Hailemariam Desalegn said and what he didn't say, OPRIDE (January 5, 2018), <https://www.opride.com/2018/01/05/ethiopian-prime-minister-hailemariam-desalegn-said-didnt-say/>.

²²⁵ 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>.

²²⁶ See Yohannes Y. Gedamu, *Ethiopia just pardoned political prisoners. Could that signal a shift to real democracy?*, THE WASHINGTON POST (February 9, 2018), https://www.washingtonpost.com/news/monkey-cage/wp/2018/02/09/ethiopia-has-released-political-prisoners-is-democracy-on-its-way-heres-what-you-need-to-know/?utm_term=.3353316ea874; Sella Oneko, *Ethiopia releases high profile political prisoners*, DEUTSCHE WELLE (February 14, 2018), <http://www.dw.com/en/ethiopia-releases-high-profile-political-prisoners/a-42590273>; Eydra Peralta, *Ethiopia's Government Faces Its Biggest Political Crisis Since Coming to Power in 1991*, NATIONAL PUBLIC RADIO (NPR), <https://www.npr.org/2018/02/28/589090717/in-ethiopia-bitter-social-conflict-plays-out-on-the-soccer-field> (transcript of interview with Merera Gudina of the Oromo Federalist Congress [OFC] and Kassahun Berhanu, a professor of political science at Addis Ababa University).

²²⁷ *Ethiopia declares state of emergency after PM's resignation*, REUTERS (February 16, 2018), <https://www.reuters.com/article/us-ethiopia-politics/ethiopia-declares-state-of-emergency-after-pms-resignation-idUSKCN1FZ1C4>; *Ethiopia Declares State of Emergency*, ETHIOPIAN NEWS AGENCY (government) (February 17, 2018), <http://www.ena.gov.et/en/index.php/politics/item/4308-ethiopia-declares-state-of-emergency>.

²²⁸ *Command Post issues details of State of Emergency*, FANA (EPRDF-affiliated) (February 21, 2018), <http://www.fanabc.com/english/index.php/news/item/11393-command-post-issues-details-of-state-of-emergency>; *Ethiopia reveals details of 6-month state of emergency*, AL JAZEERA (February 22, 2018), <https://www.aljazeera.com/news/2018/02/ethiopia-reveals-details-6-month-state-emergency-180222082834811.html>; see also *Attorney General announces directive for implementation of State of Emergency*, FANA (EPRDF-affiliated) (March 6, 2018), <http://www.fanabc.com/english/index.php/news/item/11496-attorney-general-announces-directive-for-implementation-of-state-of-emergency> (including an updated list of prohibited activities).

²²⁹ *Command Post issues details of State of Emergency*, FANA (EPRDF-affiliated) (February 21, 2018), <http://www.fanabc.com/english/index.php/news/item/11393-command-post-issues-details-of-state-of-emergency>; *Ethiopia reveals details of 6-month state of emergency*, AL JAZEERA (February 22, 2018), <https://www.aljazeera.com/news/2018/02/ethiopia-reveals-details-6-month-state-emergency-180222082834811.html>.

²³⁰ See HUMAN RIGHTS WATCH, *Ethiopia: New State of Emergency Risks Renewed Abuses* (February 23, 2018), <https://www.hrw.org/news/2018/02/23/ethiopia-new-state-emergency-risks-renewed-abuses>; Jon Abbink, *Ethiopia Plans for New Prime Minister, But Crisis Has Deep Challenges*, INTERNATIONAL PEACE INSTITUTE GLOBAL OBSERVATORY (March

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 Andualem Aragie, and journalists Eskinder Nega and Temeseign 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

26, 2018), <https://theglobalobservatory.org/2018/03/ethiopia-new-prime-minister-crisis-deep-challenges/>; Kelsey Lilley, *Ethiopia's Counterproductive State of Emergency*, ATLANTIC COUNCIL (February 17, 2018), <http://www.atlanticcouncil.org/blogs/africasource/ethiopia-s-counterproductive-state-of-emergency>.

²³¹ Aaron Maasho, *Ethiopia's parliament ratifies emergency rule impose after PM's resignation*, REUTERS (March 2, 2018) <https://uk.reuters.com/article/uk-ethiopia-politics/ethiopias-parliament-ratifies-emergency-rule-imposed-after-pms-resignation-idUKKCN1GE1XW>; Paul Schemm, *Under a new state of emergency, Ethiopia is on the brink of crisis, again* (March 3, 2018), https://www.washingtonpost.com/world/africa/under-a-new-state-of-emergency-ethiopia-is-on-the-brink-of-crisis-again/2018/03/03/5a887156-1d8f-11e8-98f5-ceecfa8741b6_story.html?utm_term=.471de9f5b125.

²³² U.S. EMBASSY IN ADDIS ABABA, *U.S. Embassy Statement on the Ethiopian Government's Declared State of Emergency* (February 17, 2018), <https://et.usembassy.gov/u-s-embassy-statement-ethiopian-governments-declared-state-emergency/>. On April 10, 2018, the U.S. House of Representatives passed a non-binding resolution criticizing Ethiopia's human rights record and calling for an independent investigation of human rights abuses in the country. U.S. HOUSE OF REPRESENTATIVES, H. Res 128 (April 10, 2018), <https://www.govtrack.us/congress/bills/115/hres128/text>; see also Felix Horne, *U.S. House Resolution on Ethiopia Passes*, HUMAN RIGHTS WATCH (April 10, 2018), <https://www.hrw.org/news/2018/04/10/us-house-resolution-ethiopia-passes>.

²³³ Liyat Fekade, *News: Many detained by the army as crackdown intensifies in various cities across Ethiopia, among them recently released politicians and journalists*, ADDIS STANDARD (March 26, 2018), <https://addisstandard.com/news-many-detained-by-the-army-as-crackdown-intensifies-in-various-cities-across-ethiopia-among-them-recently-released-politicians-and-journalists/>; ASSOCIATION FOR HUMAN RIGHTS IN ETHIOPIA, *Ethiopia arrests 11 journalists, bloggers and activists* (March 26, 2018), <https://ahrethio.org/2018/03/26/ethiopia-arrests-11-journalist-bloggers-and-activists/> (includes a list of arrestees). There was considerable debate about whether the new state of emergency received the necessary number of votes. 88 parliamentarians, mostly from the OPDO, voted against. See *Video: Did Ethiopian parliament rig the state of emergency vote?*, ADDIS STANDARD (March 3, 2018), <http://addisstandard.com/video-did-ethiopian-parliament-rig-the-state-of-emergency-vote/>; Yohannes Anberbir, *Record nays*, THE REPORTER (Ethiopia) (March 3, 2018), <https://www.thereporterethiopia.com/article/record-nays>.

²³⁴ Daniel Mumbere, *Ethiopia rearrests opposition leaders, journalists during 'prisoner release' celebrations*, AFRICA NEWS (March 26, 2018), <http://www.africanews.com/2018/03/26/ethiopia-rearrests-opposition-leaders-and-journalists-during-prisoner-release/>.

²³⁵ *Ethiopia: More than 1,100 detained under state of emergency*, Al Jazeera (March 31, 2018), <https://www.aljazeera.com/news/2018/03/ethiopia-1100-detained-state-emergency-180331172753820.html>; Abdur Rahman Alfa Shaban, *Ethiopia's Feb. 16 state of emergency: Over 1,100 people detained*, AFRICA NEWS (April 1, 2018), <http://www.africanews.com/2018/04/01/ethiopia-s-feb-16-state-of-emergency-over-1100-people-detained/>.

On April 2, 2018, OPDO Chairman Abiy Ahmed was sworn in as the new Prime Minister, pledging democratic reforms.²³⁶ On April 6, 2018, the government made good on its January promise to close Maekelawi detention center.²³⁷ Many prisoners were transferred to other facilities, where some were subsequently released.²³⁸ In April and May 2018, the government released journalist Eskinder Nega, Oromo Federalist Congress Chairperson Bekele Gerba, and other prisoners.²³⁹ 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);²⁴⁰ and by reshuffling the board of directors of MeTEC, a military industrial corporation involved in critical development projects.²⁴¹ 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.²⁴²

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.²⁴³ 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, 2018), <http://www.gcao.gov.et/web/en/-/ethiopia-closes-maekelawi-investigation-center>.

²³⁸ *Id.*; Abdur Rahman Alfa Shaban, *Ethiopia frees blogger and Oromia official detained under martial law*, AFRICA NEWS (April 16, 2018), <http://www.africanews.com/2018/04/16/ethiopia-frees-blogger-and-oromia-region-official-detained-under-martial-law/>; AMNESTY INTERNATIONAL, *Ethiopia: Further Information: Two Government Critics Released: Seyoum Teshome and Taye Dendea*, <https://www.amnesty.org/en/documents/afr25/8233/2018/en/>.

²³⁹ Daniel Scharf, *Ethiopian Journalist Undeterred by Threats to Press Freedom* VOA (May 2, 2018), <https://www.voanews.com/a/activists-say-press-freedom-declining-further-in-east-africa/4373900.html>; COMMITTEE TO PROTECT JOURNALISTS, *CPJ 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), <https://www.reuters.com/article/us-ethiopia-military/ethiopias-prime-minister-replaces-security-chiefs-as-part-of-reforms-idUSKCN1J40PU>; Eric Oteng, *Ethiopian PM replaces army chief in major shakeup*, AFRICA NEWS (June 7, 2018), <http://www.africanews.com/2018/06/07/ethiopian-pm-replaces-army-chief-in-major-shakeup/>.

²⁴¹ Nizar Manek, *Ethiopia Shakes Up Board at Military-Affiliated Corporation* (June 1, 2018), <https://www.bloomberg.com/news/articles/2018-06-01/ethiopia-shakes-up-board-at-military-affiliated-corporation>; Prime Minister Abiy Reshuffles MeTEC Board, ADDIS FORTUNE (May 24, 2018), <https://addisfortune.net/breaking-news/prime-minister-abiy-reshuffles-metec-board/>.

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

minister-shows-knack-balancing-reform-and-continuity; Hilary Matfess, *Fixing Ethiopia Requires More Than a New Prime Minister*, LAWFARE (April 22, 2018), <https://lawfareblog.com/fixing-ethiopia-requires-more-new-prime-minister>; Salem Solomon, *Unrest: Ethiopia at a Crossroads*, VOA (April 25, 2018), <https://projects.voanews.com/ethiopia-unrest/>; Paul Schemm, *After years of unrest, Ethiopians are riding an unlikely wave of hope. Will it last?* THE WASHINGTON POST (May 6, 2018), <https://www.washingtonpost.com/world/africa/after-years-of-unrest-ethiopians-are-riding-an-unlikely-wave-of-hope-will-it-last/2018/05/04/>.

²⁴⁴ Salem Solomon and Tsion Girma, *Ethiopia Closes Infamous Prison, But Activists Await Deeper Reforms* (April 8, 2018), <https://www.voanews.com/a/ethiopia-closes-prison-activists-await-deeper-reforms/4337475.html>;

²⁴⁵ E.g. AMNESTY INTERNATIONAL, *Ethiopia: Government must protect victims of escalating ethnic attacks* (June 8, 2018), <https://www.amnesty.org/en/latest/news/2018/06/ethiopia-government-must-protect-victims-of-escalating-ethnic-attacks/>; Hewan Alemayehu and Brook Abegaz, *Commentary: Increasing Accounts of Displacement, Violence Against Ethnic Amharas and Why Solving it Should Be a Priority*, ADDIS STANDARD (June 4, 2018), <https://addisstandard.com/commentary-increasing-accounts-displacement-violence-ethnic-amharas-solving-priority/>; Sora Halake, *Ethiopian Conflict Disrupts School for Tens of Thousands*, VOA (June 25, 2018), <https://www.voanews.com/a/ethiopian-conflict-disrupts-school-for-tens-of-thousands/4454023.html>;

²⁴⁶ Asnake Kefale, *The (un)making of opposition coalitions and the challenge of democratization in Ethiopia, 1991-2011*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 88 (2013), Jon Abbink and Tobias Hagmann eds.

²⁴⁷ Elliot Green, *Decentralization and political opposition in contemporary Africa: evidence from Sudan and Ethiopia*, DEMOCRATIZATION Vol. 18(5) 1097-1098 (October 2011), <https://www.tandfonline.com/doi/abs/10.1080/13510347.2011.603476>.

²⁴⁸ AMNESTY INTERNATIONAL, *Ethiopia: the 15 May 2005 Elections and Human Rights – Recommendations to the Government, Election Observers and Political Parties* (May 2, 2005),

organized than other opposition parties and benefitted from diaspora financial support.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.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.²⁵¹

The CUD accused the government of fraud in the 2005 elections and refused to accept the results.²⁵² Consequently, the government targeted CUD members in the wake of the elections.²⁵³ On June 12, 2005, government militia shot and killed CUD MP, Tesfaye Adane Jara.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.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.²⁵⁶ In July 2007, the government released CUD leaders.²⁵⁷

<https://www.amnesty.be/IMG/pdf/engafr250022005.pdf>; Elias Kifle, *The Coalition for Unity and Democracy became a Unity Party*, ETHIOPIAN REVIEW (September 24, 2005), <http://www.ethiopianreview.com/index/651>.

²⁴⁹ 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

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.

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), <https://www.amnesty.be/IMG/pdf/engafr250022005.pdf>.

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, (June 2008), <http://www.sudantribune.com/spip.php?article27594>.

²⁵³ See LAHRA SMITH, Voting in Fear: Electoral Violence in Sub-Saharan Africa 189 (2012), Dorina A. Bekoe ed.; CHRISTOPHER CLAPHAM, THE HORN OF AFRICA: STATE FORMATION AND DECAY 90-91 (2017).

²⁵⁴ Jon Abbink, A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016 37 (2017).

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-struggle_b_595838.html; Jon Abbink, A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016 40 (2017).

²⁵⁶ Jon Abbink, A DECADE OF ETHIOPIA: POLITICS, ECONOMY AND SOCIETY 2004-2016 40 (2017).

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* (November 2009), <https://www.amnesty.org/download/Documents/44000/afr250112009en.pdf>.

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.²⁵⁸ 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 2011.²⁵⁹ The government has arrested and detained journalists and political opponents and charged them with terrorism for alleged affiliation with Ginbot 7.²⁶⁰ The government has also reportedly engaged in collective reprisals, detaining people because of familial ties to members or suspected members of Ginbot 7.²⁶¹ In January 2018, the government sentenced more than 30 people to prison for alleged affiliation with Ginbot 7.²⁶²

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 2009.²⁶³ Both men were convicted in absentia; Tsige was arrested in Yemen in 2014 and extradited to Ethiopia, where he was imprisoned awaiting execution.²⁶⁴ The government released Tsige on May 28, 2018.²⁶⁵ In June 2018, Ginbot 7 announced it would suspend armed resistance.²⁶⁶

²⁵⁸ AMNESTY INTERNATIONAL, *Dismantling Dissent: Intensified Crackdown on Free Speech in Ethiopia* (19 December 2011), <https://www.amnestyusa.org/files/afr250112011en.pdf>; Joshua Hammer, *Once a Bucknell Professor, Now the Commander of an Ethiopian Rebel Army*, THE NEW YORK TIMES MAGAZINE (August 31, 2016), <https://www.nytimes.com/2016/09/04/magazine/once-a-bucknell-professor-now-the-commander-of-an-ethiopian-rebel-army.html>. For more on the origins of Ginbot 7 and the treatment of its members, see LANDINFO COUNTRY OF ORIGINAL INFORMATION CENTRE (Norway), *Topical Note: Ethiopia: The Ginbot 7 party* (August 20, 2012), https://landinfo.no/asset/2192/1/2192_1.pdf.

²⁵⁹ HUMAN RIGHTS WATCH, *World Report 2012: Ethiopia* (2013), <https://www.hrw.org/world-report/2012/country-chapters/ethiopia>.

²⁶⁰ FREEDOM HOUSE, *FREEDOM IN THE WORLD: ETHIOPIA - 2012*, <https://freedomhouse.org/report/freedom-world/2012/ethiopia>.

²⁶¹ Barry Malone, *Family of Ethiopia "Plotters" Arrested Too: Amnesty*, REUTERS (May 6, 2009), <http://af.reuters.com/article/topNews/idAFJ0E54509Y20090506?sp=true>.

²⁶² Emmanuel Iguzza, *Ethiopia court jails members of outlawed group Ginbot 7*, BBC (January 12, 2018), <http://www.bbc.com/news/world-africa-42661440>.

²⁶³ Mahlet Fasil, *News: Ethiopia frees Andargachew Tsige, drops charges against Berhanu Nega, Jawar Mohammed and two media orgs* (May 28, 2018), <http://addisstandard.com/news-ethiopia-frees-andargachew-tsige-drops-charges-against-berhanu-nega-jawar-mohammed-and-two-media-orgs/>.

²⁶⁴ *Andargachew Tsige pardoned by Ethiopia*, AL JAZEERA (May 26, 2018), <https://www.aljazeera.com/news/2018/05/andargachew-tsige-pardoned-ethiopia-180526163642586.html>;

²⁶⁵ Mahlet Fasil, *News: Ethiopia frees Andargachew Tsige, drops charges against Berhanu Nega, Jawar Mohammed and two media orgs* (May 28, 2018), <http://addisstandard.com/news-ethiopia-frees-andargachew-tsige-drops-charges-against-berhanu-nega-jawar-mohammed-and-two-media-orgs/>.

²⁶⁶ *Ethiopia's Ginbot 7 opposition movement suspends armed resistance*, BBC (June 22, 2018), <https://www.bbc.com/news/world-africa-44580761>.

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 (SEPDU), and the Coalition of Somali Democratic Forces.²⁶⁷ The Unity for Democracy and Justice Party (UDJ or Andinet) and the Ethiopian Democratic Unity Movement (EDUM) joined later.²⁶⁸ Medrek participated in the 2010 regional and national elections, and was one of two main opposition parties in the 2015 elections.²⁶⁹

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.²⁷⁰ 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.²⁷¹

3.4.4. Unity for Democracy and Justice (UDJ)

The Unity for Democracy and Justice (UDJ) party, also known as Andinet²⁷²—Amharic for “unity”—was formed in 2008.²⁷³ Birtukan Mideksa, former vice-chair of the CUD, was UDJ's first president.²⁷⁴ UDJ was

²⁶⁷ UNITED KINGDOM: HOME OFFICE, COUNTRY INFORMATION AND POLICY NOTE – ETHIOPIA: OPPOSITION TO THE GOVERNMENT (October 2017), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/575514/CPIN_ETH_POL_OPP_v1.pdf; Yonas Abiye, *Government, Opposition Wrangle over Killings of Opposition Members*, THE REPORTER (2016), <http://archiveenglish.thereporterethiopia.com/content/government-opposition-wrangle-over-killings-opposition-members/>.

²⁶⁸ Asnake Kefale, *The (un)making of opposition coalitions and the challenge of democratization in Ethiopia, 1991-2011*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 95-96 (2013), Jon Abbink and Tobias Hagmann eds.

²⁶⁹ William Davison, *Ethiopia prepares for elections with ruling party expecting landslide victory*, THE GUARDIAN (May 22, 2015), <https://www.theguardian.com/world/2015/may/22/ethiopia-2015-election-eprdf-medrek>; Hadra Ahmed, *Ethiopia Votes in Regional, Federal Elections*, YAHOO INDIA NEWS (May 24, 2015), <https://in.news.yahoo.com/ethiopia-votes-regional-federal-elections-091004705.html>.

²⁷⁰ Yonas Abiye, *Government, Opposition Wrangle over Killings of Opposition Members*, THE REPORTER (2016), <http://archiveenglish.thereporterethiopia.com/content/government-opposition-wrangle-over-killings-opposition-members/>.

²⁷¹ *Id.*

²⁷² Andinet is also spelled Andnet and Andenet. IMMIGRATION AND REFUGEE BOARD OF CANADA, *Responses to Information Requests*, <http://irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454100>.

²⁷³ *Id.*; See Daniel Berhane, *Negaso confirms Bertukan Mideksa resignation & abstention from 'Political activities'*, HORN AFFAIRS (June 28, 2016), <http://hornaffairs.com/2011/03/31/negaso-confirms-bertukan-mideksa-resignation-from-udjp-abstention-political-activities/>.

²⁷⁴ AMNESTY INTERNATIONAL, *Ethiopia: Government Must Reveal Fate of Political Prisoners* (May 5, 2009), <https://www.amnesty.org/en/press-releases/2009/05/ethiopia-government-must-reveal-fate-political-prisoners-20090505/>.

part of Medrek,²⁷⁵ 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.²⁷⁶ Prior to the 2015 election, UDJ leaders Habtamu Ayalew and Daniel Shebeshi, were arrested.²⁷⁷ Ayalew has publically disclosed that he was tortured in Maekelawi prison.²⁷⁸ UDJ members have also reported dismissal without cause and other forms of employment discrimination because of their affiliation with the party.²⁷⁹

3.4.5. Blue Party (Semayawi)

The Blue Party formed in 2012 and soon established itself as a major Ethiopian opposition party.²⁸⁰ In June 2013, the party organized a rally in Addis Ababa joined by more than 10,000 people.²⁸¹ It was the first large-scale protest since the 2005 election,²⁸² and led some International media sources to speculate that space for political freedom might be re-opening in Ethiopia.²⁸³

However, in August 2013, the Blue Party reported that security forces raided its headquarters while members were preparing posters and flags for a rally.²⁸⁴ Blue Party members were reportedly beaten and

²⁷⁵ Asnake Kefale, *The (un)making of opposition coalitions and the challenge of democratization in Ethiopia, 1991-2011*, RECONFIGURING ETHIOPIA: THE POLITICS OF AUTHORITARIAN REFORM 95-96 (2013), Jon Abbink and Tobias Hagmann eds.; IMMIGRATION AND REFUGEE BOARD OF CANADA, *Ethiopia: The Unity for Democracy and Justice Party (UDJ); its formation, leadership, structure, mandate, membership, issuance of membership cards; treatment by authorities; branches outside of Ethiopia; membership requirements at Toronto and Atlanta branches (2008-2012)* (July 23, 2012), <http://www.refworld.org/docid/50ead0a92.html>.

²⁷⁶ AMNESTY INTERNATIONAL, PUBLIC STATEMENT: ETHIOPIA: END STIFLING OF PEACEFUL PROTESTS (September 5, 2013), <https://www.amnesty.org/download/Documents/8000/afr250032013en.pdf>.

²⁷⁷ AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2014/15 – ETHIOPIA (February 25, 2015), <http://www.refworld.org/docid/54f07df3c.html>.

²⁷⁸ *Habtamu Ayalew reveals horrifying experience at Maekelawi*, BORKENA.COM (March 22, 2017), <https://www.borkena.com/2017/03/22/habtamu-ayalew-maekelawi-ethiopia/>.

²⁷⁹ *Id.*

²⁸⁰ *Opposition Party Holds Rare Anti-Government Protest in Ethiopia*, IHS GLOBAL INSIGHT DAILY ANALYSIS, June 4, 2013; Hadra Ahmed, *Ethiopia Votes in Regional, Federal Elections*, YAHOO INDIA NEWS, May 24, 2015, <https://in.news.yahoo.com/ethiopia-votes-regional-federal-elections-091004705.html>.

²⁸¹ *Id.*

²⁸² Aaron Maasho, *Thousands March for Rights in Rare Ethiopia Protest*, REUTERS (June 2, 2013), <http://www.reuters.com/article/us-ethiopia-politics-protest/thousands-march-for-rights-in-rare-ethiopia-protest-idUSBRE9510AN20130602>.

²⁸³ Peter Heinlein, *Opposition Protest Could Mark Change in Ethiopian Policy*, VOA NEWS (June 3, 2013), <https://www.voanews.com/a/does-opposition-protest-mark-change-in-policy-for-ethiopia/1674427.html>.

²⁸⁴ *Ethiopian security forces reportedly raid opposition party HQ*, BBC MONITORING AFRICA (September 2, 2013); HUMAN RIGHTS WATCH, *World Report 2014: Ethiopia*, <https://www.hrw.org/world-report/2014/country-chapters/ethiopia>.

tortured during the raid.²⁸⁵ In October 2013, security forces arrested 12 members as they left Blue Party headquarters.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.²⁸⁷ In December 2015, the government charged Yonatan Tesfaye, a spokesperson for the Blue Party, under the ATP for comments he posted on Facebook.²⁸⁸ Additionally, the Blue Party reported that 15 members were detained between October 2016 and February 2017.²⁸⁹ In May 2017, Tesfaye was convicted on terrorism charges;²⁹⁰ on March 5, 2018 he was released.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,²⁹² and

²⁸⁵ Marthe van der Wolf, *New Ethiopian Party Hopes to Stage Anti-government Rally*, VOA (September 2, 2013), <https://www.voanews.com/a/new-ethiopian-blue-party-tries-again-to-demonstrate/1741733.html>; William Davison, *In repressive Ethiopia, new 'Blue Party' struggles to offer a choice*, THE CHRISTIAN SCIENCE MONITOR (November 21, 2013), <https://www.csmonitor.com/World/Africa/2013/1121/In-repressive-Ethiopia-new-Blue-Party-struggles-to-offer-a-choice>.

²⁸⁶ *Twelve Ethiopian opposition party leaders said arrested*, BBC MONITORING NEWSFILE (October 13, 2013).

²⁸⁷ AMNESTY INTERNATIONAL, *Amnesty International Report 2014/15 – ETHIOPIA* (February 24, 2015), <http://www.refworld.org/docid/54f07df3c.html>; Jacey Fortin, *Ethiopia's Ruling Party Is Expected to Keep Grip on Power*, NEW YORK TIMES (May 23, 2015), <https://www.nytimes.com/2015/05/24/world/africa/ethiopias-ruling-party-is-expected-to-remain-in-power.html>; FREEDOM HOUSE, *Freedom in the World 2016: Ethiopia*, <https://freedomhouse.org/report/freedom-world/2016/ethiopia>; HUMAN RIGHTS WATCH, *Addressing the Pervasive Human Rights Crisis in Ethiopia - Letter to the UN Human Rights Council* (June 2, 2017), <https://www.hrw.org/news/2017/06/02/addressing-pervasive-human-rights-crisis-ethiopia>.

²⁸⁸ *Ethiopian Politician Convicted on Terror Charges Over Facebook Posts*, SUDAN TRIBUNE (May 17, 2017), <http://www.sudantribune.com/spip.php?article62482>; AMNESTY INTERNATIONAL, *25 Years of Human Rights Violations 2016* (2016), <https://www.amnesty.org/en/documents/afr25/4178/2016/en/>.

²⁸⁹ HUMAN RIGHTS COUNCIL – HRCO (Ethiopia), *142nd Special Report: Human Rights Violations Committed During the State of Emergency in Ethiopia: Executive Summary* 10 (May 28, 2017), <https://ehrc.org/wp-content/uploads/2017/07/HRCO-142nd-Special-Report-English-Executive-summary-2.pdf>.

²⁹⁰ *Ethiopian politician Yonatan Tesfaye guilty of terror charge*, BBC (May 16, 2017), <http://www.bbc.com/news/world-africa-39933874>.

²⁹¹ Abdur Rahman Alfa Shaban, *Ethiopia frees politician jailed over 2015 Facebook posts*, AFRICA NEWS (March 5, 2018), <http://www.africanews.com/2018/03/05/ethiopia-frees-politician-jailed-over-2015-facebook-posts/>.

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, *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.²⁹³ Broadcasts from select international media outlets are permitted but periodically blocked.²⁹⁴

The government has accused independent journalists of being under-qualified and irresponsible,²⁹⁵ and enacted laws that limit the growth of independent media, restrict access to information, expand censorship, and create stiff penalties for defamation.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.²⁹⁷ Reporters without Borders' 2017 World Press Freedom Index ranks Ethiopia 150 out of 180 countries.²⁹⁸

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

²⁹³ U.S. DEPARTMENT OF STATE, HUMAN RIGHTS' PRACTICES 2016: ETHIOPIA 15 (March 3, 2017), <https://www.state.gov/documents/organization/160121.pdf>.

²⁹⁴ PEN INTERNATIONAL, THE COMMITTEE TO PROTECT JOURNALISTS & FREEDOM NOW, *Joint contribution on Ethiopia to the 19th session of the Working Group of the Universal Periodic Review* ¶ 15 (September 2013), http://www.pen-international.org/wp-content/uploads/2013/05/Ethiopia_UPR_PEN_CPJ_FN_Final2.pdf; HUMAN RIGHTS WATCH, ONE HUNDRED WAYS OF PUTTING PRESSURE - VIOLATIONS OF FREEDOM OF EXPRESSION AND ASSOCIATION IN ETHIOPIA 52 (March 2010), <https://www.hrw.org/sites/default/files/reports/ethiopia0310webwcover.pdf>. Several foreign-based satellite channels aimed at Ethiopia have begun broadcasting in recent years; however, their content has generally been "light entertainment." *New television channels in Ethiopia may threaten state control*, THE ECONOMIST (December 9, 2016), <https://www.economist.com/news/middle-east-and-africa/21711274-news-programmes-are-likely-follow-soaps-and-game-shows-new-television-channels>.

²⁹⁵ E.g. Zenebe Beyene, *Media Use and Abuse in Ethiopia*, THE HANDBOOK OF GLOBAL COMMUNICATION AND MEDIA ETHICS Vol. II 713-714 (2011), Robert S. Fortner and P. Mark Fackler eds. (quoting former Minister of Information Berhan Hailu).

²⁹⁶ PEN INTERNATIONAL, et al., *Joint contribution on Ethiopia to the 19th session of the Working Group of the Universal Periodic Review* ¶ 9 (September 2013), http://www.pen-international.org/wp-content/uploads/2013/05/Ethiopia_UPR_PEN_CPJ_FN_Final2.pdf; HUMAN RIGHTS WATCH, JOURNALISM IS NOT A CRIME: VIOLATIONS OF MEDIA FREEDOMS IN ETHIOPIA 58-61 (January 21, 2015), https://www.hrw.org/sites/default/files/reports/ethiopia0115_ForUploadR.pdf; The Criminal Code of the Federal Democratic Republic of Ethiopia, Proc. No. 414/2004, Art. 244: <http://www.refworld.org/docid/49216b572.html> (Article 613 criminalizes defamation; Article 244 criminalizes defamation directed against the State).

²⁹⁷ INTERNATIONAL PRESS INSTITUTE et al., *Press Freedom in Ethiopia* 9-10 (January 2014), <https://ipi.media/press-freedom-in-ethiopia/>; PEN INTERNATIONAL, et al., *Joint contribution on Ethiopia to the 19th session of the Working Group of the Universal Periodic Review* ¶ 9 (September 2013), http://www.pen-international.org/wp-content/uploads/2013/05/Ethiopia_UPR_PEN_CPJ_FN_Final2.pdf; HUMAN RIGHTS WATCH, JOURNALISM IS NOT A CRIME: VIOLATIONS OF MEDIA FREEDOMS IN ETHIOPIA 11-12 (January 21, 2015), https://www.hrw.org/sites/default/files/reports/ethiopia0115_ForUploadR.pdf.

²⁹⁸ REPORTERS WITHOUT BORDERS, *2017 World Press Freedom Index*, <https://rsf.org/en/ranking>.

²⁹⁹ See U.S. DEPARTMENT OF STATE, HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 17 (March 3, 2017), <https://www.state.gov/documents/organization/160121.pdf>; PEN INTERNATIONAL, et al., *Joint contribution on Ethiopia to the 19th session of the Working Group of the Universal Periodic Review* ¶ 15 (September 2013), http://www.pen-international.org/wp-content/uploads/2013/05/Ethiopia_UPR_PEN_CPJ_FN_Final2.pdf.

³⁰⁰ Simegnish Mengesha, *Crawling to Death of Expression: Restricted Online Media in Ethiopia*, 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,³⁰¹ 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.³⁰² 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.³⁰³ Security officials and police have reportedly confronted journalists on the street, or summoned them to Maekelawi prison or to the GCAO for interrogation.³⁰⁴ Foreign journalists have also been targeted.³⁰⁵ Many Ethiopian journalists have gone into exile.³⁰⁶

[online-media-ethiopia/](#); HUMAN RIGHTS WATCH, JOURNALISM IS NOT A CRIME: VIOLATIONS OF MEDIA FREEDOMS IN ETHIOPIA (January 21, 2015), https://www.hrw.org/sites/default/files/reports/ethiopia0115_ForUploadR.pdf.

³⁰¹ E.g. AMNESTY INTERNATIONAL, ETHIOPIA: 25 YEARS OF HUMAN RIGHTS VIOLATIONS 3 (June 2, 2016), <https://www.amnesty.org/en/documents/afr25/4178/2016/en/>; HUMAN RIGHTS WATCH, *US: Stand Up for Ethiopians as Government Stifles Protests, Jails Journalists, Human Rights Watch Statement on Ethiopia to US Congress* (March 9, 2017), <https://www.hrw.org/news/2017/03/09/us-stand-ethiopians-government-stifles-protests-jails-journalists>; see also Q&A: *Ethiopian journalists languish in prison*, AL JAZEERA (March 2, 2014), <http://www.aljazeera.com/indepth/features/2014/03/ethiopian-journalists-languish-prison-20143267289794.html> (interview with Nani Jansen).

³⁰² HUMAN RIGHTS WATCH, JOURNALISM IS NOT A CRIME: VIOLATIONS OF MEDIA FREEDOMS IN ETHIOPIA 19 (January 21, 2015), https://www.hrw.org/sites/default/files/reports/ethiopia0115_ForUploadR.pdf; see also Solomon Goshu, *The Need for Establishing Freedom of Expression*, ETHIOPIAN REPORTER (June 10, 2017), <http://thereporterethiopia.com/content/need-establishing-freedom-expression>.

³⁰³ HUMAN RIGHTS WATCH, JOURNALISM IS NOT A CRIME: VIOLATIONS OF MEDIA FREEDOMS IN ETHIOPIA 16-18 (January 21, 2015), : https://www.hrw.org/sites/default/files/reports/ethiopia0115_ForUploadR.pdf (discussing attacks, arbitrary detentions, and harassment of journalists); see U.S. DEPARTMENT OF STATE, HUMAN RIGHTS PRACTICES 2016, ETHIOPIA 28-29 (March 3, 2017), <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265254.htm>.

³⁰⁴ REPORTERS WITHOUT BORDERS, *Ethiopian government's witchhunt against privately-owned media* (originally published November 7, 2014; updated on January 20, 2016), <https://rsf.org/en/news/ethiopian-governments-witchhunt-against-privately-owned-media>; HUMAN RIGHTS WATCH, JOURNALISM IS NOT A CRIME: VIOLATIONS OF MEDIA FREEDOMS IN ETHIOPIA 14 (January 21, 2015), https://www.hrw.org/sites/default/files/reports/ethiopia0115_ForUploadR.pdf (reporting that Maekelawi is the Federal Police Crime Investigation Sector in Addis Ababa. It is where many journalists and political prisoners are first detained and interrogated. Human Rights Watch has documented various methods of torture and ill-treatment against those detained in Maekelawi). HUMAN RIGHTS WATCH, "THEY WANT A CONFESSION" TORTURE AND ILL-TREATMENT IN ETHIOPIA'S MAEKELAWI POLICE STATION (October 17, 2013), <https://www.hrw.org/report/2013/10/17/they-want-confession/torture-and-ill-treatment-ethiopia-maekelawi-police-station>.

³⁰⁵ FREEDOM HOUSE, *Freedom in the World 2017, Ethiopia, Civil Liberties* (2017), <https://freedomhouse.org/report/freedom-world/2017/ethiopia>; Amy Goodman, *438 Days Imprisoned in Ethiopia: Journalist Recounts Facing Arrest, Mock Execution & Terror Charges* (July 28, 2015), https://www.democracynow.org/2015/7/28/438_days_imprisoned_in_ethiopia_journalist (interview with journalist Martin Schibbye).

³⁰⁶ Nicole Schilit, *Mission Journal: Ethiopian journalists must choose between being locked up or locked out*, COMMITTEE TO PROTECT JOURNALISTS (December 29, 2014), <https://cpj.org/blog/2014/12/mission-journal-in-ethiopia-journalists-must-choose.php>; COMMITTEE TO PROTECT JOURNALISTS, *2016 prison census, Ethiopia* (December 1, 2016), <https://cpj.org/imprisoned/2016.php>; INTERNATIONAL FEDERATION OF JOURNALISTS, *Ethiopia Should Free Journalists from*

Moreover, since 2011, the government has used the ATP to arrest, prosecute, and detain at least 38 journalists.³⁰⁷ Indeed, five of the first nine known cases brought under the ATP were against journalists.³⁰⁸ In 2014, the government charged bloggers from the Zone 9 blogging collective under the ATP after detaining them for 80 days without charge.³⁰⁹ In May 2016, the Federal High Court sentenced another blogger to more than five years in prison under the ATP.³¹⁰

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.³¹¹ 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.³¹²

Jail and Exile (October 17, 2014), <http://www.ifj.org/nc/news-single-view/category/workshop-1/article/ethiopia-should-free-journalists-from-jail-and-exile/>.

³⁰⁷ HUMAN RIGHTS WATCH, *JOURNALISM IS NOT A CRIME: VIOLATIONS OF MEDIA FREEDOMS IN ETHIOPIA* 20 (January 21, 2015), https://www.hrw.org/sites/default/files/reports/ethiopia0115_ForUploadR.pdf; see also PEN INTERNATIONAL et al., *JOINT CONTRIBUTION ON ETHIOPIA TO THE 19TH SESSION OF THE WORKING GROUP OF THE UNIVERSAL PERIODIC REVIEW 6* (September 2013), http://www.pen-international.org/wp-content/uploads/2013/05/Ethiopia_UPR_PEN_CPJ_FN_Final2.pdf; AMNESTY INTERNATIONAL, *25 YEARS OF HUMAN RIGHTS VIOLATIONS* 3 (June 2, 2016), <https://www.amnesty.org/en/documents/afr25/4178/2016/en/>; VOA NEWS, *Ethiopian Journalists Flee as Others Tried for Terror* (November 14, 2011), <https://www.voanews.com/a/ethiopian-journalists-flee-as-others-tried-for-terror-133901958/159176.html>.

³⁰⁸ AMNESTY INTERNATIONAL, *Dismantling Dissent: Intensified Crackdown on Free Speech in Ethiopia* 12 (December 19, 2011), <https://www.amnestyusa.org/files/afr250112011en.pdf>; 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>.

³⁰⁹ HUMAN RIGHTS WATCH, *JOURNALISM IS NOT A CRIME: VIOLATIONS OF MEDIA FREEDOMS IN ETHIOPIA* 3 (January 21, 2015), https://www.hrw.org/sites/default/files/reports/ethiopia0115_ForUploadR.pdf; *Ethiopia Zone 9 bloggers charged with terrorism*, BBC (July 18, 2014), <http://www.bbc.com/news/world-africa-28366841>; *Ethiopia Zone 9 bloggers charged with terrorism*, ADDIS NEWS (July 19, 2014), <http://addisnews.net/ethiopia-zone-9-bloggers-charged-with-terrorism/24147>; William Davison, *Arrests headline Ethiopia press freedom fears*, AL JAZEERA (May 1, 2014), <http://www.aljazeera.com/indepth/features/2014/04/arrests-headline-ethiopia-press-freedom-fears-201443012294640663.html>.

³¹⁰ Tedla D. Tekle, *Ethiopian Blogger and Activist Sentenced to Five Years and Four Months*, *GLOBAL VOICES* (May 15, 2016), <https://globalvoices.org/2016/05/15/ethiopian-blogger-and-activist-sentenced-to-five-years-and-four-months/>; PEN INTERNATIONAL, *Ethiopia: Overturn blogger’s prison sentence* (June 26, 2016), <http://www.pen-international.org/newsitems/ethiopia-overturn-bloggers-prison-sentence/>.

³¹¹ AUSTRALIA DEPARTMENT OF FOREIGN AFFAIRS AND TRADE [DFAT], *COUNTRY INFORMATION REPORT – ETHIOPIA* § 3.31, at 16 (September 28, 2017), <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>; U.S. DEPARTMENT OF STATE, *COUNTRY REPORTS ON TERRORISM 2016* (July 2017), <https://www.state.gov/documents/organization/272488.pdf> (section on Ethiopia).

³¹² FREEDOM HOUSE, *Freedom of the Press 2017, Ethiopia, Legal Environment* (2017), <https://freedomhouse.org/report/freedom-press/2017/ethiopia>. See U.S. DEPARTMENT OF STATE, *HUMAN RIGHTS’ PRACTICES 2016, ETHIOPIA* 14-15 (March 3, 2017), <https://www.state.gov/j/drl/rls/hrrpt/2016/af/265254.htm>.

As of December 1, 2016, there were at least sixteen journalists detained in Ethiopia.³¹³ 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 emergency³¹⁴ before releasing them again in April 2018.³¹⁵

4. ETHNIC GROUPS

Scholars and human rights advocates explain that political decentralization and ethnic federalism have deepened ethnic divisions within the country.³¹⁶ 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.³¹⁷ 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.³¹⁸ For example, members of the Konso, the Qemant, and the Surma ethnic groups have staged protests in recent years demanding more

³¹³ COMMITTEE TO PROTECT JOURNALISTS, *2016 prison census, Ethiopia* (December 1, 2016), <https://cpj.org/imprisoned/2016.php>.

³¹⁴ *E.g.* COMMITTEE TO PROTECT JOURNALISTS, *Ethiopia arrests at least five journalists during state of emergency* (March 26, 2018), <https://cpj.org/2018/03/ethiopia-arrests-at-least-five-journalists-during-.php>; COMMITTEE TO PROTECT JOURNALISTS, *Ethiopia arrests critical blogger Seyoum Teshome* (March 9, 2018), <https://cpj.org/2018/03/ethiopia-arrests-critical-blogger-seyoum-teshome.php>;

³¹⁵ PEN AMERICA, *Eskinder Nega: Ethiopia*, <https://pen.org/advocacy-case/eskinder-nega/>; Abdur Rahman Alfa Shaban, *[Update] Ethiopia frees journalists, politicians rearrested under martial law*, AFRICAN NEWS (April 4, 2018), <http://www.africanews.com/2018/04/04/ethiopia-frees-journalists-politicians-rearrested-under-martial-la//>, *Ethiopia frees blogger and Oromia official detained under martial law*, AFRICA NEWS (April 16, 2018), <http://www.africanews.com/2018/04/16/ethiopia-frees-blogger-and-oromia-region-official-detained-under-martial-law//>.

³¹⁶ *E.g.* INTERNATIONAL CRISIS GROUP, *Ethiopia: Ethnic Federalism and its Discontents*, 26-28 (September 4, 2009), <https://www.crisisgroup.org/africa/horn-africa/ethiopia/ethiopia-ethnic-federalism-and-its-discontents>; Elliot Green, *Decentralization and political opposition in contemporary Africa: evidence from Sudan and Ethiopia*, DEMOCRATIZATION Vol. 18(5) 1097-1098 (October 2011), <https://www.tandfonline.com/doi/abs/10.1080/13510347.2011.603476>; Solomon M. Gofie, *Central Control and Regional States' Autonomy in Ethiopia*, in AFRICAN STATE GOVERNANCE 179, 189-190 (2015), A. Carl LeVan, Joseph Olayinka Fashagba and Edward R. McMahon eds.

³¹⁷ Gay McDougall (Independent Expert on Minority Issues), *Implementation of General Assembly Resolution 60/251 of 15 March 2006 Entitled "Human Rights Council" Mission to Ethiopia*, ¶¶ 16-17 (February 7, 2007), <http://www.refworld.org/docid/461f9ea82.html>; INTERNATIONAL CRISIS GROUP, *Ethiopia: Ethnic Federalism and its Discontents*, (September 4, 2009), <https://www.crisisgroup.org/africa/horn-africa/ethiopia/ethiopia-ethnic-federalism-and-its-discontents>; *see also* Solomon M. Gofie, *Central Control and Regional States' Autonomy in Ethiopia*, in AFRICAN STATE GOVERNANCE 179, 183-84 (2015), A. Carl LeVan, Joseph Olayinka Fashagba and Edward R. McMahon eds.; Elena A. Baylis, *Beyond Rights: Legal Process and Ethnic Conflicts*, 25 MICHIGAN JOURNAL OF INTERNATIONAL LAW 529 (2004).

³¹⁸ *See* Eva Poluha, *Ethnicity and Democracy - a Viable Alliance?*, ETHNICITY AND THE STATE IN EASTERN AFRICA 33, 39 (1998), M.A. Mohamed Salih and John Markakis eds; INTERNATIONAL CRISIS GROUP, *Ethiopia: Ethnic Federalism and its Discontents*, 24-28 (September 4, 2009), <https://www.crisisgroup.org/africa/horn-africa/ethiopia/ethiopia-ethnic-federalism-and-its-discontents>.

autonomy and greater access to land and resources.³¹⁹ Some protests have turned violent.³²⁰ 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.³²¹ Oromo and Amhara resentment at political and economic marginalization has also fueled recent protests and sparked attacks against ethnic Tigrayans.³²²

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.³²³

4.1. Oromo

The Oromo comprise roughly 35% of the Ethiopian population, making the Oromo Ethiopia's largest ethnic group.³²⁴ Oromia region, the traditional homeland of the Oromo, covers 32% of Ethiopia's total land area.³²⁵ Despite their numbers, the Oromo were largely excluded from the political arena until 1991, when

³¹⁹ E.g. ARMED CONFLICT LOCATION & EVENT DATASET, *County Report: Popular Mobilisation in Ethiopia: An Investigation of Activity from November 2015 to May 2017* 12-13 (August 1, 2017), http://www.acleddata.com/wp-content/uploads/2017/06/ACLED_Africa_Country-Reports_Ethiopia_June-2017_pdf.pdf.

³²⁰ *Id.*

³²¹ *Dozens killed in ethnic clashes in Ethiopia's Oromia*, AL JAZEERA (December 18, 2017), <https://www.aljazeera.com/news/2017/12/dozens-killed-clashes-ethiopia-romia-region-171218140529256.html> (reporting that at least 61 people were killed in December 2017 clashes); UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, *Ethiopia: Conflict Displacement Situation Report* (January 23, 2018), <https://www.humanitarianresponse.info/en/operations/ethiopia/document/ethiopia-conflict-displacement-situation-report-23-jan-2018> ("preliminary data from the latest round of the IOM Displacement Tracking Matrix conducted in November 2017 indicates that around 1 million persons have been displaced due to conflict along the Oromia-Somali regional border (nearly 700,000 in 2017 alone, with a significant spike after September 2017)"); see also BBC NEWS, *What is behind clashes in Ethiopia's Oromia and Somali Regions?* (September 18, 2017), http://www.bbc.com/news/world-africa-41278618?intlink_from_url=http://www.bbc.com/news/topics/e986aff5-6b26-4638-b468-371d1d9617b4/ethiopia&link_location=live-reporting-story.

³²² William Davison, *Ethnic tensions in Gondar reflect the toxic nature of Ethiopian politics*, THE GUARDIAN (December 22, 2016), <https://www.theguardian.com/global-development/2016/dec/22/gondar-ethiopia-ethnic-tensions-toxic-politics>.

³²³ See Lovise Aalen, *ETHNIC FEDERALISM IN A DOMINANT PARTY STATE: THE ETHIOPIAN EXPERIENCE 1991 – 2000*, CHR. MICHELSEN INSTITUTE 9, 36, 45-46(2002), <https://www.cmi.no/publications/file/769-ethnic-federalism-in-a-dominant-party-state.pdf>; Marina Ottaway, *The Ethiopian Transition: Democratization or New Authoritarianism?*, NORTHEAST AFRICAN STUDIES 73, Vol. 2(3) (1995), <https://www.jstor.org/stable/41931114>; see also Jeffrey Gettleman, 'A Generation is Protesting' in Ethiopia, *Long a U.S. Ally*, NEW YORK TIMES (August 12, 2016), <https://www.nytimes.com/2016/08/13/world/africa/ethiopia-protests.html>; Kalkidan Yibeltal, *Ethiopia: Ethnic nationalism and the Gondar protests*, AL JAZEERA (January 11, 2017), <http://www.aljazeera.com/indepth/features/2017/01/ethiopia-ethnic-nationalism-gondar-protests-170102081805528.html>.

³²⁴ Ethiopia Government Portal, *Oromia Regional State*, <http://www.ethiopia.gov.et/stateoromia>; U.S. DEPARTMENT OF STATE, *COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 2015: ETHIOPIA* 4, 5 (April 13, 2016), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dclid=252681>; CIA World Factbook – Ethiopia (October 25, 2017), <https://www.cia.gov/library/publications/the-world-factbook/geos/et.html>.

³²⁵ *Id.*

the Oromo Liberation Front (OLF) helped the TPLF to overthrow the *Derg*.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.³²⁷

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

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

³²⁶ William Davison, *Oromo Nationalism on the Rise in Ethiopia*, AL JAZEERA (August 1, 2014), <http://www.aljazeera.com/indepth/features/2014/07/oromo-nationalism-rise-ethiopia-201472981456841809.html>; International Crisis Group, *Ethiopia: Ethnic Federalism and its Discontents*, (September 4, 2009), <https://www.crisisgroup.org/africa/horn-africa/ethiopia/ethiopia-ethnic-federalism-and-its-discontents>.

³²⁷ William Davison, *Oromo Nationalism on the Rise in Ethiopia*, AL JAZEERA (August 1, 2014), <http://www.aljazeera.com/indepth/features/2014/07/oromo-nationalism-rise-ethiopia-201472981456841809.html>; Solomon M. Gofie, *The State and the 'Peoples' - Citizenship and the Future of Political Community in Ethiopia*, CITIZENSHIP, BELONGING, AND POLITICAL COMMUNITY IN AFRICA 240 - 241 (2016), Emma Hunter ed.; HUMAN RIGHTS WATCH, "SUCH A BRUTAL CRACKDOWN": KILLINGS AND ARRESTS IN RESPONSE TO ETHIOPIA'S OROMO PROTESTS, 15 (June 2016), <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests>; MINORITY RIGHTS GROUP INTERNATIONAL, *World Directory of Minorities and Indigenous Peoples - Ethiopia : Oromo* (2008), <http://www.refworld.org/docid/49749d2620.html>; INTERNATIONAL CRISIS GROUP, *Ethiopia: Ethnic Federalism and its Discontents*, 1, Africa Report No. 153 (September 4, 2009), <https://www.crisisgroup.org/africa/horn-africa/ethiopia/ethiopia-ethnic-federalism-and-its-discontents>.

³²⁸ RIFT VALLEY INSTITUTE (RVI), *A Year of Protests in Ethiopia* (November 2016), <http://www.refworld.org/docid/583c532d4.html>; William Davison, *Oromo Nationalism on the Rise in Ethiopia*, AL JAZEERA, (August 1, 2014), <http://www.aljazeera.com/indepth/features/2014/07/oromo-nationalism-rise-ethiopia-201472981456841809.html>; Solomon M. Gofie, *The State and the 'Peoples' - Citizenship and the Future of Political Community in Ethiopia*, CITIZENSHIP, BELONGING, AND POLITICAL COMMUNITY IN AFRICA 251-252 (2016), Emma Hunter ed.; Solomon M. Gofie, *Central Control and Regional States' Autonomy in Ethiopia*, AFRICAN STATE GOVERNANCE 196 (2015), A. Carl LeVan, Joseph Olayinka Fashagba, and Edward R. McMahan eds. ("...the emergence of meaningful representative, autonomous, and independent institutions ...remain a distant reality.").

³²⁹ FREEDOM HOUSE, *Freedom in the World 2017 - Ethiopia* (May 3, 2017), <http://www.refworld.org/docid/590c5ca826.html>; UNITED KINGDOM: HOME OFFICE, *Country Information and Guidance Note - Ethiopia: Oromos and the 'Oromo Protests'* (December 5, 2016), <http://www.refworld.org/topic,50ffbce5307,50ffbce5646,5852c6e54,0,,,html>; HUMAN RIGHTS WATCH, "SUCH A BRUTAL CRACKDOWN": KILLINGS AND ARRESTS IN RESPONSE TO ETHIOPIA'S OROMO PROTESTS, 16 (June 2016), <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests>.

³³⁰ *Id.*; AMNESTY INTERNATIONAL 'Because I am Oromo': *Sweeping Repression in the Oromia Region of Ethiopia*, 20 (October 2014), <https://www.amnesty.org/en/documents/afr25/006/2014/en/>; William Davison, *Oromo Nationalism on the Rise in Ethiopia*, AL JAZEERA (August 1, 2014), <http://www.aljazeera.com/indepth/features/2014/07/oromo-nationalism-rise-ethiopia-201472981456841809.html>; MINORITY RIGHTS GROUP INTERNATIONAL, *World Directory of Minorities and Indigenous Peoples - Ethiopia: Oromo* (2008), <http://www.refworld.org/docid/49749d2620.html>.

³³¹ HUMAN RIGHTS WATCH, "FUEL ON THE FIRE": SECURITY FORCE RESPONSE TO THE 2016 IRREECHA CULTURAL FESTIVAL 8 (September 2017), <https://www.hrw.org/report/2017/09/19/fuel-fire/security-force-response-2016-irreecha-cultural-festival>;

has arrested and detained members—including Bekele Gerba and Merera Gudina—frequently for alleged ties with the OLF.³³² The OLF has continued limited armed resistance against the Ethiopian government,³³³ and many Oromo are reportedly harassed, fired, discriminated against, or arrested and detained based on loose or imputed affiliations with the OLF.³³⁴

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.³³⁵ 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.³³⁶ On September 11, 2017, reports that the Liyu police arrested and killed two Oromo sparked the beginning of widespread Oromo evictions from the Somali

Freedom House, *Freedom in the World 2017 – Ethiopia* (May 3, 2017), <http://www.refworld.org/docid/590c5ca826.html>.

³³² 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>.

³³³ Human Rights Watch, “SUCH A BRUTAL CRACKDOWN”: KILLINGS AND ARRESTS IN RESPONSE TO ETHIOPIA’S OROMO PROTESTS 15 (June 2016), <https://www.hrw.org/report/2016/06/15/such-brutal-crackdown/killings-and-arrests-response-ethiopias-oromo-protests>.

³³⁴ *Id.*; HUMAN RIGHTS WATCH, “FUEL ON THE FIRE”: SECURITY FORCE RESPONSE TO THE 2016 IRREECHA CULTURAL FESTIVAL 8 at n.4 (September 2017), <https://www.hrw.org/report/2017/09/19/fuel-fire/security-force-response-2016-irreecha-cultural-festival>; HUMAN RIGHTS WATCH, *Suppressing Dissent: Human Rights Abuses and Political Repression in Ethiopia’s Oromia Region* (May 9, 2005), <https://www.hrw.org/report/2005/05/09/suppressing-dissent/human-rights-abuses-and-political-repression-ethiopias-oromia>; AMNESTY INTERNATIONAL, “Because I am Oromo’: Sweeping Repression in the Oromia Region of Ethiopia, (October 2014), <https://www.amnesty.org/en/documents/afr25/006/2014/en/>; Felix Horne, *Ethiopia’s Invisible Crisis*, HUMAN RIGHTS WATCH (January 22 2016), <https://www.hrw.org/news/2016/01/22/ethiopias-invisible-crisis>; U.S. Department of State, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2010: ETHIOPIA 4, 5 (April 8, 2011), <https://www.state.gov/j/drl/rls/hrrpt/2010/af/154346.htm>; AMNESTY INTERNATIONAL, *Annual Report - Ethiopia 7* (May 23, 2013), <http://www.refworld.org/docid/519f51a018.html>; 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>; THE ADVOCATES FOR HUMAN RIGHTS, *Written statement submitted by The Advocates for Human Rights, a non-governmental organization in special consultative status pursuant to HRC resolution 5/1 of 18 June 2007 2* (May 2014), http://www.theadvocatesforhumanrights.org/uploads/ethiopia_hrc_ethnic_discrimination_may_2014.pdf; THE ADVOCATES FOR HUMAN RIGHTS, *Ethiopia: Violations of the rights of the disadvantaged ethnic groups protected by the International Covenant on Economic, Social and Cultural Rights 2, 7* (2012), http://www.theadvocatesforhumanrights.org/uploads/ethiopia_icescr_ethnic_diversity_march_2012.pdf; FREEDOM HOUSE, *Freedom in the World 2017 – Ethiopia* (May 3, 2017), <http://www.refworld.org/docid/590c5ca826.html>; INTERNATIONAL CRISIS GROUP, ETHIOPIA: ETHNIC FEDERALISM AND ITS DISCONTENTS, (September 4, 2009), <https://www.crisisgroup.org/africa/horn-africa/ethiopia/ethiopia-ethnic-federalism-and-its-discontents>.

³³⁵ Paul Schemm, “They started to burn our houses’: Ethnic strife in Ethiopia threatens a key U.S. ally, WASHINGTON POST (October 21, 2017), https://www.washingtonpost.com/world/africa/they-started-to-burn-our-houses-ethnic-strife-in-ethiopia-threatens-a-key-us-ally/2017/10/20/1bf2634c-af68-11e7-9e58-e6288544af98_story.html?utm_term=.1b09aa405e83.

³³⁶ *Id.*

region.³³⁷ 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.³³⁸ Both Oromo and Somali spokespeople have blamed the other side for causing the conflict.³³⁹

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.³⁴⁰ The Somali region is commonly called the Ogaden, and its inhabitants Ogadenis. Publicly available information about the Ogaden is limited because the government has restricted access to travelers, journalists, and aid organizations.³⁴¹

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.³⁴² In response, the government implemented a “phased system of terror” to

³³⁷ Paul Schemm, *‘They started to burn our houses’: Ethnic strife in Ethiopia threatens a key U.S. ally*, WASHINGTON POST (October 21, 2017), https://www.washingtonpost.com/world/africa/they-started-to-burn-our-houses-ethnic-strife-in-ethiopia-threatens-a-key-us-ally/2017/10/20/1bf2634c-af68-11e7-9e58-e6288544af98_story.html?utm_term=.1b09aa405e83.

³³⁸ Aaron Maasho, *Week of clashes in eastern Ethiopia kill 50, displace 50,000: officials*, REUTERS (September 17, 2017), <http://www.reuters.com/article/us-ethiopia-violence/week-of-clashes-in-eastern-ethiopia-kill-50-displace-50000-officials-idUSKCN1BS0V4>; Paul Schemm, *‘They started to burn our houses’: Ethnic strife in Ethiopia threatens a key U.S. ally*, WASHINGTON POST (October 21, 2017), https://www.washingtonpost.com/world/africa/they-started-to-burn-our-houses-ethnic-strife-in-ethiopia-threatens-a-key-us-ally/2017/10/20/1bf2634c-af68-11e7-9e58-e6288544af98_story.html?utm_term=.1b09aa405e83 (estimating hundreds dead and upwards of 150,000 displaced); *‘Hundreds’ dead in Ethiopia ethnic clashes*, AGENCE FRANCE PRESSE (September 25, 2017), <https://au.news.yahoo.com/world/a/37224298/hundreds-dead-in-ethiopia-ethnic-clashes/>.

³³⁹ Aaron Maasho, *Week of clashes in eastern Ethiopia kill 50, displace 50,000: officials*, REUTERS (September 17, 2017), <http://www.reuters.com/article/us-ethiopia-violence/week-of-clashes-in-eastern-ethiopia-kill-50-displace-50000-officials-idUSKCN1BS0V4>; U.S. EMBASSY IN ADDIS ABABA, *Statement by the U.S. Embassy Addis Ababa on Reports of Ethnic Violence on the Oromia-Somali Border* (September 19, 2017), <https://et.usembassy.gov/statement-u-s-embassy-addis-ababa-reports-ethnic-violence-romia-somali-border/>; Conor Gaffee, *Why is the U.S. Worried about Ethiopia?*, NEWSWEEK (September 19, 2017), <http://www.newsweek.com/us-embassy-ethiopia-conflict-667650>.

³⁴⁰ FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA POPULATION CENSUS COMMISSION, *Summary and Statistical Report of the 2007 Population and Housing Census* 16 (December 2008), <https://www.scribd.com/doc/28289334/Summary-and-Statistical-Report-of-the-2007>; CIA World Factbook, *Africa: Ethiopia: People and Society*, (July 2017), <https://www.cia.gov/library/publications/the-world-factbook/geos/et.html>.

³⁴¹ HUMAN RIGHTS WATCH, *COLLECTIVE PUNISHMENT - WAR CRIMES AND CRIMES AGAINST HUMANITY IN THE OGADEN AREA OF ETHIOPIA'S SOMALI REGIONAL STATE* (JUNE 2008), <https://www.hrw.org/reports/2008/ethiopia0608/ethiopia0608web.pdf>.

³⁴² *Id.*; see also AMNESTY INTERNATIONAL, *Amnesty International Report 2008 – Ethiopia* (May 28, 2008), <http://www.refworld.org/docid/483e278a41.html>.

control the Ogadeni population.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.³⁴⁴

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

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

³⁴³ HUMAN RIGHTS WATCH, COLLECTIVE PUNISHMENT - WAR CRIMES AND CRIMES AGAINST HUMANITY IN THE OGADEN AREA OF ETHIOPIA'S SOMALI REGIONAL STATE 33 (June 2008), <https://www.hrw.org/reports/2008/ethiopia0608/ethiopia0608web.pdf>.

³⁴⁴ COMMITTEE AGAINST TORTURE, *Concluding Observations of the Committee against Torture: Ethiopia* ¶ 10 (January 20, 2011), <http://www.refworld.org/docid/4d6cca412.html>; HUMAN RIGHTS WATCH, COLLECTIVE PUNISHMENT - WAR CRIMES AND CRIMES AGAINST HUMANITY IN THE OGADEN AREA OF ETHIOPIA'S SOMALI REGIONAL STATE 5 (June 2008), <https://www.hrw.org/reports/2008/ethiopia0608/ethiopia0608web.pdf>; HUMAN RIGHTS WATCH, *Ethiopia: No Justice in Somali Region Killings* (April 5, 2017), <https://www.hrw.org/news/2017/04/05/ethiopia-no-justice-somali-region-killings>; HUMAN RIGHTS WATCH, *Ethiopia – Events of 2016* (January 2017), <https://www.hrw.org/world-report/2017/country-chapters/ethiopia>; AMNESTY INTERNATIONAL, *Annual Report: Ethiopia 2016-2017* <https://www.amnesty.org/en/countries/africa/ethiopia/report-ethiopia/>; AMNESTY INTERNATIONAL, *Annual Report - Ethiopia* 7 (May 23, 2013), <http://www.refworld.org/docid/519f51a018.html>.

³⁴⁵ AMNESTY INTERNATIONAL, *Amnesty International Annual Report 2013 – Ethiopia* (May 23, 2013), <http://www.refworld.org/docid/519f51a018.html>; Jeffrey Gettleman, *In Ethiopia, Fear and Cries of Army Brutality*, NEW YORK TIMES (June 18, 2007), <http://www.nytimes.com/2007/06/18/world/africa/18ethiopia.html>; HUMAN RIGHTS WATCH, *Ethiopia: Crackdown in East Punishes Civilians* (2007), <http://hrw.org/english/docs/2007/07/02/ethiop16327.htm>; Martin Plaut, *Ethiopia Blocking 'MSF' in Ogaden*, BBC (September 1, 2007), <http://news.bbc.co.uk/2/hi/africa/6973816.stm>.

³⁴⁶ HUMAN RIGHTS COUNCIL WORKING GROUP ON THE UNIVERSAL PERIODIC REVIEW, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21: Ethiopia* (February 12, 2014), ¶ 28; *Ethiopian Forces, Rebels Clash in Ogaden Oil Exploration Region*, VOA (September 1, 2011) <https://www.voanews.com/a/ethiopian-forces-rebels-clash-in-ogaden-oil-exploration-region-129141833/158789.html>; Anita Powell, *Ethnic Somali rebels kill 74 at Chinese oilfield in Ethiopia*, THE GUARDIAN (April 24, 2007), <https://www.theguardian.com/world/2007/apr/25/ethiopia>.

³⁴⁷ Jeffrey Gettleman, *In Rebel Region, Ethiopia Turns to Civilian Patrols*, N.Y. TIMES (December 14, 2007), <http://www.nytimes.com/2007/12/14/world/africa/14cnd-ethiopia.html>; THE ADVOCATES FOR HUMAN RIGHTS, *Written statement submitted by The Advocates for Human Rights, a non-governmental organization in special consultative status pursuant to HRC resolution 5/1 of 18 June 2007* (December 2009), http://www.theadvocatesforhumanrights.org/uploads/ethiopia_hrc_minorities_may_2009.pdf; FREEDOM HOUSE, *Freedom in the World 2017 - Ethiopia*, May 3, 2017, <http://www.refworld.org/docid/590c5ca826.html> ; AMNESTY INTERNATIONAL, *Amnesty International Report 2008 - Ethiopia* (May 28, 2008), <http://www.refworld.org/docid/483e278a41.html>.

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.³⁴⁹ Human rights observers report that soldiers have beaten and raped women and girls during attacks on Ogadeni villages,³⁵⁰ and soldiers are claimed to have used sexual violence against women collecting wood or water as a means of terrorizing the population.³⁵¹ Rape of women while in military custody is alleged to be widespread.³⁵²

The regional government is controlled by the EPRDF-allied Ethiopian Somali People's Democratic Party, which commands the Liyu police.³⁵³ The Liyu have committed serious human rights violations against Ogadenis, including torture, rape, arbitrary arrest and detention, and extrajudicial execution.³⁵⁴ In 2012, for example, the Liyu executed 10 civilians and left the bodies for villagers to bury.³⁵⁵ 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.³⁵⁶

HUMAN RIGHTS PRACTICES 2010: ETHIOPIA 18 (April 8, 2011), <https://www.state.gov/j/drl/rls/hrrpt/2010/af/154346.htm>; DUTCH COUNCIL FOR REFUGEES, COUNTRY OF ORIGIN INFORMATION REPORT:ETHIOPIA 41, 62 (May 2016), <http://www.refworld.org/pdfid/573f2f334.pdf>.

³⁴⁹ *Id.* at 59, 60, 68, 97; HUMAN RIGHTS WATCH, *'They Know Everything We Do' - Telecom and Internet Surveillance in Ethiopia* 16 (March 2014), <https://www.hrw.org/report/2014/03/25/they-know-everything-we-do/telecom-and-internet-surveillance-ethiopia>.

³⁵⁰ HUMAN RIGHTS WATCH, COLLECTIVE PUNISHMENT - WAR CRIMES AND CRIMES AGAINST HUMANITY IN THE OGADEN AREA OF ETHIOPIA'S SOMALI REGIONAL STATE 58-65 (June 2008), <https://www.hrw.org/reports/2008/ethiopia0608/ethiopia0608web.pdf>; Azad Essa, *Ogaden Somalis seek Ethiopia abuse inquiry*, McCLATCHY – TRIBUNE BUSINESS NEWS (February 15, 2012).

³⁵¹ HUMAN RIGHTS WATCH, COLLECTIVE PUNISHMENT - WAR CRIMES AND CRIMES AGAINST HUMANITY IN THE OGADEN AREA OF ETHIOPIA'S SOMALI REGIONAL STATE 61-62 (June 2008), <https://www.hrw.org/reports/2008/ethiopia0608/ethiopia0608web.pdf>.

³⁵² HUMAN RIGHTS WATCH, COLLECTIVE PUNISHMENT - WAR CRIMES AND CRIMES AGAINST HUMANITY IN THE OGADEN AREA OF ETHIOPIA'S SOMALI REGIONAL STATE 58-61 (June 2008), <https://www.hrw.org/reports/2008/ethiopia0608/ethiopia0608web.pdf>.

³⁵³ FREEDOM HOUSE, *Freedom in the World 2017 – Ethiopia* (May 3, 2017), <http://www.refworld.org/docid/590c5ca826.html>; AMNESTY INTERNATIONAL, *Amnesty International Annual Report 2013 – Ethiopia* (May 23, 2013), <http://www.refworld.org/docid/519f51a018.html>; HUMAN RIGHTS WATCH, *Ethiopia: No Justice in Somali Region Killings* (April 5, 2017), <https://www.hrw.org/news/2017/04/05/ethiopia-no-justice-somali-region-killings>.

³⁵⁴ AMNESTY INTERNATIONAL, *Amnesty International Annual Report 2013: Ethiopia* (May 23, 2013), <http://www.refworld.org/docid/519f51a018.html>; *Ethiopia Blocking Civilian Access to Medicine in Conflict Zone, Agency Says*, INTERNATIONAL HERALD TRIBUNE (September 4, 2007), https://www.hiiraan.com/news2/2007/sept/ethiopia_blocking_access_to_medicine_in_conflict_zone_agency.aspx; Jeffrey Gettleman, *In Rebel Region, Ethiopia Turns to Civilian Patrols*, NEW YORK TIMES (December 14, 2007), <http://www.nytimes.com/2007/12/14/world/africa/14cnd-ethiopia.html>.

³⁵⁵ HUMAN RIGHTS WATCH, *Ethiopia: 'Special Police' Execute 10* (May 28, 2012), <https://www.hrw.org/news/2012/05/28/ethiopia-special-police-execute-10>; Martin Plaut, *Silence and Pain: Ethiopia's human rights record in the Ogaden* (January 31, 2014), https://martinplaut.wordpress.com/2014/01/31/silence-and-pain-ethiopias-human-rights-record-in-the-ogaden/#_ftn6.

³⁵⁶ AMNESTY INTERNATIONAL, *Annual Report: Ethiopia 2016-2017*, <https://www.amnesty.org/en/countries/africa/ethiopia/report-ethiopia/>; HUMAN RIGHTS WATCH, *Ethiopia: No Justice*

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

in Somali Region Killings (April 5, 2017), <https://www.hrw.org/news/2017/04/05/ethiopia-no-justice-somali-region-killings>.

³⁵⁷ HUMAN RIGHTS WATCH, *COLLECTIVE PUNISHMENT - WAR CRIMES AND CRIMES AGAINST HUMANITY IN THE OGADEN AREA OF ETHIOPIA'S SOMALI REGIONAL STATE* (June 2008), <https://www.hrw.org/reports/2008/ethiopia0608/ethiopia0608web.pdf>; *What is behind clashes in Ethiopia's Oromia and Somali Regions?* BBC (September 18, 2017), http://www.bbc.com/news/world-africa-41278618?intlink_from_url=http://www.bbc.com/news/topics/e986aff5-6b26-4638-b468-371d1d9617b4/ethiopia&link_location=live-reporting-story.

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

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), <http://riftvalley.net/publication/talking-peace-ogaden#.WhCydraZNE4>.

³⁶⁰ U.S. DEPARTMENT OF STATE, *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2016 - ETHIOPIA 38* (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>; U.S. DEPARTMENT OF STATE, *COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2015 - ETHIOPIA 2015 34* (April 13, 2016), <https://www.state.gov/documents/organization/252893.pdf>; see also NORWEGIAN ORGANISATION FOR ASYLUM SEEKERS, *13 Months of Sunshine? Report Summary 2* (August 27, 2012), <http://www.noas.no/wp-content/uploads/2012/10/Summary-of-13-Months-of-Sunshine.pdf> (“There is very little transparency about mistreatment of homosexuals in Ethiopia, as attacks on homosexuals are rarely reported.”).

³⁶¹ Interview with Ethiopian human rights expert (October 31, 2017).

³⁶² Interview of GT and LN, Ethiopian LGBT rights advocates in exile (January 25, 2018).

discrimination, or stigmatization.”³⁶³ 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.”³⁶⁴ 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.”³⁶⁵

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.³⁶⁶ Moreover, the government does not prohibit discrimination against LGBTI individuals³⁶⁷ 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.³⁶⁸ 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

³⁶³ U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 38 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>; U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2015: ETHIOPIA 34 (April 13, 2016), <https://www.state.gov/documents/organization/252893.pdf>; U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2014: ETHIOPIA 35 (June 25, 2015), <https://www.state.gov/documents/organization/236570.pdf>; U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2013: ETHIOPIA 32 (February, 27 2014), <https://www.state.gov/documents/organization/220323.pdf>; U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2012: ETHIOPIA 35 (April 19, 2013), <https://www.state.gov/documents/organization/204330.pdf>.

³⁶⁴ SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (SIDA), *The Rights of LGBTI People in Ethiopia* 1 (December 2014), <https://www.sida.se/globalassets/sida/eng/partners/human-rights-based-approach/lgbti/rights-of-lgbt-persons-ethiopia.pdf>.

³⁶⁵ NORWEGIAN ORGANISATION FOR ASYLUM SEEKERS, *13 Months of Sunshine? Report Summary 2* (August 27, 2012), <http://www.noas.no/wp-content/uploads/2012/10/Summary-of-13-Months-of-Sunshine.pdf>.

³⁶⁶ THE CRIMINAL CODE OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA, Proclamation No. 414/2004, <http://www.refworld.org/docid/49216b572.html>. Consensual same-sex sexual activity was previously outlawed in Ethiopia under Article 600 of the 1957 Penal Code. Proclamation No. 158/1957, <http://www.refworld.org/pdfid/49216a0a2.pdf>.

³⁶⁷ U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 38 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>; U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2015 - ETHIOPIA 2015 34 (April 13, 2016), <https://www.state.gov/documents/organization/252893.pdf>.

³⁶⁸ See HUMAN RIGHTS WATCH, *World Report 2015: Ethiopia* 5, <https://www.hrw.org/world-report/2015/country-chapters/ethiopia>; UNITED NATIONS HUMAN RIGHTS COUNCIL, *Report of the Working Group on the Universal Periodic Review: Ethiopia* ¶¶ 158.23-24 (2014), <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ETindex.aspx> (decriminalization of same-sex sexual activity is among the recommendations rejected by Ethiopia); see also UNITED NATIONS HUMAN RIGHTS COMMITTEE, *Concluding Observations of the Human Rights Committee: Ethiopia* ¶ 12 (2011), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/ETH/CO/1&Lang=En.

enactment of the death penalty for those convicted of homosexuality and mandatory jail time for same-sex public displays of affection.³⁶⁹

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.”³⁷⁰ 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.”³⁷¹

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.³⁷² 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,³⁷³ 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.”³⁷⁴ He added that “[t]here have been outings of DANA members

³⁶⁹ Sara C. Nelson, *Ethiopian Evangelists ‘Pushing for Death Penalty for Homosexuals’*, HUFFINGTON POST UK (March 5, 2013), https://www.huffingtonpost.co.uk/2013/05/03/ethiopian-evangelists-death-penalty-homosexuals_n_3208972.html.

³⁷⁰ U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2015: ETHIOPIA 34 (April 13, 2016), <https://www.state.gov/documents/organization/252893.pdf>; see also, U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2013: ETHIOPIA 33 (February, 27 2014), <https://www.state.gov/documents/organization/220323.pdf> (“There were periodic detentions of some in the LGBT community, combined with interrogation and alleged physical abuse.”); U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2012: ETHIOPIA 35 (April 19, 2013), <https://www.state.gov/documents/organization/204330.pdf> (“There were periodic detainments of some in the LGBT community, combined with interrogation and alleged physical abuse.”).

³⁷¹ John Aglionby, *The Gay Ethiopian Health Worker Forced to Flee to Kenya*, FINANCIAL TIMES (November 18, 2016), <https://www.ft.com/content/6133fcb0-a738-11e6-8b69-02899e8bd9d1>.

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).

³⁷⁴ Cheryl Overs, *Interview with Beki Abi of DANA Social Club, Ethiopia*, INSTITUTE OF DEVELOPMENT STUDIES (June 14, 2016), <https://www.ids.ac.uk/opinion/interview-with-beki-abi-of-dana-social-club-ethiopia>.

and some have fled the country and one person who has lost everything is currently awaiting trial on false charges.”³⁷⁵

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.³⁷⁶ 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].”³⁷⁷ 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.³⁷⁸

LGBT individuals are at particular risk of physical violence while in government custody. The 2013 U.S. Department of State Human Rights Report found that “[t]here were periodic detentions of some in the LGBT community, combined with interrogation and alleged physical abuse.”³⁷⁹ One LGBT Ethiopian interviewed for the AAU Center for Human Rights’ study also reported that prison officials abuse gay men in custody.³⁸⁰ In 2013, Newsweek published an interview with Mercy, a gay Ethiopian activist and founder of Rainbow Ethiopia, one of the few LGBT organizations in Ethiopia at that time (It has since closed).³⁸¹ Mercy attended a preconference meeting for the 16th International Conference on AIDS and Sexually Transmitted Infection held in Addis Ababa in December 2011, and his photograph appeared in the press. “A week later, Mercy...was detained and told to lay off the activism by police who said they’d been

³⁷⁵ *Id.*

³⁷⁶ Interview of GT and LN (January 25, 2018).

³⁷⁷ *Id.*

³⁷⁸ *Id.*

³⁷⁹ U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2013: ETHIOPIA 33 (February, 27 2014), <https://www.state.gov/documents/organization/220323.pdf>; U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2012: ETHIOPIA 35 (April 19, 2013), <https://www.state.gov/documents/organization/204330.pdf>; NORWEGIAN ORGANISATION FOR ASYLUM SEEKERS, *13 Months of Sunshine? Report Summary 2* (August 27, 2012), <http://www.noas.no/wp-content/uploads/2012/10/Summary-of-13-Months-of-Sunshine.pdf> (“While LGBTs are incarcerated, they are exposed to violence by the police, prison officers and fellow inmates.”).

³⁸⁰ 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> (“When individuals are under arrest for being suspected gay mostly they are verbally and physically abused by both the officials and other prison inmates.”); see also Rainbow Ethiopia, *Ethiopian LGBTs Need Help to Halt Abuses*, 76 CRIMES (April 25, 2013), <https://76crimes.com/2013/04/25/ethiopian-lgbts-need-help-to-halt-abuses/> (reporting police brutality against gay men).

³⁸¹ Katie Baker, *A Graveyard for Homosexuals*, NEWSWEEK (December 12, 2013), <http://www.newsweek.com/2013/12/13/graveyard-homosexuals-244926.html>.

following him for years.”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.”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.”³⁸⁴ Police regularly refuse to investigate violent crimes committed against LGBT Ethiopians.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.”³⁸⁶

5.2. Discrimination and Stigmatization

According to the 2007 Pew Global Attitudes Project, 97 percent of Ethiopians think that homosexuality should be rejected.³⁸⁷ In 2014, SIDA reported that in Ethiopia, “homo- and transphobia is widespread[] in general society, politics as well as in religious settings.”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.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.”³⁹⁰

³⁸² *Id.*

³⁸³ *Id.*

³⁸⁴ U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2015: ETHIOPIA 34 (April 13, 2016), <https://www.state.gov/documents/organization/252893.pdf>.

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.

³⁸⁶ 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 52 (December 2014), <http://etd.aau.edu.et/bitstream/123456789/11858/1/Selamawit%20Tsegaye.pdf>.

³⁸⁷ PEW GLOBAL ATTITUDES PROJECT, *World Publics Welcome Global Trade - But Not Immigration: 47-Nation Pew Global Attitudes Survey* 35 (October 4, 2007), <http://assets.pewresearch.org/wp-content/uploads/sites/2/2007/10/Pew-Global-Attitudes-Report-October-4-2007-REVISED-UPDATED-5-27-14.pdf>.

³⁸⁸ SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY (SIDA), *The Rights of LGBTI People in Ethiopia* (December 2014), <https://www.sida.se/globalassets/sida/eng/partners/human-rights-based-approach/lgbti/rights-of-lgbt-persons-ethiopia.pdf>.

³⁸⁹ Angelina Theodorou, *Americans Are in the Middle of the Pack Globally When it Comes to Importance of Religion*, PEW RESEARCH CENTER (December 23, 2015), <http://www.pewresearch.org/fact-tank/2015/12/23/americans-are-in-the-middle-of-the-pack-globally-when-it-comes-to-importance-of-religion/>.

³⁹⁰ *The Biopolitics of Marginalisation: Opportunity and Risk Within Ethiopian Gay Rights Activism* 23 (2015) (on file with authors).

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.”³⁹¹ 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.³⁹² 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.’”³⁹³ At least two other widely attended anti-homosexuality conferences were held in 2013.³⁹⁴ 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.³⁹⁵

Anti-LGBT rhetoric is not limited to large conferences—“homophobic religious sentiments are reinforced to civil society through local sermons.”³⁹⁶ 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.”³⁹⁷

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

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/>.

³⁹² *Leaders of Ethiopia Call for Anti-Gay Measures*, INTERNATIONAL LESBIAN, GAY, BISEXUAL, TRANS AND INTERSEX ASSOCIATION (June 14, 2012), <http://ilga.org/leaders-of-ethiopia-call-for-anti-gay-measures>.

³⁹³ *Id.*

³⁹⁴ Mercy, *Anti-Gay Civil Societies, Religious Groups and Local Government Officials*, RAINBOW-ETHIOPIA HEALTH RIGHTS INITIATIVE (August 11, 2013), <https://rainbowethiopia1.wordpress.com/2013/08/11/rainbow-ethiopia-as-a-foreign-agent-promoting-homosexuality-in-ethiopia/>; Katie Baker, *A Graveyard for Homosexuals*, Newsweek (December 12, 2013), <http://www.newsweek.com/2013/12/13/graveyard-homosexuals-244926.html>.

³⁹⁵ *Rise of Homophobia in Ethiopia: Anti-Gay Civil Society Coalition and Media Urges the Government to Impose Tough Anti-Gay Laws Like Nigeria*, RAINBOW-ETHIOPIA HEALTH RIGHTS INITIATIVE (July 9, 2013), <https://rainbowethiopia1.wordpress.com/2013/07/09/rise-of-%E2%80%8Ehomophobia-in-%E2%80%8Eethiopia/>.

³⁹⁶ *The Biopolitics of Marginalisation: Opportunity and Risk Within Ethiopian Gay Rights Activism* 23 (2015) (on file with authors).

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,

³⁹⁸ Dan Littauer, *Ethiopia Leaders call for ‘Severe’ Penalties Against Gays at Hate Meet*, GAY STAR NEWS (June 13, 2012) <https://www.gaystarnews.com/article/ethiopia-leaders-call-severe-penalties-against-gays-hate-meet130612/>; see also *The Biopolitics of Marginalisation: Opportunity and Risk Within Ethiopian Gay Rights Activism* 29 (2015) (on file with authors) (discussing “the inextricably complex power dynamics between state, society and religion within Ethiopia”).

³⁹⁹ Katie Baker, *A Graveyard for Homosexuals*, NEWSWEEK (December 12, 2013), <http://www.newsweek.com/2013/12/13/graveyard-homosexuals-244926.html>.

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

⁴⁰¹ The East African Sexual Health & Rights Initiative (UHA), *Outsider Citizen: Landscape Analysis of the Human Rights of Sex Workers and LGBTI People in Ethiopia 2014-2015* 34 (2015), <http://www.uhai-eashri.org/ENG/resources?download=24:outsider-citizen-landscape-analysis-of-the-human-rights-of-sex-workers-and-lgbti-people-in-ethiopia-2014-2015>.

⁴⁰² Alessia Valenza, *Ethiopia LGBT Community Wants Rights*, INTERNATIONAL LESBIAN, GAY, BISEXUAL, TRANS AND INTERSEX ASSOCIATION (August 4, 2012), <http://ilga.org/ethiopia-lgbt-community-wants-rights>.

⁴⁰³ Dan Littauer, *Ethiopia Paper Warns a ‘Satanic’ Gay ‘Disease’ Is Spreading*, GAY STAR NEWS (June 30, 2013), <https://www.gaystarnews.com/article/ethiopia-paper-warns-%E2%80%98satanic%E2%80%99-gay-%E2%80%98disease%E2%80%99-spreading300613/>.

⁴⁰⁴ *Id.*

⁴⁰⁵ *Rise of Homophobia in Ethiopia: Anti-Gay Civil Society Coalition and Media Urges the Government to Impose Tough Anti-Gay Laws Like Nigeria*, RAINBOW-ETHIOPIA HEALTH RIGHTS INITIATIVE (July 9, 2013), <https://rainbowethiopia1.wordpress.com/2013/07/09/rise-of-homophobia-in-ethiopia/>.

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.”⁴⁰⁶

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.”⁴⁰⁷ 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.⁴⁰⁸ 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.”⁴⁰⁹ 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.”⁴¹⁰ Additionally, in 2012, Robel Hailu, a gay Ethiopian man, participated in the international Mr. Gay World contest.⁴¹¹ Hailu decided he could not safely return to Ethiopia after receiving numerous anonymous death threats by phone.⁴¹²

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.”⁴¹³

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.⁴¹⁴ According to the 2015 U.S. Department of State Human Rights

⁴⁰⁶ *Id.*; The East African Sexual Health & Rights Initiative (UHA), *Outsider Citizen: Landscape Analysis of the Human Rights of Sex Workers and LGBTI People in Ethiopia 2014-2015* 31-32 (2015), <http://www.uhai-eashri.org/ENG/resources?download=24:outsider-citizen-landscape-analysis-of-the-human-rights-of-sex-workers-and-lgbti-people-in-ethiopia-2014-2015>.

⁴⁰⁷ Cheryl Overs, *Interview with Beki Abi of DANA Social Club, Ethiopia*, INSTITUTE OF DEVELOPMENT STUDIES (June 14, 2016), <https://www.ids.ac.uk/opinion/interview-with-beki-abi-of-dana-social-club-ethiopia>.

⁴⁰⁸ *Ethiopia Lesbian Couple Tell of Attack, as Fear of Anti-Gay Action Rises*, ETHIOPIAN MEDIA FORUM (May 13, 2013), <http://ethioforum.org/ethiopia-lesbian-couple-tell-of-attack-as-fear-of-anti-gay-action-rises/>.

⁴⁰⁹ *Id.*

⁴¹⁰ *Id.*

⁴¹¹ Katie Baker, *A Graveyard for Homosexuals*, NEWSWEEK (December 12, 2013), <http://www.newsweek.com/2013/12/13/graveyard-homosexuals-244926.html>.

⁴¹² *Id.*

⁴¹³ NORWEGIAN ORGANISATION FOR ASYLUM SEEKERS, *13 Months of Sunshine? Report Summary 2* (August 27, 2012), <http://www.noas.no/wp-content/uploads/2012/10/Summary-of-13-Months-of-Sunshine.pdf>.

⁴¹⁴ REFUGEE REVIEW TRIBUNAL, AUSTRALIAN GOVERNMENT, *Country Advice Ethiopia: Treatment of Lesbians—Gay Rights Activists—Gay Social Venues* 6 (March 30, 2012), http://www.refworld.org/publisher,AUS_RRT,,ETH,5146eff72,0.html.

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.”⁴¹⁵ Gay men also face significant barriers to accessing LGBT-specific health services.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.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.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.⁴¹⁹ Similarly, individuals outed by the undercover cameraman for the 2013 anti-homosexuality documentary were forced into hiding.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.”⁴²¹ LGBT individuals have also reported government monitoring of their email and social media communications.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.⁴²³

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

⁴¹⁵ U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2015: ETHIOPIA 34 (April 13, 2016), <https://www.state.gov/documents/organization/252893.pdf>.

⁴¹⁶ The East African Sexual Health & Rights Initiative (UHAI), *Outsider Citizen: Landscape Analysis of the Human Rights of Sex Workers and LGBTI People in Ethiopia 2014-2015* 22 (2015), <http://www.uhai-eashri.org/ENG/resources?download=24:outsider-citizen-landscape-analysis-of-the-human-rights-of-sex-workers-and-lgbti-people-in-ethiopia-2014-2015>.

⁴¹⁷ Interview of GT and LN (January 25, 2018).

⁴¹⁸ Katie Baker, *A Graveyard for Homosexuals*, NEWSWEEK (December 12, 2013), <http://www.newsweek.com/2013/12/13/graveyard-homosexuals-244926.html>.

⁴¹⁹ Interview of GT and LN (January 25, 2018).

⁴²⁰ Katie Baker, *A Graveyard for Homosexuals*, NEWSWEEK (December 12, 2013), <http://www.newsweek.com/2013/12/13/graveyard-homosexuals-244926.html>.

⁴²¹ U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2015: ETHIOPIA 34 (April 13, 2016), <https://www.state.gov/documents/organization/252893.pdf>.

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.”).

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

⁴²⁴ See HUMAN RIGHTS FIRST, *Report: The State of Human Rights for LGBT People in Africa* 9 (July 2014), <http://www.humanrightsfirst.org/sites/default/files/HRF-HRC-Africa-Report.pdf> (noting that “many LGBT activists have been forced the flee the country”).

surveillance network of informants that reaches even the most remote villages.⁴²⁵ Moreover, LGBT Ethiopians report that anti-LGBT sentiment is even more pronounced outside the capital.⁴²⁶

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.⁴²⁷

DANA started as an informal group of LGBT friends who connected over Facebook, generally using pseudonyms.⁴²⁸ In the beginning, the members gathered in an apartment on the outskirts of Addis to "watch Ru Paul and pass out lubricants and condoms."⁴²⁹ 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

⁴²⁵ Kimiko de Freytas-Tamura, 'We Are Everywhere': How Ethiopia Became a Land of Prying Eyes, NEW YORK TIMES (November 5, 2017), <https://www.nytimes.com/2017/11/05/world/africa/ethiopia-government-surveillance.html>.

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

⁴²⁷ The content of this section is drawn from the authors' January 2018 interview with two founders of the DANA Social Club: GT and LN. See also *The Biopolitics of Marginalisation: Opportunity and Risk Within Ethiopian Gay Rights Activism* 10-39 (2015) (on file with authors); S & D, 'Existing and being vocal' - Faris Cuchi (October 11, 2017), <https://habeshaqueercouple.wordpress.com/2017/10/11/existing-and-being-vocal-faris-cuchi/>.

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

⁴²⁹ These social gatherings also served an important role in providing access to resources necessary for safer sex. See, The East African Sexual Health & Rights Initiative (UHAI), *Outsider Citizen: Landscape Analysis of the Human Rights of Sex Workers and LGBTI People in Ethiopia 2014-2015* 22 (2015), <http://www.uhai-eashri.org/ENG/resources?download=24:outsider-citizen-landscape-analysis-of-the-human-rights-of-sex-workers-and-lgbti-people-in-ethiopia-2014-2015> ("Access to lubricants is fairly inaccessible as they are typically available in pharmacies and most members of the community fear being stigmatised in said pharmacies.").

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.⁴³⁰

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.⁴³¹

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.⁴³² 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.⁴³³ 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.

⁴³⁰ *The Biopolitics of Marginalisation: Opportunity and Risk Within Ethiopian Gay Rights Activism* 31 (2015) (on file with authors).

⁴³¹ Access to adequate healthcare is a particular challenge for LGBT Ethiopians. The nation's framework for addressing the HIV epidemic does not recognize the unique challenges faced by the gay population, and numerous LGBT Ethiopians have stated that access to sexual health information tailored to the LGBTI community is not readily available. See The East African Sexual Health & Rights Initiative (UHA), *Outsider Citizen: Landscape Analysis of the Human Rights of Sex Workers and LGBTI People in Ethiopia 2014-2015* 22 (2015), <http://www.uhai-eashri.org/ENG/resources?download=24:outsider-citizen-landscape-analysis-of-the-human-rights-of-sex-workers-and-lgbti-people-in-ethiopia-2014-2015>; *The Biopolitics of Marginalisation: Opportunity and Risk Within Ethiopian Gay Rights Activism* 34 (2015) (on file with authors).

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

⁴³⁴ CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, *States Parties*, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en; AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS, *Ratification Table: Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*, <http://www.achpr.org/instruments/women-protocol/ratification/>.

⁴³⁵ CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA PROCLAMATION NO. 1/1995 (August 21, 1995), Arts. 34 and 35, <http://www.ethiopia.gov.et/--8>.

⁴³⁶ REVISED FAMILY CODE PROCLAMATION NO. 213/2000 (July 4, 2000), <http://www.refworld.org/pdfid/4c0ccc052.pdf>.

⁴³⁷ THE CRIMINAL CODE OF THE FEDERAL REPUBLIC OF ETHIOPIA PROCLAMATION NO. 414/2004 (May 9, 2005), Art. 564, <http://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf>.

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).

Progress toward greater recognition of the rights of women and girls has remained largely confined to urban areas,⁴⁴⁰ and in many parts of Ethiopia, the rights of many women and girls remain unprotected. Women and girls are unable to access education and employment on equal footing with men in many places.⁴⁴¹ Moreover, domestic violence remains prevalent across the country.⁴⁴² A report assessing violence against women (VAW) by the Ethiopian Ministry of Women, Children, and Youth Affairs (MoWCYA) states that, "VAW is widely practiced in Ethiopia with regional variations."⁴⁴³ The report acknowledges that data is scarce, suggesting that VAW is underreported.⁴⁴⁴

State inaction, coupled with cultural attitudes, has limited women's access to legal remedies and protections.⁴⁴⁵ Government-established Women's Affairs Offices are seen as ineffective⁴⁴⁶ and law

⁴⁴⁰ See CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016, Chs. 14 and 15 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>; COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 8-9 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>; *Gender Equality and Women's Empowerment – Ethiopia*, USAID, <https://www.usaid.gov/ethiopia/gender-equality-and-womens-empowerment>.

⁴⁴¹ E.g., COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *CONCLUDING OBSERVATIONS OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ETHIOPIA* 8-9 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>; U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 33-34 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>; DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), COUNTRY INFORMATION REPORT – ETHIOPIA 20-21 (September 2017), <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>.

⁴⁴² UNITED NATIONS DEVELOPMENT ASSISTANCE FRAMEWORK, ETHIOPIA JOINT PROGRAMME ON GENDER EQUALITY AND WOMEN'S EMPOWERMENT: PHASE II 20-21 (July 2012-December 2015), [https://info.undp.org/docs/pdc/Documents/ETH/JP GEWE Pro doc 2012-2015 Final \(2\).pdf](https://info.undp.org/docs/pdc/Documents/ETH/JP GEWE Pro doc 2012-2015 Final (2).pdf); see also CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016 289 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>; U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 31 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>.

⁴⁴³ MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 5 (November 2013) (The Ministry reports on four types of violence against women: sexual, physical, psychological, and economical all of which are pervasive throughout a woman's lifetime affecting their social and family relationships, access to education, health, legal recourse, and employment); UNICEF, *Investing in Boys and Girls in Ethiopia: Past, Present and Future* 22 (2012), https://www.unicef.org/ethiopia/ET_sitan_2012.pdf.

⁴⁴⁴ MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 5 (November 2013); FREEDOM HOUSE, COUNTRIES AT THE CROSSROADS, ETHIOPIA (2011), <https://freedomhouse.org/report/countries-crossroads/2011/ethiopia>; *Ethiopia's women vow to turn tide of violence, rape and murder*, THE GUARDIAN (January 27, 2015), <https://www.theguardian.com/global-development/2015/jan/27/ethiopia-women-violence-rape-murder>.

⁴⁴⁵ U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 31 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>; AMNESTY INTERNATIONAL, *Ethiopia: Briefing to the UN Committee on the Elimination of Discrimination against Women* (June 30, 2011), <https://www.amnesty.org/download/Documents/24000/afr250042011en.pdf>; SIHA AND REDRESS *Submission to the Committee on the Elimination of Discrimination against Women* 9 (February 2013), <http://www.refworld.org/docid/5134a92a2.html>.

⁴⁴⁶ E.g., Tigist Geme, *Teen's Gang Rape in Addis Ababa Sounds Alarm*, AL JAZEERA (November 29, 2014), <http://america.aljazeera.com/opinions/2014/11/hana-lalango-ethiopiabrutalgangrapekidnapping.html>; COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C->

enforcement and the judiciary are influenced by cultural stereotypes.⁴⁴⁷ Moreover, the CSP⁴⁴⁸ has restricted the activity of NGOs working on issues concerning women.⁴⁴⁹ For example, in December 2009, the government froze the bank accounts of the prominent Ethiopian Women's Lawyers Association (EWLA).⁴⁵⁰ The EWLA had in previous years provided free legal services to substantial numbers of women—17,357 women in 2008.⁴⁵¹

ETH-CO-7.pdf. *But see* WOMEN WATCH *Ethiopia National Action Plan*, No. 8, <http://www.un.org/womenwatch/daw/country/national/ethiopia.htm> (giving a description of what the Women's Affairs Offices are supposed to do).

⁴⁴⁷ UNITED NATIONS DEVELOPMENT ASSISTANCE FRAMEWORK, *ETHIOPIA 2012-2015 11* (March 17, 2011), [http://et.one.un.org/content/dam/unct/ethiopia/docs/UNDAF-Ethiopia-2012-2015web%20\(1\).pdf](http://et.one.un.org/content/dam/unct/ethiopia/docs/UNDAF-Ethiopia-2012-2015web%20(1).pdf); DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), *COUNTRY INFORMATION REPORT – ETHIOPIA 20-21* (September 2017), <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>; OXFAM, *Oxfam Gender Snapshot 1* (April 2017), https://interagencystandingcommittee.org/system/files/ethiopia_gender_snapshot_2017_-_oxfam.pdf; DEPARTMENT FOR INTERNATIONAL DEVELOPMENT (UK), *Reducing and Mitigating Gender Based Violence in Ethiopia 8-9* (2011), <https://www.concern.net/resources/reducing-and-mitigating-gender-based-violence-ethiopia-dfid-project>.

⁴⁴⁸ *See* 3.2.1 Charities and Societies Proclamation.

⁴⁴⁹ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia*, 8-9 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>; AMNESTY INTERNATIONAL, *Ethiopia: Briefing to the UN Committee on the Elimination of Discrimination against Women* (June 30, 2011), <https://www.amnesty.org/download/Documents/24000/afr250042011en.pdf>; AMNESTY INTERNATIONAL, *Ethiopia: The 2009 Charities and Societies Proclamation as a serious obstacle to the promotion and protection of human rights in Ethiopia* (June 11, 2012), <https://www.amnesty.org/download/Documents/16000/afr250072012en.pdf>; OXFAM, *Oxfam Gender Snapshot 2* (April 2017), https://interagencystandingcommittee.org/system/files/ethiopia_gender_snapshot_2017_-_oxfam.pdf.

⁴⁵⁰ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 8 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>; U.S. DEPARTMENT OF STATE, *COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 29* (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>; *e.g.*, Simegnish Yekoye Mengesha, *Ethiopia Silencing Dissent*, 27 *JOURNAL OF DEMOCRACY* 89, 91-92 (January 2016), <http://www.ned.org/wp-content/uploads/2016/01/JoD-Jan-2016-Ethiopia-Silencing-Dissent-Mengesha.pdf>; *see also* Gemma Burgess, *A Hidden History: Women's Activism in Ethiopia*, *JOURNAL OF INTERNATIONAL WOMEN'S STUDIES* Vol. 14(3) 96, 102-105 (2013), <http://vc.bridgew.edu/jiws/vol14/iss3/7>; *see also* *Ethiopia: Supreme Court Ruling Marks a Further Erosion of Human Rights Work*, *HUMAN RIGHTS WATCH* (October 19, 2012), <https://www.hrw.org/news/2012/10/19/ethiopia-supreme-court-ruling-marks-further-erosion-human-rights-work> (reporting that the Supreme Court of Ethiopia upheld the freezing of EWLA's funds which amounted to approximately \$595,000, much of which was received by EWLA prior to CSP's passage and thus obtained before the new fundraising restrictions were in place).

⁴⁵¹ AMNESTY INTERNATIONAL, *Ethiopia: The 2009 Charities and Societies Proclamation as a serious obstacle to the promotion and protection of human rights in Ethiopia* (June 11, 2012), <https://www.amnesty.org/download/Documents/16000/afr250072012en.pdf>.

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.⁴⁵² 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.⁴⁵³ Early marriage, poverty, distance from school, and family priorities are prominent reasons that women and girls do not pursue a higher education.⁴⁵⁴

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.⁴⁵⁵ Of the women who are employed, many work in the informal sector (including self-employment)⁴⁵⁶ where wages are lower and

⁴⁵² COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia*, 10-11 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>; CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016 34-35 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>; DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), COUNTRY INFORMATION REPORT – ETHIOPIA 20 (September 2017), <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>.

⁴⁵³ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia*, 10 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>; HUMAN RIGHTS COUNCIL, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*, 12 (January 30, 2014), [http://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/Session19/ET/A_HRC_WG.6_19_ETH_1_Ethiopia_E.doc&action=default&DefaultItemOpen=1; e.g., OXFAM, Oxfam Gender Snapshot 1 \(April 2017\), https://interagencystandingcommittee.org/system/files/ethiopia_gender_snapshot_2017_-_oxfam.pdf](http://lib.ohchr.org/HRBodies/UPR/_layouts/15/WopiFrame.aspx?sourcedoc=/HRBodies/UPR/Documents/Session19/ET/A_HRC_WG.6_19_ETH_1_Ethiopia_E.doc&action=default&DefaultItemOpen=1; e.g., OXFAM, Oxfam Gender Snapshot 1 (April 2017), https://interagencystandingcommittee.org/system/files/ethiopia_gender_snapshot_2017_-_oxfam.pdf).

⁴⁵⁴ Tebeje Molla and Denise Cuthbert, *Qualitative Inequality: experiences of women in Ethiopian higher education*, GENDER AND EDUCATION Vol. 26(7) 759, 759 (2014), <http://www.tandfonline.com/doi/pdf/10.1080/09540253.2014.970614?needAccess=true>; ECONOMIC AND SOCIAL COUNCIL, COUNTRY PROGRAMME DOCUMENT ETHIOPIA 3 (January 5, 2016), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/001/02/PDF/N1600102.pdf?OpenElement>; UNITED NATIONS DEVELOPMENT ASSISTANCE FRAMEWORK, ETHIOPIA JOINT PROGRAMME ON GENDER EQUALITY AND WOMEN'S EMPOWERMENT: PHASE II 15-16, [https://info.undp.org/docs/pdc/Documents/ETH/JP%20GEWE%20Pro%20doc%202012-2015%20Final%20\(2\).pdf](https://info.undp.org/docs/pdc/Documents/ETH/JP%20GEWE%20Pro%20doc%202012-2015%20Final%20(2).pdf); e.g., UN WOMEN PRELIMINARY GENDER PROFILE OF ETHIOPIA 62 (November 2014), https://www.usaid.gov/sites/default/files/documents/1860/Preliminary_Gender_Profile_of_Ethiopia_Nov_17_final.pdf.

⁴⁵⁵ UNITED NATIONS DEVELOPMENT ASSISTANCE FRAMEWORK, ETHIOPIA JOINT PROGRAMME ON GENDER EQUALITY AND WOMEN'S EMPOWERMENT: PHASE II 7, [https://info.undp.org/docs/pdc/Documents/ETH/JP%20GEWE%20Pro%20doc%202012-2015%20Final%20\(2\).pdf](https://info.undp.org/docs/pdc/Documents/ETH/JP%20GEWE%20Pro%20doc%202012-2015%20Final%20(2).pdf); see also COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 11-12 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>; see also CENTRAL STATISTICAL AGENCY AND THE WORLD BANK, ETHIOPIA RURAL SOCIOECONOMIC SURVEY 49 (May 2013), http://siteresources.worldbank.org/INTLSMS/Resources/3358986-1233781970982/5800988-1367841456879/9170025-1367841502220/ERSS_Survey_Report.pdf; CENTRAL STATISTICAL AGENCY, *Ethiopia Time Use Survey* 2013, 24 (December 2014), https://www.timeuse.org/sites/ctur/files/public/ctur_report/9414/ethiopian_time_use_survey_report_2014.pdf.

⁴⁵⁶ UNITED NATIONS DEVELOPMENT ASSISTANCE FRAMEWORK, ETHIOPIA JOINT PROGRAMME ON GENDER EQUALITY AND WOMEN'S EMPOWERMENT: PHASE II 7, 11, [https://info.undp.org/docs/pdc/Documents/ETH/JP%20GEWE%20Pro%20doc%202012-2015%20Final%20\(2\).pdf](https://info.undp.org/docs/pdc/Documents/ETH/JP%20GEWE%20Pro%20doc%202012-2015%20Final%20(2).pdf); COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of*

"access to legal protection, financial and business development services are even further limited."⁴⁵⁷ 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."⁴⁵⁸ The government's 2016 Demographic and Health survey finds 46% of employed women are unpaid.⁴⁵⁹

Ethiopia ranks 95 out of 144 countries for its wage equality for similar work performed by men, and 74 for estimated earned income.⁴⁶⁰ In terms of overall economic participation and opportunity for women, Ethiopia ranks 109 out of 144 countries.⁴⁶¹ In addition to receiving unequal pay, women who manage to enter the workforce face discrimination and harassment.⁴⁶²

Many women, particularly in rural areas, are dependent on men; and fewer women than men own land.⁴⁶³ The land holdings owned by female-headed households are smaller than those owned by male-headed households.⁴⁶⁴ Additionally, women who experience gender-based violence face loss of economic

the Committee on the Elimination of Discrimination against Women Ethiopia 10 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>.

⁴⁵⁷ UNITED NATIONS DEVELOPMENT ASSISTANCE FRAMEWORK, ETHIOPIA JOINT PROGRAMME ON GENDER EQUALITY AND WOMEN'S EMPOWERMENT: PHASE II 7 ([https://info.undp.org/docs/pdc/Documents/ETH/JP%20GEWE%20Pro%20doc%202012-2015%20Final%20\(2\).pdf](https://info.undp.org/docs/pdc/Documents/ETH/JP%20GEWE%20Pro%20doc%202012-2015%20Final%20(2).pdf)).

⁴⁵⁸ UNITED NATIONS DEVELOPMENT PROGRAMME, HUMAN DEVELOPMENT REPORT 2016 58 (2016), http://www.hdr.undp.org/sites/default/files/2016_human_development_report.pdf.

⁴⁵⁹ CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016 38 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>.

⁴⁶⁰ WORLD ECONOMIC FORUM, THE GLOBAL GENDER GAP REPORT 2017 148 (2017), http://www3.weforum.org/docs/WEF_GGGR_2017.pdf (indicating that the estimated earned income for women is \$1308 versus \$2163 for men, meaning that women earn 60% of what men earn).

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).

⁴⁶² 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>; CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016 11-12 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>; see COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 11-12 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>; see also UN WOMEN, PRELIMINARY GENDER PROFILE OF ETHIOPIA 38 (November 2014), https://www.usaid.gov/sites/default/files/documents/1860/Preliminary_Gender_Profile_of_Ethiopia_Nov_17_final.pdf.

⁴⁶³ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 14 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf> (stating that 19% of women own land).

⁴⁶⁴ CENTRAL STATISTICAL AGENCY AND THE WORLD BANK, ETHIOPIA RURAL SOCIOECONOMIC SURVEY 35-36 (May 2013), http://siteresources.worldbank.org/INTLSMS/Resources/3358986-1233781970982/5800988-1367841456879/9170025-1367841502220/ERSS_Survey_Report.pdf; OXFAM, *Oxfam Gender Snapshot 1* (April 2017), https://interagencystandingcommittee.org/system/files/ethiopia_gender_snapshot_2017_-_oxfam.pdf.

opportunities,⁴⁶⁵ and the economic situations of widows and divorced women are adversely affected by cultural norms, which often supersede legal protections.⁴⁶⁶

6.1.1. General Violence Against Women

Ethiopia does not have a systematized method for collecting data about VAW.⁴⁶⁷ 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.⁴⁶⁸

Despite recent changes to the Criminal Code in 2005 and the Revised Family Code in 2000,⁴⁶⁹ legal protections are inadequate. The Criminal Code includes several articles pertaining to harmful traditional

⁴⁶⁵ Tebeje Molla and Denise Cuthbert, *Qualitative Inequality: experiences of women in Ethiopian higher education*, GENDER AND EDUCATION Vol. 26(7) 759, 764, 766 (2014), <http://www.tandfonline.com/doi/pdf/10.1080/09540253.2014.970614?needAccess=true>; MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 39, 64 (November 2013).

⁴⁶⁶ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 13 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf> (stating that widows and divorced women receive no support from their deceased spouse's family or ex-husband); see also SIHA AND REDRESS *Submission to the Committee on the Elimination of Discrimination against Women* 6-7 (February 2013), <http://www.refworld.org/docid/5134a92a2.html> (concerning dowries); LAND ADMINISTRATION TO NATURE DEVELOPMENT (LAND) QUARTERLY REPORT No. 17 APRIL-JUNE 2017 8 (July 2017), http://pdf.usaid.gov/pdf_docs/PA00N4CT.pdf (discussing trainings held to address "legal gaps in inheritance and divorce laws that dispossess women of their rights to land"); U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 33 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>.

⁴⁶⁷ MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 5-6 (November 2013); see also Ababayehu Tora, ASSESSMENT OF SEXUAL VIOLENCE AGAINST FEMALE STUDENTS IN WOLAITA SODO UNIVERSITY, SOUTHERN ETHIOPIA, JOURNAL OF INTERPERSONAL VIOLENCE Vol. 28(11) 2351-2367, 2352 (2013), <http://journals.sagepub.com/doi/abs/10.1177/0886260512475316?journalCode=jiva>; U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 31 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>; COMMITTEE AGAINST TORTURE, *Concluding observations of the Committee against Torture: Ethiopia* (January 20, 2011), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/ETH/CO/1&Lang=En. Compare CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016 141 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf> (including a separate section for VAW), with CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2011 (March 2012), <https://dhsprogram.com/pubs/pdf/FR255/FR255.pdf>; and CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2005 (September 2016), [https://dhsprogram.com/pubs/pdf/FR179/FR179\[23June2011\].pdf](https://dhsprogram.com/pubs/pdf/FR179/FR179[23June2011].pdf) (providing statistics about attitudes towards wife beating and knowledge of anti-domestic violence laws under a general women's section).

⁴⁶⁸ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>; MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 6 (November 2013); U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 31 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>.

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 women⁴⁷⁰ but there are no separate provisions for the different types of VAW or domestic violence.⁴⁷¹ Even with existing protections, VAW is often not reported; when it is, little is done to enforce the law.⁴⁷² As a complement to the Criminal Code, the Revised Family Code provides for gender equality, particularly in the family context.⁴⁷³ 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.⁴⁷⁴

VAW permeates every aspect of some women's lives, from school to work to home life.⁴⁷⁵ In the school setting, the most prevalent types of VAW are physical, sexual, and psychological.⁴⁷⁶ Psychological VAW includes ridicule by male teachers and classmates, teasing during women and girls' menstrual cycle,

against Women: a Critical Perspective, INTERNATIONAL JOURNAL OF GENDER AND WOMEN'S STUDIES Vol. 2 49, 55 (March 2014), http://ijgws.com/journals/ijgws/Vol_2_No_1_March_2014/3.pdf.

⁴⁷⁰ THE CRIMINAL CODE OF THE FEDERAL REPUBLIC OF ETHIOPIA PROCLAMATION NO. 414/2004, Art. 565-570, <http://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf>.

⁴⁷¹ *Id.* Art. 564, <http://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf>.

⁴⁷² U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES FOR 2016 – ETHIOPIA 31 (2016), <https://www.state.gov/documents/organization/265466.pdf>; see also SIHA AND REDRESS, *Submission to the Committee on the Elimination of Discrimination against Women* 9 (February 2013), <http://www.refworld.org/docid/5134a92a2.html>; COMMITTEE AGAINST TORTURE, *Concluding observations of the Committee against Torture Ethiopia* 12 (January 20, 2011), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/ETH/CO/1&Lang=En.

⁴⁷³ THE REVISED FAMILY CODE PROCLAMATION NO. 213/2000 (July 4, 2000), <http://www.refworld.org/pdfid/4c0ccc052.pdf>.

⁴⁷⁴ CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA PROCLAMATION NO. 1/1995, Art. 34, subsection 5, <http://www.ethiopia.gov.et/-/8>; COMMITTEE AGAINST TORTURE, *Concluding observations of the Committee against Torture Ethiopia* 9 (January 20, 2011), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/ETH/CO/1&Lang=En; COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 13 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>.

⁴⁷⁵ See generally Tebeje Molla and Denise Cuthbert, *Qualitative Inequality: experiences of women in Ethiopian higher education*, GENDER AND EDUCATION Vol. 26(7) 759 (2014), <http://www.tandfonline.com/doi/pdf/10.1080/09540253.2014.970614?needAccess=true>; MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT (November 2013); CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016, 289-297 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>.

⁴⁷⁶ Tebeje Molla and Denise Cuthbert, *Qualitative Inequality: experiences of women in Ethiopian higher education*, 26:7 GENDER AND EDUCATION 768-770 (2014), <http://www.tandfonline.com/doi/pdf/10.1080/09540253.2014.970614?needAccess=true>; Marielle L. J. Le Mat, 'Sexual violence is not good for our country's development.' *Students' interpretations of sexual violence in a secondary school in Addis Ababa, Ethiopia*, GENDER AND EDUCATION Vol. 28(4) 562-580 569 (2016), <https://doi.org/10.1080/09540253.2015.1134768>; MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT (November 2013); Getachew Mullu et al., *Prevalence of gender based violence and associated factors among female students of Menkorer high school in Debre Markos town, Northwest Ethiopia*, SCIENCE JOURNAL OF PUBLIC HEALTH 3(1) 67-74 69-71(2015), <http://www.sciencepublishinggroup.com/journal/paperinfo?journalid=251&doi=10.11648/j.sjph.20150301.22>.

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

In the workplace, some protections provided for women, including maternity leave and affirmative action policies are unavailable or end up adversely affecting women.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.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.⁴⁸¹ Perpetrators include fellow employees, supervisors and bosses, and customers.⁴⁸²

⁴⁷⁷ Marielle L. J. Le Mat, 'Sexual violence is not good for our country's development.' *Students' interpretations of sexual violence in a secondary school in Addis Ababa, Ethiopia*, GENDER AND EDUCATION Vol. 28(4) 562-580 569 (2016), <https://doi.org/10.1080/09540253.2015.1134768>; MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 50 (November 2013); Tebeje Molla and Denise Cuthbert, *Qualitative Inequality: experiences of women in Ethiopian higher education*, GENDER AND EDUCATION Vol. 26(7) 759, 766-767 (2014), <http://www.tandfonline.com/doi/pdf/10.1080/09540253.2014.970614?needAccess=true>.

⁴⁷⁸ MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 52 (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> ("Female students are asked for sex in exchange for good grades from male teachers, and face sexual assault and bullying from their male peers in lecture halls and libraries.") e.g., Ababayehu Tora, *Assessment of Sexual Violence Against Female Students in Wolaita Sodo University, Southern Ethiopia*, JOURNAL OF INTERPERSONAL VIOLENCE 28(11) 2351-2367, 2359-2362 (2013), <http://journals.sagepub.com/doi/abs/10.1177/0886260512475316?journalCode=jiva>; Yohannes Mehretie Adinew and Mihiret Abreham Hagos, *Sexual violence against female university students in Ethiopia*, BMC INTERNATIONAL HEALTH AND HUMAN RIGHTS 17(19) 4 (2017), <https://bmcinthealthhumrights.biomedcentral.com/articles/10.1186/s12914-017-0127-1>.

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>.

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

⁴⁸¹ *Id.*

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)⁴⁸³

Ethiopian society is patriarchal and generally views women as inferior to men;⁴⁸⁴ DV persists and is widely tolerated.⁴⁸⁵ Ethiopia has one of the highest rates of DV/intimate partner violence among African states.⁴⁸⁶ 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.⁴⁸⁷ 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."⁴⁸⁸

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."⁴⁸⁹ Depending on the circumstances,

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.").

⁴⁸⁴ Yishak Lailulo, *Improving Maternal and Reproductive Health in Ethiopia*, JOURNAL OF ASIAN AND AFRICAN STUDIES Vol. 57 947, 947 (2017), <http://journals.sagepub.com/doi/pdf/10.1177/0021909615623810> (quoting TOWARDS GENDER EQUALITY IN ETHIOPIA, SIDA 10 [February 2003], https://www.sida.se/contentassets/54d269b9567243f0861deacae205859a/towards-gender-equality-in-ethiopia_470.pdf); Andrew Heavens, *Ethiopia Acid Victim Shows Many Women Are at Risk*, REUTERS (March 27, 2007), <http://www.reuters.com/article/us-ethiopia-acid/ethiopia-acid-victim-shows-many-women-are-at-risk-idUSL2331917720070327> ("A woman is taught to tolerate abuse from a very, very early age. We could be talking beating, abduction, harmful traditional practices like genital mutilation.").

⁴⁸⁵ Agumasie Semahegn and Bezatu Mengistie, *Domestic Violence Against Women and Associated Factors in Ethiopia; Systematic Review*, REPRODUCTIVE HEALTH 2 (August 29, 2015), <https://reproductive-health-journal.biomedcentral.com/articles/10.1186/s12978-015-0072-1>; Emnet Assefa, *Domestic Abuse Against Women in Ethiopia: The Price of Not Knowing Her Pain*, ADDIS STANDARD (March 27, 2013), <http://addisstandard.com/domestic-abuse-against-women-in-ethiopia-the-price-of-not-knowing-her-pain/>; COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 5 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>.

⁴⁸⁶ Eshetu Gurm and Senait Endale, *Wife Beating Among Women of Reproductive Age in Urban and Rural Ethiopia*, BMC INTERNATIONAL HEALTH & HUMAN RIGHTS Vol. 17 2 (March 16, 2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5356412/>; Emnet Assefa, *Domestic Abuse Against Women in Ethiopia: The Price of Not Knowing Her Pain* (March 27, 2013), <http://addisstandard.com/domestic-abuse-against-women-in-ethiopia-the-price-of-not-knowing-her-pain/> ("Everyone knows the presence of domestic abuse against women in Ethiopia; unfortunately no one knows how bad it is.").

⁴⁸⁷ Sileshi Garoma Abeya, *Factors Associated with Attitudes of Men Towards Gender and Intimate Partner Violence Against Women in Eastern Ethiopia: A Multinomial Logistic Regression Analysis*, AFRICAN JOURNAL ONLINE Vol. 4 93 (Oct. 2015), <https://www.ajol.info/index.php/star/article/view/145825/135343>.

⁴⁸⁸ CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016 263 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>.

⁴⁸⁹ THE CRIMINAL CODE OF THE FEDERAL REPUBLIC OF ETHIOPIA PROCLAMATION NO. 414/2004, Art. 564, <http://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf>; Megersa Dugasa Fite, *The Ethiopia's Legal Framework on Domestic Violence against Women: a Critical Perspective*, INTERNATIONAL JOURNAL OF GENDER AND WOMEN'S STUDIES Vol. 2(1) 49, 56 (March 2014), http://ijgws.com/journals/ijgws/Vol_2_No_1_March_2014/3.pdf.

penalties range from small fines to imprisonment of fifteen years.⁴⁹⁰ 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.⁴⁹¹ Many women do not report incidents of domestic violence because it may be accompanied by stigmatization and shame.⁴⁹² Some women are also unaware of legal remedies.⁴⁹³ When such crimes are reported, domestic violence cases are delayed and considered a low priority.⁴⁹⁴ Ethiopian police reportedly consider domestic violence to be a less serious offense than theft.⁴⁹⁵ Additionally, reliance on informal systems of adjudication to handle family issues often means that women's rights are not protected.⁴⁹⁶

Marital rape is not criminalized in Ethiopia.⁴⁹⁷ The Criminal Code defines rape as encompassing only those encounters where a person "compels a woman to submit to sexual intercourse *outside wedlock*,

⁴⁹⁰ U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 31 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>.

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.").

⁴⁹² Emnet Assefa, *Domestic Abuse Against Women in Ethiopia: The Price of Not Knowing Her Pain*, ADDIS STANDARD (March 27, 2013), <http://addisstandard.com/domestic-abuse-against-women-in-ethiopia-the-price-of-not-knowing-her-pain/>; U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2010: ETHIOPIA 42 (April 2011), <https://www.state.gov/documents/organization/160121.pdf>.

⁴⁹³ U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 31 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>.

⁴⁹⁴ U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 31 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>.

⁴⁹⁵ Yemane Berhane, *Ending Domestic Violence against Women in Ethiopia*, ETHIOPIAN JOURNAL OF HEALTH DEV. 132 (January 2004), https://www.researchgate.net/publication/242496733_Ending_Domestic_Violence_against_Women_in_Ethiopia (describing insensitivity of law enforcement bodies against women as a factor contributing to continued domestic violence in Ethiopia.); Emnet Assefa, *Domestic Abuse Against Women in Ethiopia: The Price of Not Knowing Her Pain*, ADDIS STANDARD (March 27, 2013), <http://addisstandard.com/domestic-abuse-against-women-in-ethiopia-the-price-of-not-knowing-her-pain/>.

⁴⁹⁶ U.S. DEPARTMENT OF STATE, COUNTRY REPORT ON HUMAN RIGHTS PRACTICES 2016: ETHIOPIA 11 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>; OXFAM, *Oxfam Gender Snapshot 2* (April 2017), https://interagencystandingcommittee.org/system/files/ethiopia_gender_snapshot_2017_-_oxfam.pdf; MINISTRY OF WOMEN, CHILDREN, AND YOUTH AFFAIRS, ASSESSMENT OF CONDITIONS OF VIOLENCE AGAINST WOMEN IN ETHIOPIA FINAL REPORT 34-35 (November 2013) (mentioning how elders might interfere with women seeking assistance from law enforcement and the prevalence of cultural attitudes and the acceptance and justification of VAW); *see also* Helina Beyene, *Final Report National Assessment: Ethiopia Gender Equality and the Knowledge Society* 20 (December 2015), https://owsd.net/sites/default/files/National_Assessment_on_Gender_and_STI_-_Ethiopia.pdf (citing African Institute of Management, Development and Governance (AIMDG). "Ethiopia African Peer Review Mechanism: Country Self-Assessment Report." (February 2009)).

⁴⁹⁷ Agumasie Semahegn and Bezatu Mengistie, *Domestic Violence Against Women and Associated Factors in Ethiopia; Systematic Review*, REPRODUCTIVE HEALTH 2 (August 29, 2015), <https://reproductive-health-journal.biomedcentral.com/articles/10.1186/s12978-015-0072-1>.

whether by the use of violence or grave intimidation, or after having rendered her unconscious or incapable of resistance.”⁴⁹⁸ In justifying the marital rape exemption, members of parliament have argued that spousal sexual relationships are too personal to be considered criminal.⁴⁹⁹ Ethiopia’s failure to recognize marital rape illustrates an accepted culture of violence against women⁵⁰⁰ in the context of marriage and beyond.⁵⁰¹

The Constitution grants men and women equal rights while “entering into, during marriage and at the time of divorce.”⁵⁰² 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.⁵⁰³ Financial dependence is perhaps the most common reason women give for not leaving a marriage⁵⁰⁴ because the Civil Code does not enforce alimony or allow remedies for child support.⁵⁰⁵ Only 16 percent of women independently own property, and the chances of owning property without a spouse decrease with education and economic levels.⁵⁰⁶ 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.”⁵⁰⁷ Of that 23 percent, 79 percent

⁴⁹⁸ THE CRIMINAL CODE OF THE FEDERAL REPUBLIC OF ETHIOPIA PROCLAMATION NO. 414/2004, Art. 620, <http://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf> (emphasis added).

⁴⁹⁹ Hiwot Demissew Meshesha, *Analysis of Marital Rape in Ethiopia in the Context of International Human Rights* 9 (October 2014), <http://uir.unisa.ac.za/handle/10500/19684> (citing Sinidu Fekadu, *An Assessment of Causes of Rape and its Socio-Health Effects: The Case of Female Victims in Kirkos Sub-City, Addis Ababa*, Master of Arts Thesis Addis Ababa University 18 [2008], <http://etd.aau.edu.et/handle/123456789/3462>); Mary Allen and Muireann Ni Raghallaigh, *Domestic Violence in a Developing Context: The Perspectives of Women in Northern Ethiopia*, JOURNAL OF WOMEN & SOCIAL WORK Vol. 28(3) 3 (August 2013), http://irserver.ucd.ie/bitstream/handle/10197/5401/AFFILIA495662_Rev1.pdf?sequence (explaining that Ethiopians consider what happens between husbands and wives to be private matters).

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.'").

⁵⁰¹ See Hiwot Demissew Meshesha, *Analysis of Marital Rape in Ethiopia in the Context of International Human Rights* 27 (October 2014), <http://uir.unisa.ac.za/handle/10500/19684>; Megersa Dugasa Fite, *The Ethiopia's Legal Framework on Domestic Violence against Women: a Critical Perspective*, INTERNATIONAL JOURNAL OF GENDER AND WOMEN'S STUDIES Vol. 2(1) 56 (March 2014), http://ijgws.com/journals/ijgws/Vol_2_No_1_March_2014/3.pdf.

⁵⁰² CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA PROCLAMATION NO. 1/1995, Art. 34, <http://www.ethiopia.gov.et/-/--8>.

⁵⁰³ Mary Allen and Muireann Ni Raghallaigh, *Domestic Violence in a Developing Context: The Perspectives of Women in Northern Ethiopia*, JOURNAL OF WOMEN & SOCIAL WORK 14 (2013), http://irserver.ucd.ie/bitstream/handle/10197/5401/AFFILIA495662_Rev1.pdf?sequence.

⁵⁰⁴ *Id.* at 10.

⁵⁰⁵ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 13 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>.

⁵⁰⁶ CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016 258 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>.

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.⁵⁰⁸

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

Even where shelters exist, the public may not know they exist, which contributes to the problem of underreporting.⁵¹⁴ Some shelters make deliberate attempts to conceal their existence because knowledge of the shelters may compromise the safety of shelter residents.⁵¹⁵ Additionally, wider awareness of shelters might exacerbate the existing inability to meet demands.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.⁵¹⁷ Some shelters also exclude women with certain disabilities, while others exclude pregnant women.⁵¹⁸ This is problematic because Ethiopia has a high level of domestic violence during pregnancy.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.⁵²⁰

⁵⁰⁸ *Id.*

⁵⁰⁹ *Shelters for Women and Girls Who are Survivors of Violence in Ethiopia*, UN WOMEN & IRISH AID, IV (January 2016), <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2016/shelters-for-survivors-of-violence-ethiopia.pdf?la=en&vs=5120>.

⁵¹⁰ *Id.* at IV.

⁵¹¹ *Id.* at VI.

⁵¹² *Id.* at VI.

⁵¹³ *Shelters for Women and Girls Who are Survivors of Violence in Ethiopia*, UN WOMEN & IRISH AID, VII (January 2016), <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2016/shelters-for-survivors-of-violence-ethiopia.pdf?la=en&vs=5120>.

⁵¹⁴ *Id.* at 17.

⁵¹⁵ *Id.*

⁵¹⁶ *Id.*

⁵¹⁷ *Id.*

⁵¹⁸ *Id.*

⁵¹⁹ Tenaw Yimer et al., *Magnitude of Domestic Violence and Associated Factors Among Pregnant Women in Hulet Ejjū Enessie District, Northwest Ethiopia*, ADVANCES IN PUBLIC HEALTH 3 (November 10, 2014), <https://www.hindawi.com/journals/aph/2014/484897/>.

⁵²⁰ *Shelters for Women and Girls Who are Survivors of Violence in Ethiopia*, UN WOMEN & IRISH AID, VIII (January 2016), <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2016/shelters-for-survivors-of-violence-ethiopia.pdf?la=en&vs=5120>.

6.2. Female Genital Mutilation/Cutting

The Criminal Code criminalizes female genital mutilation (FGM),⁵²¹ but the practice remains widespread in the country.⁵²²—Ethiopia ranks second in the world in prevalence of FGM.⁵²³ 74 percent of women and girls between the ages of 15 and 49 years old have endured FGM/cutting.⁵²⁴ 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.⁵²⁵ Many communities and religious leaders have advocated publically to end FGM,⁵²⁶ and while FGM is decreasing in urban areas, the same is not true in rural areas.⁵²⁷

Traditional harmful practices such as FGM/cutting contribute to maternal mortality rates, and significant trauma and related psychological problems.⁵²⁸

6.3. Child/Early Marriage

In Ethiopia, a person must be 18 to be legally married,⁵²⁹ and the Criminal Code penalizes marriage to someone below the age of 18.⁵³⁰ Child marriage, however, remains prevalent. Child marriage is defined as

⁵²¹ THE CRIMINAL CODE OF THE FEDERAL REPUBLIC OF ETHIOPIA PROCLAMATION NO. 414/2004, Art. 565, <http://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf>.

⁵²² See COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 6 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>; U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS 2016: ETHIOPIA 32 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>.

⁵²³ *Female Genital Mutilation/Cutting: A global concern*, UNICEF (2016), https://www.unicef.org/media/files/FGMC_2016_brochure_final_UNICEF_SPREAD.pdf.

⁵²⁴ *Id.*; U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS 2016: ETHIOPIA 32 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>.

⁵²⁵ FREEDOM HOUSE, *Freedom in the World 2017, Ethiopia profile*, <https://freedomhouse.org/report/freedom-world/2017/ethiopia>; see also COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 6 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf> (discussing the lenient penalties and underreporting of crime against women because of cultural attitudes, lack of trust in the judicial system, and inconsistent enforcement of laws); *Ethiopia Still Far From Eradicating FGM*, ALL AFRICA (January 13, 2016), <http://allafrica.com/stories/201601191548.html>, (in an interview with Valentina A. Mmaka, activist Tesfaye Melaku Aberra speaks about the cultural and patriarchal impediments to eradicating FGM and the government's plan to eradicate HTPs by 2025).

⁵²⁶ *Afambo Woreda in Afar Region abandons child marriage and FGM*, UNFPA ETHIOPIA, (August 8, 2016), <http://ethiopia.unfpa.org/en/news/afambo-woreda-afar-region-abandons-child-marriage-and-fgm> (discussing the public declaration made by three localities in the Afambo Woreda to abandon child marriage and FGM).

⁵²⁷ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding Observations of the Committee on the Elimination of Discrimination against Women Ethiopia* 6 (2011), <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-ETH-CO-7.pdf>.

⁵²⁸ *Id.* at 12.

⁵²⁹ CONSTITUTION OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA PROCLAMATION NO. 1/1995, Art. 7, <http://www.ethiopia.gov.et/--8>.

marriage that takes place under the age of 18.⁵³¹ While child marriage affects both boys and girls, girls are more likely to be victims of the practice.⁵³²

The average age for Ethiopian women to marry is 17.1 years of age.⁵³³ The prevalence of child marriage persists in part because it is difficult to enforce child marriage laws,⁵³⁴ and it is difficult to identify the age of the child bride.⁵³⁵ Additionally, socio-cultural factors such as poverty, religion, low education levels, and community norms contribute to the practice's prevalence.⁵³⁶ In some cases, rural families are unaware of the law prohibiting marriage before the age of 18.⁵³⁷ Moreover, child marriage is encouraged as a preventative measure against "pre-marriage risks" such as loss of virginity, abduction, and unwanted or illegitimate pregnancies.⁵³⁸ Poor families often also perceive child marriage as a means to relieve

⁵³⁰ THE CRIMINAL CODE OF THE FEDERAL REPUBLIC OF ETHIOPIA PROCLAMATION NO. 414/2004, Art. 648, <http://www.wipo.int/edocs/lexdocs/laws/en/et/et011en.pdf>; Elizabeth Presler Marshall et al., *Child Marriage in Ethiopia: A Review of the Evidence and an Analysis of the Prevalence of Child Marriage in Hotspot Districts*, UNICEF & ODI 9 (Mar. 2016), https://www.unicef.org/ethiopia/Evidence_Review.pdf; Hanna G., *Child Marriage in Ethiopia*, VOICES OF YOUTH (2014), <http://www.voicesofyouth.org/en/posts/child-marriage-in-ethiopia>.

⁵³¹ *Id.*

⁵³² Hanna G., *Child Marriage in Ethiopia*, VOICES OF YOUTH (2014), <http://www.voicesofyouth.org/en/posts/child-marriage-in-ethiopia>.

⁵³³ CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016 67 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>; see also GIRLS NOT BRIDES (2017), <https://www.girlsnotbrides.org/child-marriage/ethiopia/> (citing UNICEF figures for 2017. "In Ethiopia, two in every five girls are married before their 18th birthday and nearly one in five girls marries before the age of 15.").

⁵³⁴ See GIRLS NOT BRIDES (2017), <https://www.girlsnotbrides.org/child-marriage/ethiopia/>; see also Muhabie Mekonnen Mengisut, *Early Marriage in Ethiopia: So Little Done but So Much To Do*, 9 INTERNATIONAL JOURNAL OF INFORMATION, BUSINESS & MANAGEMENT 3 (November 24, 2015), <https://www.omicsonline.org/open-access/early-marriage-in-ethiopia-so-little-done-but-so-much-to-do-2151-6200-1000140.php?aid=64275>.

⁵³⁵ Muhabie Mekonnen Mengisut, *Early Marriage in Ethiopia: So Little Done but So Much To Do*, 9 INTERNATIONAL JOURNAL OF INFORMATION, BUSINESS & MANAGEMENT 4 (November 24, 2015), <https://www.omicsonline.org/open-access/early-marriage-in-ethiopia-so-little-done-but-so-much-to-do-2151-6200-1000140.php?aid=64275>; see also DEPARTMENT OF FOREIGN AFFAIRS AND TRADE (DFAT), COUNTRY INFORMATION REPORT – ETHIOPIA 30 (September 2017); <http://dfat.gov.au/about-us/publications/Documents/country-information-report-ethiopia.pdf>; U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS 2016: ETHIOPIA 34 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf> (indicating that accurate birth registration is an issue).

⁵³⁶ Jo Boyden et al., *Harmful Traditional Practices and Child Protection: Contested Understandings and Practices of Female Child Marriage and Circumcision in Ethiopia*, YOUNG LIVES 16-17 (February 2013), https://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-WP93_Boyden.pdf; see also Nicola Jones, *Surprising New Evidence on Child Marriage in Ethiopia*, OVERSEAS DEVELOPMENT INSTITUTE (June 14, 2016), <https://www.odi.org/comment/10411-surprising-new-evidence-child-marriage-ethiopia>; Alexandra Hervish, *Despite Challenges, Ending Early Marriage in Ethiopia is Impossible*, POPULATION REFERENCE BUREAU (April 2011), <http://www.prb.org/Publications/Articles/2011/child-marriage-ethiopia.aspx>.

⁵³⁷ U.S. DEPARTMENT OF STATE, COUNTRY REPORTS ON HUMAN RIGHTS 2016: ETHIOPIA 34 (March 3, 2017), <https://www.state.gov/documents/organization/265466.pdf>.

⁵³⁸ Jo Boyden et al., *Harmful Traditional Practices and Child Protection: Contested Understandings and Practices of Female Child Marriage and Circumcision in Ethiopia*, YOUNG LIVES 16-17 (February 2013), https://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-WP93_Boyden.pdf; see also Nicola Jones, *Surprising New Evidence on Child Marriage in Ethiopia*, OVERSEAS DEVELOPMENT INSTITUTE (June 14, 2016), <https://www.odi.org/comment/10411-surprising-new-evidence-child-marriage-ethiopia>.

economic burdens.⁵³⁹ Women in rural areas are four times more likely to become child brides than their urban counterparts.⁵⁴⁰

Child marriage is a significant factor for women and girls' exposure to violence.⁵⁴¹

⁵³⁹ Muhabie Mekonnen Mengisut, *Early Marriage in Ethiopia: So Little Done but So Much To Do*, 9 INTERNATIONAL JOURNAL OF INFORMATION, BUSINESS & MANAGEMENT 4 (November 24, 2015), <https://www.omicsonline.org/open-access/early-marriage-in-ethiopia-so-little-done-but-so-much-to-do-2151-6200-1000140.php?aid=64275>; see also Nicola Jones, *Surprising New Evidence on Child Marriage in Ethiopia*, OVERSEAS DEVELOPMENT INSTITUTE (June 14, 2016), <https://www.odi.org/comment/10411-surprising-new-evidence-child-marriage-ethiopia>.

⁵⁴⁰ CENTRAL STATISTICAL AGENCY, ETHIOPIA DEMOGRAPHIC AND HEALTH SURVEY 2016 67 (July 2017), <https://dhsprogram.com/pubs/pdf/FR328/FR328.pdf>.

⁵⁴¹ *Shelters for Women and Girls Who are Survivors of Violence in Ethiopia*, UN WOMEN & IRISH AID, 8 (January 2016), <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2016/shelters-for-survivors-of-violence-ethiopia.pdf?la=en&vs=5120>; Muhabie Mekonnen Mengisut, *Early Marriage in Ethiopia: So Little Done but So Much To Do*, 9 INTERNATIONAL JOURNAL OF INFORMATION, BUSINESS & MANAGEMENT 4 (November 24, 2015), <https://www.omicsonline.org/open-access/early-marriage-in-ethiopia-so-little-done-but-so-much-to-do-2151-6200-1000140.php?aid=64275>; see also AFRICAN COMMISSION ON HUMAN & PEOPLES' RIGHTS, *Concluding Observations and Recommendations on the 5th and 6th Periodic Report of the Federal Democratic Republic of Ethiopia* 12 (2015), http://www.achpr.org/files/sessions/18th-eo/conc-obs/5-2009-2013/concluding_observations_ethiopia_eng.pdf.