

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9)  
ETH 6/2012

23 November 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolution 16/4, 15/21, and 16/5.

**The implementation of the Charities and Societies Proclamation 621/2009 which contains restrictions to the right to freedom of association** was the subject of a communication sent to your Excellency's Government on 9 December 2011. A response to this communication has yet to be received.

In this connection, we would like to bring to the attention of your Excellency's Government information we continued to receive concerning **repeated restrictions to the right to freedom of association as a result of the enforcement of restrictive provisions contained in the Charities and Societies Proclamation 621/2009**.

As mentioned in our previous communication:

In December 2009, the assets of the Ethiopian Human Rights Council (EHRCO) were frozen by order of the Charities and Societies Agency ("the Agency"). On 26 October 2011, the Federal High Court upheld this decision. The case was then referred to the Supreme Court.

According to the new information received:

On 19 October 2012, the Supreme Court upheld the decision to freeze the assets of the EHRCO. It is alleged that the freezing of the assets of the organization was ordered by enforcing retroactively the CSO Proclamation as it affects a large proportion of the frozen funds that were received before the law was passed, although the law cannot be implemented retroactively.

Furthermore, on 27 October 2012, the Charities and Societies Agency announced that it revoked the licenses of 10 organizations on the grounds that they violated the CSO Proclamation. The Agency reportedly warned 400 other organizations that, in its assessment, were operating against rules and regulations of the country. It is reported that the Agency is currently investigating the cases of approximately 17 organizations.

Concerns are expressed that the decision to freeze the EHRCO funds may lack legal basis and may be an attempt to silence the activists from EHRCO and unduly restrict their legitimate work in defence of human rights. Concerns are also expressed concerning the legal basis for the closure of 10 organizations.

In a communication sent to your Excellency's Government on 9 December 2011, we expressed a series of concerns in relation to various provisions of the Charities and Societies Proclamation 621/2009. A response to this communication has yet to be received. In light of the above new information received, we would like to reiterate our concerns, particularly with regard to article 2 of the CSO Proclamation, which prohibits human rights organizations from receiving more than 10 percent of their funding from foreign sources. The enforcement of such a provision reportedly places excessive restrictions on the ability of human rights organizations to register and operate freely and has had a devastating impact on human rights organizations forcing many of them to discontinue their work.

In addition, it is further reported that eight regulations to implement the CSO Proclamation were adopted between January 2010 and September 2011. These regulations reportedly introduce unnecessary and cumbersome requirements on organizations, such as requesting them to provide a series of information in their annual reports on activities and on account, complying with specific requirements if they wish to create consortium or charity committees, ensuring compliance with preconditions before fundraising, thus limiting their independence.

International and regional human right mechanisms have expressed concern over the provisions contained in the CSO Proclamation such as the United Nations Human Rights Council, during the Universal Periodic Review, and the African Commission on Human and Peoples' Rights, which recommended that the law be amended.

Concerns are expressed concerning various provisions of the CSO Proclamation and its implementing directives, particularly those related to funding, which would unduly restrict the right to freedom of association.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations; and

- article 13 which stipulates that everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedom, through peaceful means, in accordance with article 3 of the declaration.

We would further like to refer to the right to freedom of opinion and expression as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

We would also like to make reference to the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this connection, we would like to refer to Human Rights Council resolution 15/21, and in particular operative paragraph 1 that “Calls upon States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely... including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

As it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide the details, and where available the results, of any investigation or other inquiries which may have been carried out in relation to the cases of the Ethiopian Human Rights Council and the aforementioned 10 organizations. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please indicate the legal grounds for freezing the assets of the Ethiopian Human Rights Council; and for the closure of the aforementioned 10 organizations. Please explain how these measures comply with international human rights law related to freedom of association.
4. Please indicate how you ensure the CSO Proclamation is implemented in a way that allows associations to operate freely and without undue limitations, as prescribed by international standards related to freedom of association. Please indicate how you ensure the legal framework complies with the recommendations put forward by the United Nations Human Rights Council and the African Commission on Human and Peoples’ Rights which recommended the revision of the CSO Proclamation.

We would appreciate a response within sixty days. Your Excellency’s Government’s response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned organizations are respected. We also request that your Excellency’s Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
of association

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders