

**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 6/2011

9 December 2011

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 General Assembly resolution 60/251 and to Human Rights Council resolutions 16/4, 15/21, and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **the strict implementation of the Charities and Societies Proclamation 621/2009**.

According to the information received:

In December 2009, the Charities and Societies Agency (ChSA) ordered four private banks to freeze all assets of the Ethiopian Human Rights Council (EHRCO), a prominent human rights organization, now known as the Human Rights Council (HRCO), including its private bank accounts and sustainability fund, on the basis that the EHRCO allegedly received foreign funding in violation of the Charities and Societies Proclamation 621/2009 (hereinafter: the CSO Proclamation, 2009). It is reported that the EHRCO decided to challenge the lawfulness of the freeze before the Federal High Court because the ChSA allegedly did not bring any court-ordered warrant authorizing a freeze of EHRCO's assets.

On 24 October 2011, the Federal High Court upheld the decision to freeze all assets of the Ethiopian Human Rights Council (EHRCO).

Concerns are expressed that the alleged restrictive measure may be an attempt to silence the Ethiopian Human Rights Council (EHRCO), now the HRCO, and impede its

legitimate work in defence of human rights. Concerns are also expressed that the restrictive measure against the EHRCO already has an effect on the association as it has been forced to close nine out of its twelve offices throughout the country. Concerns are also expressed that several EHRCO members have been subject to intimidation and harassment.

It is alleged that due to the restrictive provisions contained in the CSO Proclamation, many Ethiopian human rights organizations had to stop their activities. Out of the 127 associations advocating for human rights active before the law entered into force, only three reportedly still operate. Serious concerns are expressed regarding various provisions of the CSO Proclamation, 2009, that may unduly restrain the rights to freedom of association, as already mentioned in the urgent appeal sent on 17 July 2008, by the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and in the allegation letter sent on 21 January 2009, by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on violence against women. We thank the Government for the response it provided, but regret that we still believe that our concerns expressed at that time remain valid. Specific concerns are expressed regarding the following provisions:

- article 2 of the CSO Proclamation prohibits organizations to receive more than 10 percent of their overall resources from foreign sources;
- article 69 of the CSO Proclamation entitles the administrative authority to deny the registration of civil society organizations when the nomenclature of the Charity or Society is country wide, while the composition of its members or place of business do not show the representation of at least five regional states; and
- article 85 of the CSO Proclamation empowers the administrative authority to enter the premises of any CSO and to request any employee to provide orally or in writing “any information” relating to any charity or society, or to produce documents.

Serious concerns are expressed that numerous provisions contained in the CSO Proclamation, 2009, are used to hamper the legitimate work of NGOs in the promotion of human rights. Concerns are expressed that the procedure to receive foreign funding severely restricts the right to freedom of association as enshrined in international human rights law and standards. Concerns are also expressed about several provisions that put NGOs under the control of the state and the security apparatus.

We would like to appeal to your Excellency’s Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles 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 also wish to appeal to your Excellency's Government to take all necessary steps to ensure 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”.

With regard to the impact the CSO Proclamation continues to have on the work of human rights defenders and activists, 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;
- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence

perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms; and

- article 13 (b) and (c) which stipulate 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.

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of HRCO, formerly the EHRCO, members are respected and that accountability of any person guilty of the alleged violations is ensured. We also request that your Excellency's Government adopts effective measures to prevent the recurrence of these acts.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the 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 this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please indicate whether compensation has been provided to the association.
4. Please indicate how you intend to ensure that 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.
5. Please indicate what measures have been taken to ensure that the legitimate right to defend human rights peacefully is respected and that the physical and psychological integrity of those exercising this right is guaranteed and respected.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

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