INDEX TO DOCUMENTATION OF COUNTRY CONDITIONS REGARDING PERSECUTION OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER INDIVIDUALS IN ETHIOPIA

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<td>• “Article 629.- Homosexual and other Indecent Acts. Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment.” (p. 213)</td>
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<td>• “Article 630.- General Aggravation to the Crime. (1) The punishment shall be simple imprisonment for not less than one year, or, in grave cases, rigorous imprisonment not exceeding ten years, where the criminal:</td>
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<td>a) takes unfair advantage of the material or mental distress of another or of the authority he exercises over another by virtue of his position, office or capacity as guardian, tutor, protector, teacher, master or employer, or by virtue of any other</td>
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like relationship, to cause such other person to perform or to submit to such an act; or

b) makes a profession of such activities within the meaning of the law (Art. 92).

(2) The punishment shall be rigorous imprisonment from three to fifteen years, where:

a) the criminal uses violence, intimidation or coercion, trickery or fraud, or takes unfair advantage of the victim’s inability to offer resistance or to defend himself or of his feeble-mindedness or unconsciousness; or

b) the criminal subjects his victim to acts of cruelty or sadism, or transmits to him a venereal disease with which he knows himself to be infected; or

c) the victim is driven to suicide by distress, shame or despair.” (p. 214)


- “Consensual same-sex sexual activity is illegal and punishable by three to 15 years’ imprisonment. No law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. There were reports of violence against LGBTI individuals, but reporting was limited due to fear of retribution, discrimination, or stigmatization. There are no hate crime laws or other criminal justice mechanisms to aid in the investigation of abuses against LGBTI individuals. Individuals generally did not identify themselves as LGBTI persons due to severe societal stigma and the illegality of consensual same-sex sexual activity. Activists in the LGBTI community reported surveillance and feared for their safety.” (p. 30)

- “The AIDS Resource Center in Addis Ababa reported the majority of self-identified gay and lesbian callers, most of whom were men, 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.” (p. 30)

- “In May and June, Toto Tours, a Chicago-based tour company serving the LGBTI community, faced widespread backlash in the country when it advertised a 16-day ‘Treasures of Ethiopia’ trip in October to visit a broad range of famous sites. According to the company, a flood of threats and hate messages prompted it to fill out a report on May 26 on a foreign government’s website. Average citizens called for an anti-LGBTI rally in Addis Ababa on June 9, although it did not take place. The company announced plans to cancel the tour due to the potential dangers visitors would face.” (p. 30-31)


- “The Australian DFAT report on Ethiopia stated: ‘LGBTI people face high levels of societal discrimination in Ethiopia, and often conceal their sexual orientation or gender
identity to avoid severe social stigma, including from their families… There are some reports of people being jailed for allegedly engaging in homosexual acts. There are also reports of violence against LGBTI individuals, but these incidents are highly likely to be underreported due to the illegal nature of homosexual activity and the high level of societal discrimination against LGBTI people. DFAT assesses that LGBTI people in Ethiopia face high levels of official and societal discrimination and violence.” (p. 37)

• “A BBC News report, dated 4 June 2019, stated: ‘Ethiopian church groups have called on the government to block a planned visit to the country by a US-based company that organises tours for gay people. The groups were particularly angry that the itinerary published by the Toto Tours company includes religious sites. Many Ethiopians are deeply religious and disapprove of homosexuality, which is also prohibited under the law. The owner of Toto Tours told the BBC the company had received threats and hate messages on social media…’” (p. 37-38)

• “Bahiru Sheway, the co-founder of House of Guramayle, a London-based organisation that advocates for the recognition of LGBT rights in Ethiopia, told the BBC that homophobia had deep roots in the country. Most gay Ethiopians did not reveal their sexuality, he said, for fear of physical harm and ostracism. He added that the row over Toto Tours had triggered a social-media storm, with many Ethiopians expressing outrage at the prospect of gay tourists visiting the country - and even calling for attacks against them and their straight allies.” (p. 38)

• “The president [Dereje Negash], of Selestu Me’et a coalition of Ethiopian Orthodox church associations, told BBC Amharic that the government “should ban this group from entering the country and visiting the sacred sites. They should not be allowed to leave their mark. Our religion condemns this act, and it’s disgraceful.” He emphasized that homosexuality was illegal in Ethiopia, and said the tour company should not be allowed to “violate the law of the land”. Mr [sic] Negash is also a deacon of the Ethiopian Orthodox church, and has been lobbying against homosexuality in the country.” (p. 38)


• “Consensual same-sex sexual activity is illegal and is punishable by three to 15 years’ imprisonment. No law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. There were reports of violence against LGBTI individuals; however, reporting was limited due to fear of retribution, discrimination, or stigmatization. There are no hate crime laws or other criminal justice mechanisms to aid in the investigation of abuses against LGBTI individuals. Individuals generally did not identify themselves as LGBTI persons due to severe societal stigma and the illegality of consensual same-sex sexual activity. Activists in the LGBTI community reported surveillance and feared for their safety.” (p. 32)

• “The AIDS Resource Center in Addis Ababa reported the majority of self-identified gay and lesbian callers, most of whom were men, 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.” (p. 33)
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<td>• “The Dutch Ministry of Foreign Affairs states that because of the lack of protective legislation and formal and informal acceptance, it is not likely that homosexuals will receive state protection when they are discriminated against by fellow citizens, the police, or other state bodies.” (p. 59)</td>
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<td>• “An unspecified source consulted by the Dutch Ministry of Foreign Affairs also states that intimidation, extortion and verbal and physical violence against homosexuals occur.” (p. 60)</td>
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<td>• “In its previous report on human rights practices in Ethiopia, USDOS reports that ‘there were periodic detentions of some in the LGBT community, combined with interrogation and alleged physical abuse.’” (p. 60)</td>
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|   | • “In a 23 against 18 vote (6 abstentions)*, the United Nations Human Rights council voted in favour of a resolution condemning violence discrimination against people on the basis of their sexual orientation and gender identity. The resolution establishes the new position of an independent expert, whose role it will be to assess the implementation of existing international human rights instruments regarding LGBT people…. Fabio Massimo Castaldo MEP, Vice-President of the LGBTI Intergroup, added: ‘I strongly welcome this resolution and I am glad to see it was supported by all EU Member States and accession states that are currently residing in the Human Rights Council, in line with
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<td>the recommendation of the European Parliament…. However, unfortunately there were still 18 states that voted against the resolution. I call on these states and all other states to cooperate with the independent expert so that it can fulfil its full potential in fighting for the human rights of LGBT people.”</td>
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<td>• “Voting against the resolution: Algeria, Bangladesh, Burundi, China, Congo, Cote d’Ivoire, Ethiopia, Indonesia, Kenya, Kyrgyzstan, Maldives, Morocco, Nigeria, Qatar, Russia, Saudi Arabia, Togo, United Arab Emirates”</td>
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<td>• “National laws [in Ethiopia] which prohibit same sex relations created challenges in the operation’s ability to provide individual case management for LGBTI persons of concern, as well as training for UNHCR and partner staff.” (p. 30)</td>
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<td>• “In situations involving LB women, only in Ethiopia, stand-alone references were made only in the List of Issues with regards to two problems; criminalisation of consensual same-sexual acts and ‘corrective rape.’” (p. 52)</td>
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<td>• “[T]he difficult legal and social situation of LGBT people in Ethiopia has been described in accounts given by individuals who have fled the country. For instance, a 2013 news report interviewed two individuals who explained that homosexuality is common[ly] viewed as a ‘Western disease.’ Another news report in 2014 interviewed several gay men who have been harassed and attacked in public.” (p. 323)</td>
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<td>• A 2016 research report also featured interviews with LGBT individuals in the closet who dare not reveal their social identities due to fears of backlash and social ostracization. (p. 323)</td>
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|     | • “In 2011, Christian, Catholic and Muslim religious leaders demanded the cancellation of the International Conference on AIDS and STIs in Africa organised by African Men for Sexual Health and Rights (AMSHeR) on the basis that it violated the country’s conservative culture. In fact, there is a strong religious counter-movement to SOGI human rights claims, and representatives from different religious groups and political
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<td>parties gather annually to discuss prevalent issues, including the ‘gay problem.’” (p. 323-324)</td>
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<td>• “A researcher also described a ‘crusade against homosexuals’ by various religious institutions in December 2008 that culminated in a resolution that referred to homosexuality as the ‘pinnacle of immortality’ and urged Parliament to ban homosexuality in the Constitution, establish rehabilitation centres to ‘treat homosexuals’ and censor the internet to prevent exposure to ‘homosexuality and other unwanted cultures.’” (p. 324)</td>
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<td>• “In 2008, the Patriarch of the Ethiopian Orthodox Church, Abuna Paulos, stated that gay people ‘have to be dumb, stupid like animals [to act in this manner]’, and ‘have to be given a lesson.’” (p. 324)</td>
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|     | • “In June 2019, when a Chicago-based LGBT+ tour company announced its plan to offer a trip to Ethiopia, it received online death threats, and its website was reportedly blocked temporarily in Ethiopia.” |
|     | • “Self-censorship remains common in the LGBT+ community. Same-sex sexual activity is a criminal offense in Ethiopia, deterring open discussion of related topics. Although there are various Ethiopian LGBT+ groups on Facebook, most are run by anonymous accounts.” |
|     | • “Ethiopian online media lack diversity in some sensitive areas, such as coverage of LGBT+ issues.” |


|     | • “Hundreds of websites remained blocked during the coverage period, from media outlets to human rights and LGBTI organizations, to opposition sites and circumvention tools.” |


|     | • “Tests conducted by the Open Observatory of Network Interference (OONI) in December 2016 found a wide range of websites blocked in Ethiopia, including the websites of Ethiopian news outlets known for critical reporting, political opposition groups, LGBTI (lesbian, gay, bisexual, transgender, or intersex) groups, human rights organizations, and circumvention tools. In total, at least one hundred websites were inaccessible. OONI tests also found the mobile version of WhatsApp completely blocked.” |

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<td>“Last June, Facebook locked the account of ‘Happy Addis’, an Ethiopian LGBT activist who runs Facebook groups for gay Ethiopians. The reason? His Facebook profile does not list his real name. But Happy Addis had good reason not to want his real name associated with his Facebook groups. For one thing, Ethiopia’s criminal code punishes consensual adult same-sex relations with up to 15 years in prison, not to mention public hostility from anti-gay groups.”</td>
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<td>“Facebook’s policy is also more likely to disproportionately harm those that are already under threat. The people most likely to be targeted by abusive flagging for real-name violations are at-risk minorities or activists criticizing powerful government actors.”</td>
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- “Defenders of lesbian, gay, bisexual, transgender and intersex (LGBTI) rights in Ethiopia operate in a particularly hostile environment, with organised anti-homosexuality organisations calling upon the government to close spaces for the LGBTI rights movement and tighten ‘anti-gay’ legislation, punishing ‘homosexual acts’ with the death penalty. LGBTI organisations have been consistently accused of being Western proxies seeking to subvert Ethiopian cultural values. Many clerical leaders have made statements against sexual diversity in a country where ‘homosexual acts’ are punishable with one to fifteen years imprisonment pursuant to Articles 629 and 630 of Ethiopia’s Criminal Code.” (p. 2)


- “Ethiopia’s criminal code punishes consensual adult same-sex relations with up to 15 years in prison. In March, Ethiopia’s lawmakers proposed legislation that would make same-sex conduct a non-pardonable offense, thereby ensuring that LGBT people convicted under the law could not be granted early leave from prison. (p. 228)
- “Ethiopia came for Universal Periodic Review [by the UN Human Rights Council] in May 2014, and they rejected all recommendations to decriminalize same-sex conduct and to take measures to combat discrimination based on sexual orientation.” (p. 228)

ACADEMIC SOURCES

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<td>• “The anxiety to manage the intimate and personal spheres of life is one of the multiple manifestations of the marriage between empire and its secular state successor. Law interacts with the church and its adherents to produce the life of <em>zegas</em> as one lived in constant fear and self-surveillance.” (p. 92)</td>
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<td>• “As far as the state is concerned, ‘sexual corruption’ compromises the subject’s commitment to loyalty to the state. Accordingly, what the state perceives as legitimate sex is reified as a standard vantage point from which what is regarded as illegitimate is undermined by law.” (p. 92)</td>
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<td>• “The legacy of imperial Ethiopia is further visible in the unacknowledged alliance between anti-homosexual activists, nostalgic for the country’s imperial past, and the state’s determination to manage the carnality of its ordinary citizens through laws drawn from an imperial document. ‘Homosexuality’ has remained a vice for both the state and religious institutions, as highly embedded in everyday life. Both criminalization and eternal damnation, as consequences of the vice, are thus complementary positions. The criminalization of same-sex intimacies gives license to religious institutions and their followers to act against <em>zegas</em>, from whom the state has withdrawn protection. Sexual desires beyond the heteronormative frame are defined as deviant, immoral, and unconventional, to be corrected through the collaboration of the state and religious institutions.” (p. 93)</td>
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<td>• “In only one day in 2015, twelve young men were imprisoned due the allegations of violating article 629 of the criminal code, which states that homosexuality is punishable by law. The same year, Beki [Aby] witnessed few individuals being fired from their jobs for their ‘homosexual tendencies,’ which were regarded as a disciplinary problem.” (p. 93)</td>
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<td>• “Escaping intimidation and threat, Beki moved to the United Kingdom in 2016, where he gave the following interview to Cheryl Overs: ‘…Even outside of the arrests the law is a justification for anyone to abuse LGBT people as they want…. Of course, there is always the risk of being arrested and it is important to understand that this means entering a criminal justice system that is secretive and without the checks and balances of a democratic system. But in a way the more pervasive threat is being outed to family, employers, church, neighbours, etc.’” (p. 93-94)</td>
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<td>• “Selamawit Tsegaye, whose research challenges Ethiopia’s legal heteronormative regime, has remarked that ‘the dire situation in the country, which reinforced by the criminalization of the act, subsequently leads individuals who identify themselves as gay, lesbian, and bisexual to live in fear, shame, and isolation with no protection of the law.’” (p. 94)</td>
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<td>• “Similarly, Betelhem Ephrem and Aaronette White stress the constant fear in which ‘lesbians’ live due to, among other reasons, the lack of legal protection owing to state-sanctioned homophobia. This is shared by Daniel Iddo Balcha, who emphasizes the role of religion in shaping legal regimes to ostracize homosexual groups in Ethiopia. What these authors and activists share is an understanding of how legal provisions, originating in the imperial document of FN, work beyond prohibition and punishment to produce <em>zega</em> subjectivity as lived in fear.” (p. 94)</td>
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<td>“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.” <em>(p. 7)</em></td>
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<td>“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.” <em>(p. 53)</em></td>
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<td>“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. 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.” <em>(p. 53)</em></td>
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<td>“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.’ One LGBT Ethiopian interviewed for the AAU Center for Human Rights’ study also reported that prison officials abuse gay men in custody.” <em>(p. 56)</em></td>
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<td>“[T]here 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, discrimination, or stigmatization.’ Moreover, in 2014, the Swedish International Development Agency (SIDA) reported that ‘[i]nterviews with LGBTI persons in Ethiopia provide evidence of…violence against LGBTI persons in society, and not at least, in prisons.’ SIDA’s account confirmed earlier reports from the Norwegian Organisation for Asylum Seekers (NOAS) that ‘[m]embers of the Ethiopian [LGBT] community are consistently subjected to hate crimes and violence by both the government and private citizens.’” <em>(p. 53-54)</em></td>
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|     | “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). 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 following him for years.’ Mercy ‘attended another AIDS conference in Washington, D.C. a few months later,’ and when he returned to Ethiopia, ‘he was arrested and tortured.’ Once he was released, he fled to the United States.” (p. 56-57)

- “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.’ Police regularly refuse to investigate violent crimes committed against LGBT Ethiopians. 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 upon by other homophobic prisoner mates and the police officers did nothing to protect them.’” (p. 57)

- “In 2013, a lesbian Ethiopian couple reported to Bikyanews.com, a now-defunct website, that they were attacked at a nightclub in Addis Ababa by a group of women when they started to hold hands. The couple said that ‘[t]he women just kept yelling at us and screaming and pushing when we started to hold hands… They shoved and punched at us until we were forced to leave.’ The couple also explained that ‘[i]t is becoming more and more common in Ethiopia to be attacked because people are gay or lesbian. The campaign against the community is growing.’” (p. 60)

- “[I]n 2012, Robel Hailu, a gay Ethiopian man, participated in the international Mr. Gay World contest. Hailu decided he could not safely return to Ethiopia after receiving numerous anonymous death threats by phone.” (p. 60)

- “[DANA Social Club] 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.” (p. 62)

- “[R]eligious 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 enactment of the death penalty for those convicted of homosexuality and mandatory jail time for same-sex public displays of affection.” (p. 54-55)

- “[T]he 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.’” (p. 55)

- “In 2014, SIDA reported that in Ethiopia, ‘homo- and transphobia is widespread[] in general society, politics as well as in religious settings.’ 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. 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.” (p. 57)

- “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.” (p. 60)

- “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.” (p. 60)


- “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. Even outside of the arrests the law is a justification for anyone to abuse LGBT people as they want.”

- “Of course there is always the risk of being arrested and it is important to understand that this means entering a criminal justice system that is secretive and without the checks and balances of a democratic system. But in a way the more pervasive threat is being outed to family, employers, church, neighbours, etc. This is a real danger for activists but it’s also a very real risk for every same-sex attracted person in the country, as well as bullying in school and discrimination where homosexuality is even suspected.”

- “[B]eing outed is social and economic death and it happens very quickly. Violence is also a very real risk.”

- “[Queer Ethiopians] must stay invisible to stay alive in Ethiopia.”


- “The community both want to expose the situation and fear the consequences of doing so. Of course no single study is not going to make or break efforts to change societal attitudes and government policy on same sex relations, but there are fears about what could happen if the floodgates are opened to foreign academics and activists campaigning on their behalf. The local community know that well-intentioned external ‘script writers’ can cause damage. The Ethiopians are not alone in this of course, but they have had very little access to the LGBT and MSM groups in other countries that have faced similar issues or the networks that can link people up.”

- “[The Ethiopian government] has discouraged both LGBT rights discussions and anti-gay activism.”
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<td>• &quot;LGBTI Ethiopians are heavily stigmatized and fear for their lives. Consequently, they live in hiding and the issue is shrouded in silence. The general population is strongly opposed to LGBTI rights and recently there have been attempts to worsen the penalties for same-sex sexual activities.&quot; (p. 1)</td>
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<td>• &quot;Ethiopia also has an anti-advocacy law which bars charities and NGOs that receive more than 10% of their funding from abroad from participating in activities that advance human rights and the promotion of equality. This has been very successful in shutting down human rights work from reaching the LGBTI community. Hence, there is not little information coming out of the country on living conditions for the LGBTI community.&quot; (p. 1)</td>
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<td>• &quot;The refusal of the Ethiopian government to address violence committed against LGBT people creates a culture of impunity where such abuses can continue and escalate unmitigated. Often, such abuses are committed by the state authorities themselves, with legal sanction.&quot; (p. 12)</td>
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<td>• &quot;All those consulted said that to survive economically and socially, most same-sex attracted Ethiopians don’t disclose that to anyone to avoid discrimination and distressing or disadvantaging their families. Consequently, they endure ongoing stress and fear of loss of family and livelihood, violence, false accusations of sex with children or male rape. In many cases secrecy leads to gay men entering into unsatisfactory marriages with women. This possibility, often combined with being unable to come to terms with same-sex attraction, was described by a gay man as a ‘recipe for suicide.’” (p. 18)</td>
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<td>• &quot;Gay-identified Ethiopians provide strong anecdotal evidence that persecution, discrimination and hate alienates them from services and livelihoods, and they argue that this is driven, or justified, by the illegality of homosexuality.” (p. 9)</td>
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<td>• “Although the Government of Ethiopia is quick to point out that technically anyone can get access to basic health services regardless of their sexual orientation, the reality of discrimination and outright hate of gays in Ethiopia trumps that statement.”” (p. 13)</td>
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**MEDIA SOURCES**
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<td>“Under Ethiopian law, homosexual acts are punishable with jail terms of up to 15 years.”</td>
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<td>“Same-sex relations are criminalized in many countries in sub-Saharan Africa, where many regard homosexuality as imported from the West.”</td>
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<td>“[Dereje Negash of the Orthodox Church] urged authorities to enact strong laws against same-sex relations.”</td>
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<td>“A local LGBT activist, who spoke on condition of anonymity told AP he fears for his safety, citing widespread misconceptions such as the belief that gays are rapists.”</td>
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<td>“Religious leaders in Ethiopia are forming a new association to promote so-called conversion therapy to change gay people's sexual orientation…. It is part of a broader effort to pressure the government of Prime Minister Abiy Ahmed to take a harder line against sexual minorities.”</td>
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<td>“Sexual minorities are viewed with hostility by many in Ethiopia. A 2007 Pew Research Center poll found that 97% of Ethiopians said society should not accept homosexuality. The US State Department's Human Rights Report for 2018 said sexual minorities face ‘severe societal stigma’.”</td>
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<td>“Dereje told journalists the government has been insufficiently vigilant in targeting sexual minorities, something he said the new association could help change.”</td>
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<td>“An LGBT tour operator has received death threats and hate messages on social media after launching a holiday to Ethiopia.”</td>
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<td>“[R]eligious groups in the country are urging the Ethiopian government to ban the country from visiting religious sites, warning that gay travellers could face violence.”</td>
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<td>“Ethiopia has strict anti-gay laws, with homosexual acts punishable by up to 15 years in prison. According to Article 629 of the Ethiopian Criminal Code, this applies to both nationals and foreigners.”</td>
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|   | “Speaking at a press conference on Monday, Dereje Negash, vice chairman of Sileste Mihret United Association, an Ethiopian Orthodox Church organisation, said that gay
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<td>travellers with Toto Tours, ‘will be damaged, they could even die’, if they visit Ethiopia.”</td>
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<td>“John Tanzella, CEO of the International Gay and Lesbian Travel Association (IGLTA), said the situation showed how much work there was still to be done to achieve equality, and that the travel industry could play an important role in facilitating change.”</td>
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<td>“Ethiopia is a rising star among anti-gay countries in Africa as it continues to push for new legislation to further crackdown on the LGBTQ community. The country is a place where homophobia thrives and discrimination against sexual minorities is state-sponsored.”</td>
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<td>“In Ethiopia, homosexuality is illegal, carrying a maximum sentence of imprisonment up to 25 years: lesbians, bisexuals, gays, and transgendered citizens are often stigmatised, discriminated against, and subjected to numerous human rights violations and attacks.”</td>
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<td>“The Ethiopian Orthodox church (a conservative form of Christianity) teaches that the homosexual act is a sin, immoral, an illness, repulsive, strictly forbidden and must be legally punished. It goes without saying that this belief has been inflicting fear for years.”</td>
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<td>“Ethiopian government officials have been well-known for denouncing homosexual acts and LGBTQ communities for many years. The government has made it clear to the nation that there is no place for these members in society, stating that their options are either to change who they are or suffer in prison.”</td>
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<td>“The hostility towards the LGBTQ community is extreme and very concerning. Because of this, many are forced to live by hiding their sexual orientation or fleeing the country. Even talking about having a same sex relationship is very dangerous.”</td>
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<td>“The Ethiopian society is known for its conservative values, is deeply religious, very traditional and highly collectivistic. Its two primary religions (Orthodox Christianity and Islam) have a strong control over the population and have established moral standards for millions. The teachings of these two religions are incongruent with such modern ways of life as personal freedom and adaptability to societal change.”</td>
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<td>“Among the fund’s beneficiaries is an Ethiopian HIV advocacy group working with LGBT people and men who have sex with men (MSM). One of its members who says that he fled to London following persecution told the Guardian that the situation for gay people in Ethiopia had deteriorated in the past few years as civil society came under pressure from the authorities.”</td>
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<td>“‘The starting point is that Ethiopian government officials say, ‘There are no gay people in our country’, but there have also been continual crackdowns by the authorities on those of us who are attempting to organise in civil society,’ said the man, who has chosen to remain anonymous.”</td>
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<td>John Aglionby, <em>The gay Ethiopian health worker forced to flee to Kenya,</em> The Financial Times (Nov. 18, 2016), available at: <a href="https://www.ft.com/content/6133fcb0-a738-11e6-8b69-02899e8bd9d1">https://www.ft.com/content/6133fcb0-a738-11e6-8b69-02899e8bd9d1</a></td>
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<td>“‘When I was in Addis Ababa the Orthodox Church published this VCD [video compact disc] about homosexuality in Ethiopia,’ the 25-year-old explains in the one-bedroom flat he shares with two friends in east Nairobi. ‘We were having coffee and a lot of relatives were in the house. When they saw it my aunt made a comment like, “If I find one of them, I will kill them.”’”</td>
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<td>“[T]he Ethiopian government—one of the continent’s most authoritarian—uses antiterrorism legislation to imprison homosexuals for up to 20 years.”</td>
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<td>“[W]hen a rainbow was seen in the sky as Air Force One landed in Addis Ababa on Sunday, a number of Ethiopian commentators had meltdowns… Comments quickly turned heated,…as people lashed out at the LGBT community.”</td>
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<td>“‘This rainbow is sign of God’s protection from every evil activit[y] like [O]bama’s government allow[ing] homosexual[s,] not sign of [welcome].’”</td>
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<td>“‘Don’t forget! In Our motherland Ethiopia, the rainbow symbolizes God’s promise for mankind, not homosexuality!’”</td>
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<td>“‘No dirty gay marriage in our continent Africa.’”</td>
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<td>“‘Please keep your homosexual agenda in Air Force One before [you] step on the holy land. Thanks.’”</td>
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<td>“The activist, who goes by the pseudonym HappyAddis, used the social network to create and administrate some of the most popular groups for gay Ethiopians, including Zega Matters, which has more than 1,000 members. The East African country considers homosexuality a crime and those convicted of same-sex relations can face 15 years in prison. For that reason, many LGBT citizens use an alias to interact with others online in order to avoid punishment from the authorities and anti-gay violence.”</td>
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<td>“Secret groups still require users’ real names, a non-starter for those who fear physical violence if their identity is revealed. Using a real name is ‘like outing yourself,’”</td>
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“HappyAddis” told Money. “People will go and attack you. Even other gay people, you don’t trust them. How can you find out whether they’re real gay people using their real account?”

“And for many, the service HappyAddis’s groups provide may be irreplaceable. ‘I made this group 5 years ago. That’s where people come to seek information, seek advice, seek counseling from other people,’ he added. ‘There’s not free press, even political activists have a hard time connecting to each other. For the gay community [Facebook] is much more important. We can’t meet publicly and there’s no [other] way to get in touch with other gay people in Ethiopia.’”

“[HappyAddis] writes: ‘…For LGBT Ethiopians and other marginalized groups, social media is a life line, a window to escape a harsh world.’”


“Ethiopian society has long been staunchly homophobic, but in the 2000s, anti-gay leaders drove the subject into the public spotlight. In 2007, the Pew Global Attitudes Project reported that 97 percent of Ethiopians said homosexuality is unacceptable—the second-highest rate of non-acceptance in all of the 45 countries surveyed at the time.”

“‘For people to act in this manner they have to be dumb, stupid like animals,’ Abune Paulos, patriarch of the Ethiopian Orthodox Church, was quoted as saying. ‘We strongly condemn this behavior. They have to be disciplined and their acts discriminated, they have to be given a lesson.’”

“I was told that I am mutant or something, and I couldn’t do anything to express who I am because it might be dangerous,’ [Ibrahim] said.”

“When some of Ibrahim’s coworkers spotted him socializing at a club known to be a gathering for gays, they told his father the news. His father then called Ibrahim and asked if it was true. ‘He told me, “If so you’ll get the consequence—I’ll kill you or I’ll send somebody. You can’t adulterate my family, my name and my religion.”’ Then and there, he disowned Ibrahim completely and forever.”

“The abuse carried over into Ibrahim’s workplace. ‘When I go the next morning to my job, the face of the whole office, the boss, the managers, they were offensive, even disgusted. Some of them challenged me directly.’”

“Ibrahim left his job, but that’s when the abuse turned into violence. On at least two occasions, he said, men came to threaten him, telling him to leave his Addis Ababa neighborhood. Then, on the evening of April 20, 2014, ‘Guys came to me having a gun and putting the mouth of the gun on my head,’ said Ibrahim. ‘Then they told me “This is the last time to run—otherwise we will kill you.” . . . Within a week, . . . he booked a flight to Nairobi where he hoped to apply for asylum to leave this part of the world forever.”

“[While at Kakuma, a refugee camp in Kenya], ‘The Somalis . . . learned that I was gay. They came with (a) sharpened thing and put it on my leg and they cut me here,’ he said,
pointing to a spot below his knee. ‘And they told me in the next round they would cut my penis.’"

• “[After fleeing the refugee camp] . . . Ibrahim [recalls] the night he was chased out by his Kenyan landlord from the apartment he rented in Nairobi. ‘The landlord came to know that I was gay because of the people coming to visit me there. It was midnight and he chased me away,’ Ibrahim said . . . As Ibrahim left the building with some of his things that night, two men approached him. ‘They told me just to go, follow them, otherwise they will kill me if I shout. They harassed me, assaulted me, he said.’ . . . Ibrahim describes how the two men took turns raping him in a room in Eastleigh. ‘It was so heartbreaking . . . the scars are so hard. I can’t speak it out in words. They were bigger in size than me and they were stronger’ he said. ‘I tried to struggle. I lost my strength after that.’ ‘It was heartbreaking,’ he said. ‘My heart bleeds. My heart bleeds and I couldn’t tell anybody.’ When they finished, the two men let Ibrahim go with a warning to keep silent . . . Ibrahim thought about seeking justice against his assailants, but didn’t know how he could safely approach the police.”

Dated: [DATE]                                      Respectfully submitted,
[CITY, STATE]                                      [FIRM]

Pro Bono Counsel for Respondent__________

By: __________________________________________
[NAME]                                          [FIRM]
[ADDRESS]                                        [PHONE NUMBER]
[FAX NUMBER]
Proclamation No.414/2004

THE CRIMINAL CODE OF
THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA

PREFACE
It is nearly half a century since the 1957 Penal Code entered into operation. During this period, radical political, economic and social changes have taken place in Ethiopia. Among the major changes are the recognition by the Constitution and international agreements ratified by Ethiopia of the equality between religions, nations, nationalities and peoples, the democratic rights and freedoms of citizens and residents, human rights, and most of all, the rights of social groups like women and children. After all these phenomena have taken place, it would be inappropriate to allow the continuance of the enforcement of the 1949 Penal Code.

Another discernible gap in the Penal Code is its failure to properly address crimes born of advances in technology and the complexities of modern life. The Penal Code does not incorporate crimes such as the hijacking of aircraft, computer crimes and money laundering. Besides, as regards crimes related to corruption and drugs although they are nowadays, attracting attention both in legislation and follow-up not only within national frontiers but also on the regional and international levels, due to the grave crises they are using, the Penal code does not adequately deal with such crimes with the degree of seriousness they deserve.

Another point that should not be overlooked is the penal Code's failure to acknowledge the grave injuries and sufferings caused to women and children by reason of harmful traditional practices. Surely, the constitution guarantees respect for the cultures of peoples, but it does not buttress up those practices scientifically proven to be harmful. It is also futile to issue a law that does not have the trust and support of the people for it usually remains impracticable. But it is well recognized in the philosophy of criminal legislation that the legislature should, by adopting progressive laws at times, educate and guide the public to dissociate itself from harmful traditional practices.

Furthermore, it is desirable to adopt a comprehensive code by assembling the various criminal provisions published in the Negarit Gazeta in a disintegrated manner. Similarly, since the parallel application, of the regular Penal Code and the Revised special Penal Code in respect of similar matters disregards equality among citizens,
(2) A woman who causes a male minor under the age of thirteen years, to perform sexual intercourse with her,

is punishable with rigorous imprisonment not exceeding ten years.

(3) Whoever performs an act corresponding to the sexual act or any other indecent act upon a minor, of the opposite sex who is under age of thirteen years, induces him to perform such an act, or deliberately performs such an act in his presence,

is punishable with rigorous imprisonment not exceeding ten years.

(4) Where the victim is the pupil, apprentice, domestic servant or ward of the criminal, or a child entrusted to his custody or care, or in any other way directly dependant upon or subordinate to him,

a) in respect of the crime prescribed in sub-article (1) above the punishment shall be more severe on such a person than when it is committed by other persons;
b) in respect of the crime prescribed in sub-article (2) above the punishment shall be rigorous imprisonment from three years to fifteen years.
c) in respect of the crime prescribed in sub-article (3) above the punishment shall be rigorous imprisonment from three years to fifteen years.

(5) Where the sexual outrage has caused grave bodily or mental injury to or death of the victim, the punishment shall be rigorous imprisonment for life.

Article 628.- Other Grounds Aggravating the Crime.

In all cases involving rape or sexual outrage (Arts. 620-627), the punishment shall be rigorous imprisonment from five years to twenty-five years, where the relevant provision does not prescribe a more severe penalty:

a) where the victim becomes pregnant; or
b) where the criminal transmits to the victim a venereal disease with which he knows himself to be infected; or

c) where the victim is driven to suicide by distress, anxiety, shame or despair.

Section II.- SEXUAL DEVIATIONS

Article 629.- Homosexual and other Indecent Acts.

Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment.
Article 630.- General Aggravation to the Crime.

(1) The punishment shall be simple imprisonment for not less than one year, or, in grave cases, rigorous imprisonment not exceeding ten years, where the criminal:

a) takes unfair advantage of the material or mental distress of another or of the authority he exercises over another by virtue of his position, office or capacity as guardian, tutor, protector, teacher, master or employer, or by virtue of any other like relationship, to cause such other person to perform or to submit to such an act; or
b) makes a profession of such activities within the meaning of the law (Art. 92).

(2) The punishment shall be rigorous imprisonment from three years to fifteen years, where:

a) the criminal uses violence, intimidation or coercion, trickery or fraud, or takes unfair advantage of the victim’s inability to offer resistance or to defend himself or of his feeble-mindedness or unconsciousness; or
b) the criminal subjects his victim to acts of cruelty or sadism, or transmits to him a venereal disease with which he knows himself to be infected; or

c) the victim is driven to suicide by distress, shame or despair.

Article 631.- Homosexual and Other Indecent Acts Performed on Minors.

(1) Whoever performs a homosexual act on a minor, is punishable:

a) with rigorous imprisonment from three years to fifteen years, where the victim is between the ages of thirteen and eighteen years; or
b) with rigorous imprisonment from fifteen years to twenty-five years, where the victim is below thirteen years of age.

(2) A woman who performs a homosexual act on a female minor, is punishable with rigorous imprisonment not exceeding ten years.

(3) Whoever performs any other indecent act on a minor of the same sex, is punishable with simple imprisonment.

(4) Where the victim is the pupil, apprentice, domestic servant or ward of the criminal, or a child entrusted to his custody or care, or in any other way directly dependant upon or subordinate to him:

a) in the case of sub-article (1) the punishment to be imposed upon such criminal shall be more severe than when the crime is committed by another person;

b) in the case of sub-article (2) the punishment shall be rigorous imprisonment from three years to ten years;
c) in the case of sub-article (3) the punishment shall be simple imprisonment for not less than six months.

(5) Where the sexual outrage has caused death or grave physical or mental injury upon the victim, or where the victim is driven to suicide by distress, shame or despair, the punishment shall be rigorous imprisonment for life.

**Article 632.- Participation of a Juridical Person in Sexual Outrages Committed on Minors.**

Where an official or employee of a juridical person or any other person commits one of the crimes in the provision of Articles 626-628 and 631 on a minor living in an institution established for the purpose of upbringing, educating, training or in any other way taking care of children, and where the operation or administration of such juridical person has created a favourable condition for the commission of such crimes, or where the crime is committed because the juridical person has not provided sufficient safeguard, the juridical person shall be punishable in accordance with Article 90 of this Code according to the kind and gravity of each crime.

**Article 633.- Sexual Intercourse with an Animal.**

Whoever performs sexual intercourse with an animal, is punishable with simple imprisonment.

**Section III.- EXPLOITATION OF THE IMMORALITY OF OTHERS**

**Article 634.- Habitual Exploitation for Pecuniary Gain.**

Whoever, for gain, makes a profession of or lives by procuring or on the prostitution or immorality of another, or maintains, as a landlord or keeper, a brothel, is punishable with simple imprisonment and fine.

**Article 635.- Traffic in Women and Minors.**

Whoever, for gain, or to gratify the passions of another:

a) traffics in women or minors, whether by seducing them, by enticing them, or by procuring them or otherwise inducing them to engage in prostitution, even with their consent; or

b) keeps such a person in a brothel to let him out to prostitution,

is punishable with rigorous imprisonment not exceeding five years, and fine not exceeding ten thousand Birr, subject to the application of more severe provisions, especially where there is concurrent illegal restraint.

**Article 636.- Aggravation to the Crime.**
Exhibit 2
ETHIOPIA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Ethiopia is a federal republic. A coalition of ethnically based parties known as the Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF) controlled the government until its successor, the Prosperity Party, was formed in December. In the 2015 general elections, the EPRDF and affiliated parties won all 547 seats in the House of People’s Representatives (parliament) to remain in power for a fifth consecutive five-year term. In February 2018 then prime minister Hailemariam Desalegn announced his resignation to accelerate political reforms in response to demands from the country’s increasingly restive youth. In April 2018 parliament selected Abiy Ahmed Ali as prime minister to lead broad reforms.

Under Prime Minister Abiy, there has been an increased focus on the rule of law. The Federal Police report to the newly created Ministry of Peace as of October 2018 and are subject to parliamentary oversight, but parliament’s capacity to conduct this oversight is limited. Each of the nine regions has a regional, a special police force, or both that report to regional civilian authorities. Local militias operated across the country in loose and varying coordination with these regional police, the Federal Police, and the military. Selected by community leadership, local militias are empowered to handle standard security matters within their communities, primarily in rural areas. It was widely reported that civilian authorities at times did not maintain control over regional security forces. Rural local police and militias sometimes acted independently and extrajudicially. Local government authorities provided select militia members with very basic training. Militia members serve as a bridge between the community and local police by providing information and enforcing rules. When community security was insufficient to maintain law and order, the military played an expanded role with respect to internal security; in particular, setting up military command posts in parts of the country like West and South Oromia, as well as Southern Nations, Nationalities, and Peoples’ (SNNP) Region.

A number of positive changes in the human rights climate followed Abiy’s assumption of office. The government decriminalized political movements that past administrations had accused of treason, invited opposition leaders to return to the country and resume political activities, allowed peaceful rallies and demonstrations, enabled the formation and unfettered operation of new political parties and media outlets, continued steps to release thousands of political prisoners, and undertook revisions of repressive laws. In recent months, however,
the government used the Antiterrorism Proclamation (ATP) to buy time for investigations pertaining to the killing of government officials on June 22. Additionally, humanitarian partners cited the lack of safe, voluntary, and dignified returns of internally displaced persons (IDPs) and their lack of access to those IDPs as major concerns.

Significant human rights issues included: reports of unlawful or arbitrary killings by security forces; citizens killing other citizens based on their ethnicity; unexplained disappearances; arbitrary arrest and detention by security forces; harsh and life-threatening prison conditions; unlawful interference with privacy; censorship, and blocking of the internet and social media sites; criminalization of same-sex sexual conduct; and child labor, including the worst forms.

The government took steps to prosecute selected members of senior leadership for human rights abuses but decided on a policy of forgiveness for lower-level officials under its broader reconciliation efforts. The government took positive steps toward greater accountability under Abiy to change the relationship between security forces and the population. In August 2018 the federal attorney general filed criminal charges against former Somali regional president Abdi Mohammed Omar and several others relating to criminal conspiracy and armed uprising. The federal attorney general brought charges related to egregious human rights violations and corruption against Getachew Assefa, Assefa Belay, Shishay Leoul, and Atsbaha Gidey, all former officials in the National Intelligence and Security Service (NISS). On July 16, the Federal High Court ordered the trial to proceed in the absence of the defendants after police were unable to locate the men in the Tigray Region.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

- **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports that the government and its representatives committed arbitrary and unlawful killings. Security forces used deadly force against civilians.

On January 8, the Ethiopian National Defense Force’s (ENDF) attempt to dismantle a roadblock set up by civilians in Western Gondar in the Amhara Region resulted in a shootout in which nine individuals died. The Amhara regional
resident at the time of the incident, Gedu Andargachew, publicly condemned the killings and sent an investigation team to the area.

On June 22, an armed group attacked and fatally shot Amhara regional president Ambachew Mekonnen and Amhara regional government office advisor Ezez Wassie in Bahir Dar. On June 24, the Amhara Region’s attorney general, Migbaru Kebede, died from injuries sustained in the June 22 attack. Hours after the Bahir Dar killings, a bodyguard in Addis Ababa killed General Seare Mekonnen, chief of the ENDF, and retired major general Gezai Abera, former ENDF logistics chief. On June 24, during an arrest operation near Bahir Dar, security forces killed Brigadier General Asaminew Tsige, head of the Amhara Region’s security bureau and the lead suspect in the killing of Mekonnen and other officials.

On July 18, violence that erupted in Hawassa and the broader Sidama Zone following Sidama activists’ decision unilaterally to declare statehood resulted in dozens of deaths, ethnic identity-based attacks, destruction of property, and widespread robbery. The Sidama Zone police department reported 53 individuals were killed while 54 suffered bodily injuries in the violence on and after July 18. The death figures relied on data from hospitals that excluded those killed and buried in various localities. Following this incident, regional authorities in the SNNP Region, where Sidama Zone is located, established a command post, which as of September remained active. The command post gave federal forces control over the security situation in the region.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

On January 2, fighters of the Oromo Liberation Army (OLA) abducted Delessa Bulcha, president of Dembi Dollo University, while he was travelling from West Wellega to Addis Ababa. The fighters released him after three days.

In May, OLA personnel in Oromia Region’s West Wellega Zone reportedly abducted and killed the ruling Oromo Democratic Party’s Seyo District head, Negesse Abu.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
The constitution prohibits such practices, but there were reports of abuses against detainees by security officials.

In the wake of the June 22 killings in Bahir Dar and Addis Ababa, police reportedly arrested more than 300 activists, politicians, and journalists. Media reported that police detained suspects in “inhuman” conditions inside the Addis Ababa Police Commission compound in Piassa, where they were kept in crowded, cold, and dark cells and only allowed to use the toilet once every 24 hours. According to media reports, police also did not allow family members and friends to visit the suspects. Police called detainees for nightly interrogations where they were forced to stand for long periods of time. The Ethiopian Human Rights Council (HRCO) voiced concern over the arrests of members of NaMA, the Oromo Federalist Congress (OFC), the Ethiopian Citizens’ Party for Social Justice (EZEMA), journalists, and civilians.

On July 6 and 7, media reported police detained a group of suspects and kept them in cold, dark cells with very limited access to toilets. The detainees began a hunger strike, which lasted for a few days, and on July 8, police brought the suspects to court on allegations of committing terrorist crimes. The detainees reportedly continued to be held at a police station in Addis Ababa in connection with the June 22 killings.

On August 1, Prime Minister Abiy Ahmed stated during a press briefing that his government was committed to the respect and protection of human rights and to ensuring the rule of law. He denied reports of torture as well as keeping detainees in dark cells.

In April 2018 the government announced the closure of Maekelawi, the federal crime investigation and detention center in Addis Ababa and the site of many reports of prisoner abuse in previous years. Prison officials transferred the detainees in the center to another facility. Parliament’s Legal, Justice, and Democracy Affairs Standing Committee visited the site in December 2018 and confirmed that the government had shuttered the center. In September 2018 the current administration of the Somali regional state closed Jijiga Central Prison (Jail Ogaden) known for its brutal torture of inmates. On May 26, Somali regional security officials arrested the former head of Jail Ogaden, Hassan Ismail Ibrahim, also known as Hassan Dhere, in neighboring Somalia.

Prison and Detention Center Conditions
Prison and pretrial detention center conditions remained harsh and in some cases life threatening. There were reports authorities physically abused prisoners in detention centers, military facilities, and police stations. Problems included gross overcrowding and inadequate food, water, sanitation, and medical care. Pretrial detention often occurred in police station detention facilities, where conditions varied widely and where reports stated there was poor hygiene and police abuse of detainees.

Physical Conditions: Severe overcrowding was common, especially in prison sleeping quarters. For example, in 2016 the Ethiopian Human Rights Commission (EHRC) visited a prison cell in Shoa Robit Federal Prison and found that its two small windows did not allow enough light into the estimated 430-square-foot cell, which held 38 inmates, allowing an average of less than 12 square feet per prisoner. Authorities sometimes incarcerated juveniles with adults. Prison officials generally separated male and female prisoners, although mixing occurred at some facilities. Medical attention following physical abuse was insufficient in some cases.

The government budgeted approximately nine birr ($0.31) per prisoner per day for food, water, and health care, although this amount varied across the country. According to the World Bank, the country’s per capita GDP was 12 birr per day ($0.41). Many prisoners supplemented this support with daily food deliveries from family members or by purchasing food from local vendors. Reports noted officials prevented some prisoners from receiving food from their families, and some families did not know of their relatives’ locations. Medical care was unreliable in federal prisons and almost nonexistent in regional ones. Prisoners had only limited access to potable water. Water shortages caused unhygienic conditions, and most prisons lacked appropriate sanitary facilities. Many prisoners had serious health problems but received little or no treatment. There were reports prison officials denied some prisoners access to needed medical care.

Visitors to political prisoners and other sources reported political prisoners often faced significantly different treatment compared with other prisoners. Allegations included lack of access to proper medication or medical treatment, lack of access to books or television, and denial of exercise time.

Administration: In July 2018 the government fired five federal prison officials following state media reports of allegations of abuse. There were reports prisoners mistreated by prison guards did not have access to prison administrators or ombudspersons to register their complaints. Legal aid clinics operated in some
prisons. At the regional level, these clinics had good working relations with judicial, prison, and other government officials. Prison officials allowed some detainees to submit complaints to judicial authorities without censorship, but courts sometimes declined to hear such complaints.

The law generally provides visitor access for prisoners. Authorities, however, denied some detained and indicted defendants visits with their lawyers or with representatives of their political parties. In some cases, police did not allow pretrial detainees access to visitors, including family members. Prison regulations across the country stipulate that lawyers representing persons charged with terrorism offenses may visit only one client per day, and only on Wednesdays and Fridays. Authorities denied family members’ access to persons charged with terrorist activity.

Officials permitted religious observance by prisoners, but this varied by prison and even by section within a prison. There were allegations authorities denied detainees adequate locations in which to pray.

Independent Monitoring: The International Committee of the Red Cross visited prisons throughout the country during the year as part of its normal activities. The government did not permit access to prisons by other international human rights organizations.

Regional authorities allowed representatives of the government and nongovernmental organizations (NGOs) to meet with prisoners without third parties present. The EHRC monitored federal and regional detention centers and interviewed prison officials and prisoners in response to allegations of widespread human rights abuses. The NGO Justice for All-Prison Fellowship Ethiopia (JPA-PFE) had access to multiple prison and detention facilities around the country.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. Authorities, however, detained persons arbitrarily, including activists, journalists, and opposition party members.

Law enforcement officers reportedly arrested and detained hundreds of suspects in the wake of the June 22 targeted killings in Bahir Dar and Addis Ababa and the July 18 violence in Sidama Zone. On July 18, the independent rights group HRCO
expressed its concern in a statement over arrests targeting opposition groups. The HRCO stressed the detention of 102 members of NaMA, the OFC, and EZEMA, journalists and other individuals not only would affect the political parties and individuals but also represented a backsliding in the entire process of reform in the country.

The command post established in December 2018 in Western Oromia and the Benishangul Gumuz Region announced that it arrested 171 individuals from both regions in connection with the violence, deaths, and property loss associated with the conflict along the border area.

**Arrest Procedures and Treatment of Detainees**

The constitution and law require detainees to appear before the court and face charges within 48 hours of arrest or as soon thereafter as local circumstances and communications permit. Travel time to the court is not included in this 48-hour period. With a warrant, authorities may detain persons suspected of serious offenses for 14 days without charge and for additional and renewable 14-day periods during a pending investigation. The courts allowed security officials to continue investigations for more than 14 days without bringing formal charges against suspects.

Under the ATP police may request to detain persons without charge for 28-day periods, up to a maximum of four months, during an investigation. The law permits warrantless arrests for various offenses including “flagrant offenses.” These include suspects apprehended while committing an offense, attempting to commit an offense, or having just completed an offense.

The law prohibits detention in any facility other than an official detention center, but local militias and other formal and informal law enforcement entities operated an unknown number of unofficial detention centers.

A functioning bail system was in place. Bail was not available for persons charged with terrorism, murder, treason, or corruption. In other cases, the courts set bail between 500 and 10,000 birr ($17 and $346), which most citizens could not afford. The government provided public defenders for detainees unable to afford private legal counsel, but defendants received these services only when their cases went to trial and not during the critical pretrial phases. In some instances a single defense counsel represented multiple defendants in a single case. There were reports that authorities allowed some detainees in pretrial detention little or no contact with
legal counsel, did not provide full information on their health status, and did not allow family visits. There were reports officials sequestered prisoners for weeks at a time and placed civilians under house arrest for undisclosed periods.

**Arbitrary Arrest:** Authorities detained persons arbitrarily, including activists, journalists, and opposition party members. There were hundreds of reports of arbitrary arrest by security forces.

On July 11, intelligence officers in Addis Ababa arrested Christian Tadele, spokesperson for political party NaMA, while he was visiting arrested members of his party. On August 9, police told the court they suspected Christian of committing terrorist crimes. NaMA claimed more broadly that government security forces arrested more than 500 members of the party in the wake of the June 22 killings in Bahir Dar and Addis Ababa. This included the July 26 reported arrests of Belete Kassa, NaMA’s head of secretariat, head of political affairs Anteneh Sileshi, and its head of youth affairs Nigussie Yilikal. In August the OLF claimed security forces had arrested an unknown number of its leaders, members, and supporters in Oromia and only released some after they had undergone “political retraining.”

In September 2018 Addis Ababa city police detained 1,204 youths whom they suspected had a connection with the violence that occurred following the return of the OLF in Burayu. Police detained the youths at the Tolay Military training camp and provided them with a month of “re-education.” On October 18, police released 1,174 detainees. By year’s end the government did not report the status of the remaining 30 youth that police detained.

**Pretrial Detention:** Some detainees reported indefinite detention for several years without charge or trial. The percentage of the inmate population in pretrial detention and average length of time held were not available. Lengthy legal procedures, large numbers of detainees, judicial inefficiency, and staffing shortages contributed to frequent trial delays, in some cases for years.

**Detainees’ Ability to Challenge Lawfulness of Detention before a Court:** The law provides persons accused of or charged with a crime the ability to appeal. During the year no cases were brought to the courts by individuals claiming unlawful detention. The criminal law does not provide compensation for unlawfully detained persons.

**e. Denial of Fair Public Trial**
The law provides for an independent judiciary. Although the civil courts operated with a large degree of independence, criminal courts remained weak, overburdened, and subject to political influence.

**Trial Procedures**

Under the constitution accused persons have the right to a fair, public trial without undue delay, a presumption of innocence, legal counsel of their choice, appeal, the right not to self-incriminate, the right to present witnesses and evidence in their defense, and cross-examine prosecution witnesses. The law requires translation services provided in a language that defendants understand. The federal courts have staff working as interpreters for major local languages and are required to hire interpreters for defendants that speak other languages.

Detainees did not always enjoy all these rights, and as a result, defense attorneys were sometimes unprepared to provide an adequate defense. The courts did not always presume a defendant’s innocence, allow defendants to communicate with an attorney of their choice, provide timely public defense, or provide access to government-held evidence. Defendants were often unaware of the specific charges against them until the commencement of their trials. There were unverified reports of authorities subjecting detainees to abuse while in detention to obtain information or confessions.

The federal Public Defender’s Office provided legal counsel to indigent defendants, but the scope and quality of service were inadequate due to a shortage of attorneys. A public defender often handles more than 100 cases and may represent multiple defendants in a single case. Numerous free legal aid clinics, primarily based at universities, provided legal services. In certain areas of the country, the law allows volunteers, such as law students and professors, to represent clients in court on a pro bono basis. There was no bar association or other standardized criminal defense representation.

The constitution recognizes both religious and traditional courts. Many citizens residing in rural areas had little access to formal judicial systems and relied on traditional mechanisms for resolving conflicts. By law all parties to a dispute must agree to use a traditional or religious court before such a court may hear a case, and either party may appeal to a regular court at any time. Sharia (Islamic law) courts may hear religious and family cases involving Muslims if both parties agree to use the sharia court before the formal legal process begins. Sharia courts received
some funding from the government. These sharia courts adjudicated a majority of cases in the predominantly Muslim Somali and Afar Regions. Other traditional systems of justice, such as councils of elders, functioned predominantly in rural areas. Some women believed they lacked access to free and fair hearings in the traditional court system because local custom excluded them from participation in councils of elders and due to persistent gender discrimination.

**Political Prisoners and Detainees**

Addis Ababa Police arrested and charged Frew Bekele, a professor at Rift Valley University, under the ATP, for authoring a book entitled *The Hijacked Revolution*. The book was highly critical of Prime Minister Abiy’s administration, claiming Prime Minister Abiy no longer represented the Oromo cause. Police confiscated the book from book vendors throughout Addis Ababa. Three brothers who ran a bookshop in the capital were also arrested. As of October police continued to detain Frew and two of the three brothers.

Local human rights organizations reported police detained more than 200 individuals for political reasons and detained close to 2,000 individuals in mass arrest roundups related to multiple incidents. The government claimed the arrests were criminal, not political.

**Amnesty:** In response to Prime Minister Abiy’s request to release political prisoners, parliament passed an amnesty law that lasted from July 20, 2018, until January 21. The federal attorney general reported 13,200 persons benefited from the amnesty law. The law granted amnesty for individuals and groups under police investigation, pending trial, or convicted of political crimes including treason, outrage against the constitutional order, and armed struggle. Individuals convicted of genocide, extrajudicial killings, forced abduction, and committing torture were not eligible for amnesty.

**Civil Judicial Procedures and Remedies**

The law provides citizens the right to appeal in civil court, including in cases with human rights violations. For rights violations where a government agency is the accused perpetrator, the victim initiates the process by filing a complaint at the EHRC. Parliament created the EHRC in 2000, and it continued to fund and provide oversight of the commission. The EHRC investigates and makes recommendations to the concerned government agency. Citizens did not file any
human rights violations under this system, primarily due to a lack of evidence and a lack of faith in their ability to secure an impartial verdict in these types of cases.

On July 2, parliament approved the appointment of Daniel Bekele as commissioner of the EHRC. Bekele publicly called for “meaningful reform” of the EHRC and signaled his independence by criticizing the government’s continued use of the ATP.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law generally requires authorities to obtain court-issued search warrants prior to searching private property. The law also recognizes exceptions for “hot pursuit” cases in which a suspect enters the premises or disposes of items that are the subject of an offense committed on the premises. This legal exception also applies when police have reasonable suspicion that evidence of a crime punishable by more than three years’ imprisonment is concealed on or in the property and a delay in obtaining a search warrant would allow the evidence to be removed. Moreover, the ATP permits warrantless searches of a person or vehicle when authorized by the director general of the Federal Police, his designee, or a police officer who has reasonable suspicion that a terrorist act may be committed and deems a sudden search necessary.

There were reports authorities dismissed opposition members from their jobs and that those not affiliated with the EPRDF sometimes had trouble receiving the “support letters” from their neighborhoods or wards necessary to obtain employment (see section 3, Political Parties and Political Participation).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including speech and for the press. With the encouragement of Prime Minister Abiy, a number of new and returned diaspora media outlets were able to register and begin operations in the country.

Freedom of Expression: Upon taking office in April 2018, Prime Minister Abiy stated freedom of speech was essential to the country’s future. NGOs subsequently
reported that practices such as arrests, detention, abuse, and harassment of persons for criticizing the government dramatically diminished.

Press and Media, Including Online Media: Independent media reported access to private, affordable, independent printing presses was generally limited to a single government-owned facility, which allowed government intimidation. Independent media cited limited access to a printing facility as a major factor in the small number, low circulation, and infrequent publication of news. State media moved toward more balanced reporting during the year, but strong government influence remained evident.

In Addis Ababa eight independent newspapers had a combined weekly circulation of approximately 44,000 copies; there were in addition two sports-focused newspapers. There were no independent newspapers outside the capital. Nine independent weekly, monthly, and bimonthly magazines published in Amharic and English had a combined circulation estimated at 27,000 copies. State-run newspapers had a combined daily circulation of approximately 50,000 copies. Most newspapers were printed on a weekly or biweekly basis, except state-owned Amharic and English dailies and the privately owned Daily Monitor. Government-controlled media closely reflected the views of the government and ruling EPRDF party. The government controlled the only television station that broadcast nationally, which, along with radio, was the primary source of news for much of the population. Two government-owned radio stations covered the entire country, 12 private FM radio stations broadcast in the capital, one FM radio station operated in the Tigray Region, and 49 community radio stations broadcasting in other regions. The state-run Ethiopian Broadcasting Corporation had the largest broadcast range in the country, followed by the Fana Broadcasting Corporation, generally regarded as affiliated with the EPRDF ruling party. There were 31 licensed satellite television stations and 28 radio stations.

The law prohibits political and religious organizations, as well as foreigners from owning broadcast stations.

Violence and Harassment: The government’s arrest, harassment, and prosecution of journalists sharply declined, and imprisoned journalists were released.

On February 23, Oromia regional police detained two journalists from the privately owned online news outlet Mereja Television. Reporter Fasil Aregay and cameraman Habtamu Oda were interviewing individuals displaced by home
demolitions when they were detained. Following the detentions, a mob attacked the two journalists in front of the police station in Legetafo.

On July 18, security personnel in Hawassa, the capital of the SNNP Region, arrested Getahun Deguye and Tariku Lemma, managers of the Sidama Media Network, and two board members. Police released one of the board members unconditionally after a few hours while the rest remained detained under allegations they were involved in the July 18 violence in Sidama Zone.

**Censorship or Content Restrictions**: Many private newspapers reported informal editorial control by the government. Examples of government interference included requests regarding specific stories and calls from government officials concerning articles perceived as critical of the government. Private-sector and government journalists routinely practiced self-censorship.

**Internet Freedom**

The government periodically restricted and disrupted access to the internet and blocked various social media sites. Beginning on June 10, the government partially and then totally shut down the internet for a week for undisclosed reasons. Many speculated that it related to the administration of national school leaving examinations. Ethiopians continued to be able to access blogs and opposition websites the government unblocked in 2018. The government shut down the internet following the June 22 killings in Bahir Dar and Addis Ababa. On June 27, the government partially restored connectivity while continuing to block social media sites, including Facebook and Twitter.

State-owned Ethio Telecom was the only internet service provider in the country.

The law on computer crimes includes some overly broad provisions that could restrict freedom of speech and expression. These included, for example, a provision that provides for imprisonment for disseminating through a computer system any written, video, audio, or any other picture that incites violence, chaos, or conflict among persons.

Authorities monitored communication systems and took steps to block access to Virtual Private Network providers that let users circumvent government screening of internet browsing and email. In September the website Axios.com alleged the government used spyware to surveil journalists.
Academic Freedom and Cultural Events

The government restricted academic freedom, primarily by controlling teachers’ appointments and curricula. Authorities frequently restricted speech, expression, and assembly on university and high school campuses.

According to multiple reports, the ruling EPRDF, through the Ministry of Education, continued to favor students loyal to the party in assignments to postgraduate programs. Some university staff members noted that students who joined the party received priority for employment in all fields after graduation. Numerous anecdotal reports suggested inadequate promotions and lack of professional advancement were more likely for non-EPRDF member teachers. There continued to be a lack of transparency in academic staffing decisions, with numerous complaints from academics alleging bias based on party membership, ethnicity, or religion.

A separate Ministry of Education directive prohibits private universities from offering degree programs in law and teacher education. The directive also requires public universities to align their curriculum with the ministry’s policy of a 70/30 ratio between science and social science academic programs. As a result the number of students studying social sciences and the humanities at public institutions continued to decrease; private universities, however, focused heavily on the social sciences.

According to reports, there was a buildup of security forces, both uniformed and plainclothes, embedded on university campuses in anticipation of student protests, especially in Oromia, in response to student demonstrations.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution and law provide for freedom of assembly. On March 24, however, a group of youth in Bahir Dar interrupted a town hall meeting organized by the PG7. The youths reportedly forced their way into the meeting hall, took down banners with slogans of the party, and replaced them with their own messages. Government security forces did not stop the youths.
Authorities could not refuse to grant a permit for an event but could require changing the location or time for reasons of public safety or freedom of movement. If authorities require the group seeking to hold an event move to another place or time, by law authorities must notify organizers in writing within 12 hours of their request.

The EPRDF used its own conference centers and government facilities in Addis Ababa and the regional capitals for meetings and events.

The Baladeras Council, led by activist and journalist Eskinder Nega, canceled four planned public meetings over a period of three months. On March 24, the council canceled its planned meeting because police stated they could not be present to maintain the security of participants, despite the fact that the council had informed police a week in advance. One week later police canceled a meeting due to fear for the safety of Eskinder. Prime Minister Abiy’s press secretary offered to hold the meeting in the prime minister’s office. Twice in June, police stopped a planned press conference for Eskinder after the owner of the hotel where the event was to be held complained to police that he did not know the content of the press conference. Eskinder canceled a protest scheduled for October 13 to voice opposition to the backsliding of democracy in the country. The move to cancel the protest came after the Addis Ababa Police issued a statement on October 12 banning the gathering. Police also temporarily detained the protest’s coordinators. Eskinder told local media that his group submitted a notification letter to the city administration two weeks in advance of the planned protest.

**Freedom of Association**

The law provides for freedom of association and the right to engage in unrestricted peaceful political activity. In March a new Charities and Societies Proclamation (CSP), also called the Civil Society Organizations (CSO) law, was adopted to replace more restrictive legislation that had been in place since 2009. The new law allows civil society organizations the right to solicit, receive, and utilize funds from any legal source including the right to engage in any lawful business and investment activity in order to raise funds to attain their objectives. The new law removes limitations on engagement on policy advocacy, most notably in the human rights space.

c. **Freedom of Religion**
See the Department of State’s *International Religious Freedom Report* at [https://www.state.gov/religiousfreedomreport/](https://www.state.gov/religiousfreedomreport/).

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. At times authorities or armed groups limited the ability of humanitarian organizations to operate in areas of insecurity, such as on the country’s borders.

**In-country Movement:** Throughout the year local media reported various Amhara-Tigray roadblocks operated by civilians, some of which were still in place as of September. While the roadblocks are not state sanctioned, both regional and federal authorities were unable to open the roads for free movement.

**Foreign Travel:** The government lifted a ban on the travel of workers to Gulf countries (Saudi Arabia and Qatar) as of October 2018, following the signing of bilateral agreements with those countries. The government had instituted the ban in 2013 following reports of abuse and complaints that employment agencies lured its citizens into working abroad in illegal and appalling conditions. The agreements obligate hosting countries to ensure the safety, dignity, and rights of Ethiopian employees. The agreements also grant insurance for the workers and facilitate support from the government’s representatives in the Gulf.

e. Internally Displaced Persons

According to data published by the International Organization for Migration (IOM) in August, the country had 1,645,867 conflict-affected IDPs, mostly in Somali and Oromia regions. In 2018 the number of IDPs reached as many as 3.2 million, according to unofficial estimates, with more than half of that number being displaced in 2018. In the IOM’s latest Displacement Tracking Matrix, that covered monitoring through June, assessors could not access all areas of Gedeo/Guji and the Wellegas to count the number of displaced persons accurately. A majority of the displacements were a result of internal conflict, particularly interregional and interclan conflicts and property disputes that were exacerbated by a lack of governance. The IOM identified 518,334 IDPs caused by drought, flash floods, and landslides, mainly in the Oromia, Somali, and Afar Regions. Other factors,
such as development projects, social tensions, and natural events, contributed to the displacement of 71,089 persons.

IDPs do not have uniform or consistent access to assistance, compensation, or livelihoods. Their ability to utilize basic services, such as health care or education, or participate in civic or political action, is limited by lack of access to documentation. In some instances the government strongly encouraged returns of IDPs without adequate arrangements for security and sustainability, leading to secondary and tertiary displacements. The government reportedly used food to induce returns.

In the area of Gedeb, in the Gedeo Zone of the SNNP Region, up to 80,000 IDPs did not receive assistance for three to four months due to the government’s restrictions on access. When the community of Gedeb refused to board buses to return to its home of origin, the government deployed significant numbers of military personnel to ensure their return and to assist with the dismantling of sites. The government claimed it deployed military personnel to protect the IDPs from those who wanted to discourage them from getting on buses. In East and West Wellega, IDPs cited safety and security concerns as their main reasons for not wishing to return home. In some areas, beginning at least a month prior a phase of IDP returns in May, the government used the discontinuation of assistance, including dismantling of sites in displacement areas as a means to induce IDPs to return to their areas of origin. NGO partners reported the government restricted or suspended the NGOs’ ability to deliver assistance to hundreds of thousands of IDPs. Severe acute malnutrition spiked among this group of IDPs, and the government moved them after only one round of assistance, threatening the viability of the lifesaving treatment. According to humanitarian NGO partners, not all of the government-initiated returns of IDPs were considered safe, voluntary, or dignified.

In West Wellega, NGO partners and authorities reported in August that IDPs returned to the Kamashi Zone were returning to IDP sites, citing persistent insecurity and limited access to their former land as well as to shelter and essential services. Government authorities reportedly did not allow partners to assist these IDPs arguing that doing so would create a “pull factor.” Additionally, the government was unwilling to identify these IDPs as displaced, thus eliminating the possibility for needs-based humanitarian responses. In the Wellegas, the government was responsible for food delivery and initially provided inconsistent and inadequate assistance, which it subsequently discontinued.
Monitoring undertaken by NGO protection partners in July reconfirmed that authorities continued to deny humanitarian assistance to persons who had not returned to their home of origin. The government-initiated joint targeting exercise undertaken in Gedeo and West Guji was intended to identify persons in need, regardless of status, but those IDPs who remained displaced were not captured in the assessment, due to both implementation constraints and access constraints. The government in Gedeo acknowledged exclusion of IDPs in the targeting exercise, although it did not facilitate assistance for all displaced persons.

f. Protection of Refugees

As of July the country hosted 655,105 refugees. Major countries of origin were South Sudan (303,733), Somalia (175,961), Eritrea (100,566), and Sudan (50,777).

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government used a refugee-status-determination system for providing services and protection to refugees.

Employment: On January 17, parliament passed a law greatly expanding the rights of refugees hosted in the country. The Refugee Proclamation grants refugees the right to work, access primary education and financial institutions, obtain drivers’ licenses, and register births, marriages, and deaths. The law provides neither guidance on how the right to work will be implemented in practice, nor who will be eligible.

Durable Solutions: The government welcomed refugees to settle in the country but did not offer a path to citizenship or provide integration. Eritrean refugees were the exception, as they are eligible for out-of-camp status if they are sponsored by an Ethiopian citizen to leave the refugee camp. Refugee students who passed the required tests could attend university with fees paid by the government and UNHCR. In June UNHCR, UNICEF, the Ethiopian Vital Events Registration Agency, and the Agency for Refugees and Returnees Affairs (ARRA) opened the first one-stop-shop in the Bambasi Refugee Camp in Benishangul-Gumuz for refugees to register births, marriages, divorces, and deaths and receive protection referrals and civil documentation in line with the Global Compact on Refugees.

In July UNHCR and ARRA completed a comprehensive Level 3 registration exercise for refugees in the country. The number of recorded refugees decreased as a result from 905,831 to 655,105. Registration was available in Addis Ababa and in all 26 refugee camps. The reasons for the decrease in registered refugees
included nomadic lifestyles so they were not present in the camps, removal of double-counted refugees or citizens who registered as refugees during an influx, and some spontaneous returns to South Sudan.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The ruling party’s electoral advantages, however, limited this ability.

Elections and Political Participation

Recent Elections: In 2015 the country held national elections for parliament. Later that year parliament elected Hailemariam Desalegn to his first full mandate as prime minister. In February 2018 Hailemariam announced his resignation as prime minister, and in March 2018 the EPRDF selected Abiy Ahmed as the new chairperson of the party and candidate for federal prime minister. After an acclamation vote in parliament, Abiy Ahmed assumed the prime minister’s position in April 2018.

In the 2015 national parliamentary elections, the EPRDF and affiliated parties won all 547 seats, giving the party a fifth consecutive five-year term. Government restrictions severely limited independent observation of the vote. The African Union was the sole international organization permitted to observe the elections. Opposition party observers accused local police of interference, harassment, and extrajudicial detention. Six rounds of broadcast debates preceded the elections, with internal media broadcasting the debates generally in full and only slightly edited. The debates included all major political parties competing in the election.

Independent journalists reported little trouble covering the election. Some independent journalists reported receiving their observation credentials the day before the elections, after having submitted proper and timely applications. Several laws, regulations, and procedures implemented since the contentious 2005 national elections created a clear advantage for the EPRDF throughout the electoral process. There were reports of unfair government tactics, including intimidation of
opposition candidates and supporters. Various reports stated at least six election-related deaths occurred during the period before and immediately following the elections. The National Electoral Board of Ethiopia (NEBE) has sole responsibility for voter education, and it broadcast radio segments and distributed manuals on voter education in many local languages.

In a preliminary election assessment, the African Union called the 2015 elections “calm, peaceful, and credible” and applauded the government for its registration efforts. It raised concerns, however, regarding the legal framework underpinning the election. The NEBE registered more than 35 million voters, and it did not report any incidents of unfair voter registration practices.

In August parliament decided to hold local elections in conjunction with the May 2020 national elections. The NEBE has not yet formally accepted parliament’s proposal to hold federal and local elections together.

**Political Parties and Political Participation:** In 2018 the government, controlled by the EPRDF, called on all diaspora-based opposition groups, including those in armed struggle, to return and pursue nonviolent struggle. Virtually all major opposition groups, including the OLF, the Oromo Democratic Front, the ONLF, and PG7, welcomed the request and returned to the country. The parties that returned and newly formed parties continued to operate in the country. Some parties including the OLF, NaMA, the Tigrayan Alliance for National Democracy (TAND), and the OFC, reported they were unable to open or run offices in certain parts of the country due to instability as well as harassment, intimidation, and attacks on their members.

In December Prime Minister Abiy disintegrated the EPRDF and created the Prosperity Party to distance the ruling party from ethnic politics and to promote economic growth. Former EPRDF coalition partner the Tigrayan Peoples’ Liberation Front refused to join the new party.

TAND reported that Tigrayan regional police detained and attempted to kill their party chair Aregawi Berhe while he was attending a funeral in Mekelle on June 26. Aregawi claimed that a group of youths attempted to assault him. Police then intervened and detained him in a prison in Kuiha overnight without explanation. Later, four police officers took Amanuel Wolde Libanos, another TAND member, to the forest and forcefully poisoned him. Amanuel survived the attack.
Constituent parties of the EPRDF conferred advantages upon their members; the party directly owned many businesses and allegedly awarded jobs and business contracts to loyal supporters.

Registered political parties must receive permission from regional governments to open and occupy local offices, with at least one major opposition party reporting it was able to open many offices during the year in advance of the 2020 national election. Laws requiring parties to report “public meetings” and obtain permission for public rallies inhibited opposition activities. Opposition parties reported they rented offices and meeting halls in the Amhara and Oromia Regions without major difficulty. EZEMA, however, stated it was unable to open offices in parts of Oromia due to security problems or obstruction by local government officials. There were reports unemployed youths not affiliated with the ruling coalition sometimes had trouble receiving the “support letters” from their wards necessary to obtain jobs.

Participation of Women and Minorities: No laws prevent women or minorities from voting or participating in political life, although patriarchal customs in some regions limited female participation in political life. There were improvements, but women remained significantly underrepresented across both elected and appointed positions. In October 2018 the prime minister announced a new cabinet with 10 female ministers, or half of the resized cabinet. Also in October 2018, Sahle-Work Zewde became the country’s first female president. Her appointment was in line with the prime minister’s stated goal of empowering women in his administration. In November 2018 parliament swore in the country’s first female Supreme Court president. In the national parliament, women held 39 percent of seats, 211 of 547.

The government’s policy of ethnic federalism led to the creation of individual constituencies to provide for representation of all major ethnic groups in the House of the Federation (the upper chamber of parliament). The government recognizes more than 80 ethnicities, and the constitution requires that at least one member represent each “Nation, Nationality, and People” in the House of the Federation.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption. The government did not implement the law effectively or comprehensively.
Corruption: Corruption, especially the solicitation of bribes, including police and judicial corruption, remained a problem. Some stakeholders believed government officials manipulated the land allocation process and state- or party-owned businesses received preferential access to prime land leases and credit. The law mandates that the attorney general investigate and prosecute corruption cases.

In January 2017 former prime minister Hailemariam announced the establishment of the Corruption Directorate within the Federal Police Commission with powers to investigate systemic corruption cases. The government’s rationale in establishing the investigation bureau was to increase transparency throughout the government bureaucracy. On January 23, Amhara regional police, with the support of federal police, arrested Bereket Simon on corruption charges associated with mismanagement of the Tiret Endowment in his capacity as board chairman. On May 7, the federal attorney general charged former NISS director Getachew Assefia with grand corruption under the Corruption Crimes Proclamation.

Financial Disclosure: The law requires all government officials and employees to register their wealth and personal property. The law includes financial and criminal sanctions for noncompliance. The Federal Ethics and Anticorruption Commission holds financial disclosure records. By law any person who seeks access to these records may make a request in writing; access to information on family assets may be restricted unless the commission deems the disclosure necessary.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

On February 5, parliament approved a heavily revised, and strengthened, CSP (Proclamation No. 1113/2019) commonly referred to as the CSO law. The new law removes restrictions that had severely limited foreign government and private sector funding to any advocacy civil society organization. The law also permits foreign volunteers to work in CSOs for up to one year.

During the year a few domestic human rights groups operated. The resource-challenged HRCO is the country’s sole local, independent human rights group with investigative capabilities. It is a membership-based, nonpartisan, nongovernmental, and not-for-profit entity. It has submitted more than 100 reports since it was formed in 1991. Its reports during the year documented ethnically motivated attacks, clashes, and displacement.
The government was generally distrustful and wary of domestic and international human rights groups and observers, but that attitude and distrust appeared to be changing. State-controlled media were critical of international human rights groups such as Human Rights Watch. In August 2018 four local charities and rights organizations launched a new rights group, the Consortium of Ethiopian Rights Organizations, which focuses on advocacy for human rights groups and broader space for rights-advocacy groups to operate.

In July the former diaspora-based rights group, the Human Rights League of the Horn of Africa, began operations in the country after registering under the new CSO law. In July the Ethiopian Human Rights Project, previously an offshore rights group, returned to the country and registered as the Center for Advancement of Rights and Democracy to work on rights awareness creation, monitoring and advocacy for democratization, and respect of human rights. In January the federal Charities and Societies Agency registered and licensed a newly formed local rights group, Lawyers for Human Rights.

The government denied most NGOs access to federal prisons, police stations, and other places of detention. The government did permit the JPA-PFE to visit prisoners; this organization had an exemption enabling it to raise unlimited funds from foreign sources and to engage in human rights advocacy. Some other NGOs played a positive role in improving prisoners’ chances for clemency.

Authorities limited access of human rights organizations, media, humanitarian agencies, and diplomatic missions in certain geographic areas. The government continued to lack a clear policy on NGO access to sensitive areas, leading regional government officials and military officials frequently to refer requests for NGO access to federal government authorities. Officials required journalists to register before entering sensitive areas and in some cases denied access. There were reports of regional police or local militias blocking NGO access to particular locations, in particular in locations with IDPs, for a specific period, citing security risks.

**Government Human Rights Bodies:** The Office of the Ombudsman has the authority to investigate complaints of administrative mismanagement by executive branch offices and officials, including investigation into prison conditions. The office reported to parliament that it received 853 complaints between July 2018 and January, of which 455 were outside its mandate. It opened investigations into 488 cases and found no administrative mismanagement in 262 of them. The remaining complaints were pending investigation for six months in January.
Parliament’s Legal, Justice, and Democracy Affairs Standing Committee rated the performance of the office as unsatisfactory.

The EHRC conducted research on the human rights situation and investigated human rights violations in the Somali and Oromia conflicts, as well as the conflict between West Guji Zone in Oromia and the Gedeo Zone in the SNNP Region. The commission did not publicize the findings of these reports. The EHRC reported its branch office in Jijiga resumed operations in September 2018, one month after a group of youth and regional security forces attacked it during the wide-ranging violence in August 2018.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

While the government’s political transformation contributed to a reduction in the number of deaths from engagement with government forces, violence between communities and among citizens began to rise.

Women

Rape and Domestic Violence: The law criminalizes rape, and conviction provides for a penalty of five to 20 years’ imprisonment, depending on the severity of the case. The law does not expressly address spousal rape. The law generally covers violence against a marriage partner or a person cohabiting in an irregular union without specifically mentioning spousal rape. Some judges interpret this article to cover spousal rape cases, but others overlook such cases. The government did not fully enforce the law.

Domestic violence is illegal, but government enforcement of laws was inconsistent. Depending on the severity of injury inflicted, penalties for conviction range from small fines to 15 years’ imprisonment. Domestic violence, including spousal abuse, was a pervasive social problem. According to the 2016 Demographic and Health Survey (DHS), 34 percent of ever-married women and girls between the ages of 15 and 49 had experienced spousal physical, sexual, or emotional violence.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is illegal, with punishment including imprisonment and a fine, depending on the crime. The government did not actively enforce this prohibition. The 2016 DHS stated that 65 percent of girls and women ages 15-49 were subjected to FGM/C. The prevalence of FGM/C was highest in the Somali Region (99 percent) and lowest in the Tigray Region (23
percent). It was less common in urban areas. The law criminalizes the practice of clitoridectomy and provides for three months’ imprisonment or a fine of at least 500 birr ($17) for perpetrators. Infibulation of the genitals (the most extreme and dangerous form of FGM/C) is punishable by five to 10 years’ imprisonment. According to government sources, there had never been a criminal charge regarding FGM/C, but media reported limited application of the law.

For more information, see Appendix C.

Other Harmful Traditional Practices: Marriage by abduction is illegal, although it continued in some regions despite the government’s attempts to combat the practice. Forced sexual relationships accompanied most marriages by abduction, and women often experienced physical abuse during the abduction. Abductions led to conflicts among families, communities, and ethnic groups. In cases of abduction, the perpetrator did not face punishment if the victim agreed to marry the perpetrator.

Sexual Harassment: The penal code prescribes penalties for conviction of 18 to 24 months’ imprisonment, but authorities generally did not enforce the law. Sexual harassment was widespread.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: All federal and regional land laws empower women to access government land. Inheritance laws also enable widows to inherit joint property acquired during marriage; however, enforcement of both legal provisions was uneven. Discrimination against women was widespread. It was most acute in rural areas, where an estimated 80 percent of the population lived.

Women’s access to gainful employment, credit, and the opportunity to own or manage a business was limited by their lower levels of educational attainment and by traditional attitudes. In July parliament revised the labor law to provide for four months of maternity leave. A number of initiatives aimed at increasing women’s access to these critical economic empowerment tools.

Children

Birth Registration: A child’s citizenship derives from the parents. The law requires registration of children at birth. Children born in hospitals were
registered; most of those born outside of hospitals were not. The overwhelming majority of children, particularly in rural areas, were born at home. The government continued a campaign initiated in 2017 to increase birth registrations by advising that failure to register would result in denial of public services.

**Education:** The law does not make education compulsory. Primary education is universal and tuition free, but there were not enough schools to accommodate the country’s children, particularly in rural areas. The cost of school supplies was prohibitive for many families. The most recent data showed the net primary school enrollment rate was 90 percent for boys and 84 percent for girls.

**Child Abuse:** Child abuse was widespread. Uvula cutting, tonsil scraping, and milk-tooth extraction were among the most prevalent harmful traditional practices. *The African Report on Child Wellbeing 2013,* published by the African Child Policy Forum, found the government had increased punishment for sexual violence against children. “Child-friendly” benches heard cases involving violence against children and women. There was a commissioner for women and children’s affairs in the EHRC and Ombudsman’s Office.

**Early and Forced Marriage:** The law sets the legal age of marriage for girls and boys at 18. Authorities did not enforce this law uniformly, and rural families sometimes were unaware of this provision. The government strategy to address underage marriage focused on education and mediation rather than punishment of offenders. For additional information, see Appendix C.

**Sexual Exploitation of Children:** The minimum legal age for consensual sex is 18, but authorities did not enforce this law. The law provides for three to 15 years’ imprisonment for conviction of sexual intercourse with a minor. The law provides for one year in prison and a fine of 10,000 birr ($346) for conviction of trafficking in indecent material displaying sexual intercourse by minors. Traffickers recruited girls as young as 11 to work in brothels. Young girls were trafficked from rural to urban areas and exploited as prostitutes in hotels, bars, resort towns, and rural truck stops.

**Infanticide or Infanticide of Children with Disabilities:** Ritual and superstition-based infanticide, including of infants with disabilities, continued in remote tribal areas, particularly in South Omo. Local governments worked to educate communities against the practice.
Displaced Children: According to a 2010 report of the Ministry of Labor and Social Affairs, approximately 150,000 children lived on the streets; 60,000 of them were in the capital. The ministry’s report stated the inability of families to support children due to parental illness or insufficient household income exacerbated the problem. Research in 2014 by the ministry noted rapid urbanization, illegal employment brokers, high expectations of better life in cities, and rural-urban migration were adding to the problem. These children often begged, sometimes as part of a gang, or worked in the informal sector.

In July the Oromia Region Bureau of Women, Youth, and Children’s Affairs and local police reported one incident of trafficking involving 31 IDP children. During the year protection partners received other reports of child trafficking in West and East Wellega and believed that traffickers set up a network to target IDP children.

Institutionalized Children: There were an estimated 4.5 million orphans in the country in 2012, 4.9 percent of the population, according to statistics published by UNICEF. The vast majority lived with extended family members. Governmental and privately operated orphanages were overcrowded, and conditions were often unsanitary. Institutionalized children did not receive adequate health care.


Anti-Semitism

The Jewish community numbered approximately 2,000 persons. There were no reports of anti-Semitic acts, and the Addis Ababa Jewish community reported it felt protected by the government to practice its faith but did face limited societal discrimination.

Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

Persons with Disabilities
Ethiopia

The constitution does not mandate equal rights for persons with disabilities. The law prohibits discrimination against persons with physical and mental disabilities in employment and mandates access to buildings but does not explicitly mention intellectual or sensory disabilities. It is illegal for deaf persons to drive. The constitution provides: “The State shall, within available means, allocate resources to provide rehabilitation and assistance to the physically and mentally disabled, the aged, and to children who are left without parents or guardian.” This provision is under economic, social, and cultural rights, which mandates, not equal rights but allocating resources within available means.

The law prohibits employment discrimination based on disability and mandates affirmation action. It also makes employers responsible for providing appropriate working or training conditions and materials to persons with disabilities. When a person with disability acquires the necessary qualification and has equal or close score to that of other candidates, preference shall be given to the persons with disability during hiring. It also makes employers responsible for providing reasonable accommodation, appropriate working or training conditions and materials to persons with disabilities.

The law provides for a fine against an employer who fails to implement the law of between 2,000 and 5,000 birr ($69 and $173), and this makes the impact of the law on prohibiting employment discrimination based on disability almost zero.

The government took limited measures to enforce the law, for example, by assigning interpreters for deaf and hard-of-hearing civil service employees. The Ministry of Labor and Social Affairs and the Public Servants Administration Commission were responsible for the implementation of employment laws for individuals with disabilities.

The law obliges all public buildings to have access for persons with disabilities but has no enforcement mechanism. This provision on access to public buildings only mentions those with physical impairment; it does not mention those with intellectual or sensory impairments. The law mandates building accessibility and accessible toilet facilities for persons with physical disabilities, although without specific regulations that define accessibility standards. Buildings and toilet facilities were usually not disability accessible. Property owners are required to give persons with disabilities preference for ground-floor apartments, and they generally did so.
According to a report from the UN Population Fund and the Population Council, one in every three girls with disabilities suffered at least one sexual assault. They also faced systematic and violent abuse at home and in their communities. The report stated many were blamed for being different and feared because they were seen to be under the spell of witchcraft.

Women with disabilities faced more disadvantages in education and employment. According to the 2010 Population Council Young Adult Survey, 23 percent of girls with disabilities were in school, compared with 48 percent of girls and 55 percent of boys without disabilities. Girls with disabilities also were much more likely to experience physical and sexual abuse than were girls without disabilities.

Nationally there were several schools for persons with hearing and vision disabilities and several training centers for children and young persons with intellectual disabilities. There was a network of prosthetic and orthopedic centers in five of the nine regional states.

The labor ministry worked on disability-related problems, including ensuring impartiality in employment, provision of appropriate working conditions for public servants with disability.

**National/Racial/Ethnic Minorities**

The country has more than 80 ethnic groups, of which the Oromo, with approximately 34 percent of the population, is the largest. The federal system drew boundaries approximately along major ethnic group lines during the early years of EPRDF rule and the drafting of the current constitution. Most political parties remained primarily ethnically based, although the ruling party and one of the largest opposition parties were coalitions of several ethnically based parties.

In January the federal attorney general filed charges against 109 individuals suspected of involvement in the ethnically motivated violence in Burayu and surrounding towns in September 2018. According to the report, police detained 81 of the suspects while continuing to search for the remaining ones.

In September 2018 unknown assailants shot and killed four security officers in the Benishangul Gumuz Region. The incident triggered identity-based attacks on ethnic-Oromo and Amhara minorities in the region’s Kamashi Zone, resulting in the deaths of at least 67 persons and the displacement of hundreds of thousands.
The perpetrators reportedly carried OLF flags, but OLF officials denied any involvement in the incident.

In June police in the Amhara Region arrested Debre Markos University students suspected of killing a fellow student on May 24. According to local press, attackers beat a student from the Tigray Region to death. Both the Amhara and Tigray regional governments condemned the killing and pledged to bring all the perpetrators to justice. On June 4, an attacker killed an ethnic Amhara student from Axum University in the Tigray Region in what most assumed was retaliation for the death in Debre Markos. The Tigray regional government condemned the ethnically motivated killing and promised to do all in its capacity to bring the perpetrators to justice.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is illegal and punishable by three to 15 years’ imprisonment. No law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. There were reports of violence against LGBTI individuals, but reporting was limited due to fear of retribution, discrimination, or stigmatization. There are no hate crime laws or other criminal justice mechanisms to aid in the investigation of abuses against LGBTI individuals. Individuals generally did not identify themselves as LGBTI persons due to severe societal stigma and the illegality of consensual same-sex sexual activity. Activists in the LGBTI community reported surveillance and feared for their safety. There were no reports of persons incarcerated or prosecuted for engaging in same-sex sexual activities.

The AIDS Resource Center in Addis Ababa reported the majority of self-identified gay and lesbian callers, most of whom were men, 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.

In May and June, Toto Tours, a Chicago-based tour company serving the LGBTI community, faced widespread backlash in the country when it advertised a 16-day “Treasures of Ethiopia” trip in October to visit a broad range of famous sites. According to the company, a flood of threats and hate messages prompted it to fill out a report on May 26 on a foreign government’s website. Average citizens called for an anti-LGBTI rally in Addis Ababa on June 9, although it did not take place.
The company announced plans to cancel the tour due to the potential dangers visitors would face.

**HIV and AIDS Social Stigma**

Societal stigma and discrimination against persons with or affected by HIV/AIDS continued in education, employment, and community integration. Persons with or affected by HIV/AIDS reported difficulty accessing various services. There were no statistics on the scale of the problem.

**Other Societal Violence or Discrimination**

On February 9, armed groups from the ethnic Qimant community attacked several villages near Gondar in the Amhara Region. Amhara Region officials said the nearly 300 attackers destroyed 300 houses and killed 30 persons. The violence reportedly created 50,000 new IDPs; the Amhara regional government issued a statement claiming the number of IDPs was beyond its capacity to manage. The ENDF arrested 138 persons in Western Gondar allegedly connected to the violence. Police charged 37 suspects with killings and 101 suspects with robberies during the attack. The ENDF also seized weapons, including rocket-propelled grenades, from those arrested.

Public universities witnessed violence fueled by ethnic tensions that severely interrupted the academic year in most universities.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide workers, except for civil servants and certain categories of workers primarily in the public sector, with the right to form and join unions, bargain collectively, and conduct legal strikes. Other provisions and laws severely restrict these rights. The law specifically prohibits managerial employees, teachers, health-care workers, judges, prosecutors, security-service workers, domestic workers, and seasonal agricultural workers from organizing unions. The law requires employers guilty of antiunion discrimination to reinstate workers dismissed for union activities, and they generally did so.

A minimum of 10 workers is required to form a union. While the law provides all unions with the right to register, the government may refuse to register trade
unions that do not meet its registration requirements. The law allows for refusing registration for a union due to the nonpolitical criminal conviction of the union’s leader within the previous 10 years. There were no reports of a refused registration on this basis. The government may unilaterally cancel the registration of a union. Workers may not join more than one trade union per employment. The law stipulates a trade union organization may not act in an overtly political manner. The law allows administrative authorities to seek recourse via court actions to cancel union registration for engaging in prohibited activities, such as political action.

While the law recognizes the right to collective bargaining, this right was severely restricted under the law. Negotiations aimed at amending or replacing a collectively bargained agreement must take place within three months of its expiration; otherwise, the prior provisions on wages and other benefits cease to apply. The law restricts enterprise unions to negotiating wages only at the plant level. Civil servants, including public school teachers, have the right to establish and join professional associations created by the employees but may not bargain collectively. Arbitration procedures in the public sector are more restrictive than in the private sector. The law does not provide for effective and adequate sanctions against acts of interference by other agents in the establishment, functioning, or administration of either workers’ or employers’ organizations.

Although the constitution and law provide workers with the right to strike to protect their interests, the law contains detailed provisions prescribing extremely complex and time-consuming formalities that make legal strike actions prohibitively difficult. The law requires aggrieved workers to attempt to reconcile with employers before striking and includes a lengthy dispute-settlement process. These provisions apply equally to an employer’s right to lock workers out. For an authorized strike, two-thirds of the workers concerned must support such action. If not referred to a court or labor relations board, the union retains the right to strike without resorting to either of these options, provided they give at least 10 days’ notice to the other party and the labor ministry and make efforts at reconciliation.

The law also prohibits strikes by workers who provide essential services, including air transport and urban bus services, electric power suppliers, gasoline station personnel, hospital and pharmacy personnel, firefighters, telecommunications personnel, and urban sanitary workers. The list of essential services goes beyond the International Labor Organization (ILO) definition of essential services. The law prohibits retribution against strikers, but it also provides for civil or criminal penalties against unions and workers convicted of committing unauthorized strike
actions. If the provisions of the penal code prescribe more severe penalties, the punishment codified in the penal code becomes applicable. Any public servant who goes on strike, who urges others to go on strike, or who fails to carry out his or her duties in a proper manner, to the prejudice of state, public, or private interest, is subject to imprisonment that involves forced labor.

The government did not effectively enforce the laws protecting labor rights. Despite the law prohibiting antiunion discrimination, unions reported employers terminated union activists. The law prohibits retribution against strikers, but authorities arrested nine air traffic controllers for striking. The government did not effectively enforce applicable laws, and penalties were not sufficient to deter violations. The informal labor sector, including domestic workers and seasonal agricultural workers, was not unionized or protected by labor laws. The law defines workers as persons in an employment relationship. Lack of adequate staffing prevented the government from effectively enforcing applicable laws for those sectors protected by law. Court procedures were often subject to lengthy delays and appeals. Labor officials reported that high unemployment, fear of retribution, and long delays in hearing labor cases deterred workers from participating in strikes or other labor actions.

Two-thirds of union members belonged to organizations affiliated with the government-controlled Confederation of Ethiopian Trade Unions. The National Teachers Union remained unregistered.

Although rarely reported, antiunion activities occurred. There were media reports that some major foreign investors generally did not allow workers to form unions, often transferred or dismissed union leaders, and intimidated and pressured members to leave unions. Lawsuits alleging unlawful dismissal often took years to resolve because of case backlogs in the courts.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor but permits courts to order forced labor as a punitive measure. The government did not effectively enforce the law, and forced labor occurred.

In 2015 the federal government enacted a comprehensive overhaul of its antitrafficking penal code. The code prescribes harsh penalties for conviction of human trafficking and exploitation, including slavery, debt bondage, forced prostitution, and servitude. The penalties served as a deterrent, especially when
paired with increased law enforcement attention to the abuse. Police at the federal and regional levels received training focused on human trafficking and exploitation.

Adults and children, often under coercion, engaged in street vending, begging, traditional weaving of hand-woven textiles, or agricultural work. Children also worked in forced domestic labor. Situations of debt bondage also occurred in traditional weaving, pottery making, cattle herding, and other agricultural activities, mostly in rural areas.

The government sometimes deployed prisoners to work outside the prisons for private businesses, a practice the ILO stated could constitute compulsory labor.

Also see the Department of State’s Trafficking in Persons Report at https://www.state.gov/trafficking-in-persons-report/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The government did not effectively enforce the applicable laws, and penalties were not sufficient to deter violations.

By law the minimum age for wage or salaried employment is 14. The minimum age provisions, however, apply only to contractual labor and do not apply to self-employed children or children who perform unpaid work, who constituted the vast majority of employed children. The law prohibits hazardous or night work for children between the ages of 14 and 18. The law defines hazardous work as any work that could jeopardize a child’s health. Prohibited work sectors include passenger transport, work in electric generation plants, factory work, underground work, street cleaning, and many other sectors. Hazardous work restrictions, however, do not cover traditional weaving, a form of work in which there is use of dangerous machinery, equipment, or tools. The law expressly excludes children younger than 16 attending vocational schools from the prohibition on hazardous work. The law does not permit children between the ages of 14 and 18 to work more than seven hours per day, between 10 p.m. and 6 a.m., or on public holidays or rest days.

Child labor remained a serious problem (see also section 7.b.), and significant numbers of children worked in prohibited, dangerous work sectors, particularly construction.
School enrollment was low, particularly in rural areas. To reinforce the importance of attending school, joint NGO, government, and community-based awareness efforts targeted communities where children were heavily engaged in agricultural work. The government invested in modernizing agricultural practices and constructing schools to combat the problem of child labor in agricultural sectors.

In both rural and urban areas, children often began working at young ages. Child labor was particularly pervasive in subsistence agricultural production, traditional weaving, fishing, and domestic work. A growing number of children worked in construction. Children in rural areas, especially boys, engaged in activities such as cattle herding, petty trading, plowing, harvesting, and weeding, while girls collected firewood and fetched water. Children worked in the production of gold. In small-scale gold mining, they dug mining pits and carried heavy loads of water. Children in urban areas, including orphans, worked in domestic service, often for long hours, which prevented many from attending school regularly. Children also worked in manufacturing, shining shoes, making clothes, parking, public transport, petty trading, as porters, and directing customers to taxis. Some children worked long hours in dangerous environments for little or no wages and without occupational safety protection. Child laborers often faced abuse at the hands of their employers, such as physical, sexual, and emotional abuse.

Traffickers exploited girls from impoverished rural areas, primarily in domestic servitude and commercial sex within the country.

Also see the Department of Labor’s Findings on the Worst Forms of Child Labor at https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, ethnicity, national origin nationality, gender, marital status, religion, political affiliation, political outlook, pregnancy, socioeconomic status, disability, or “any other conditions.” The law prohibits discrimination in respect of employment and occupations, but authorities enforced these rights unevenly. The law specifically recognizes the additional burden on pregnant women and persons with disabilities. The penalty for conviction of discrimination on any of the above grounds is insufficient to deter violations. The government took limited measures to enforce the law. Sexual
orientation, gender identity, and HIV-positive status have no basis for protection under the law.

Discrimination in employment and occupation occurred with respect to women, who had fewer employment opportunities than did men, and the jobs available did not provide equal pay for equal work. Discrimination in employment and occupation occurred against sexual orientation, gender identity, or both.

Discrimination against migrant workers also occurred.

e. Acceptable Conditions of Work

There is no national minimum wage. Some government institutions and public enterprises set their own minimum wages. Public-sector employees, the largest group of wage earners, earned a monthly minimum wage that was above the poverty line. Overall, the government did not effectively enforce wage laws.

The law provides for a 48-hour maximum legal workweek with a 24-hour rest period, premium pay for overtime, and prohibition of excessive compulsory overtime. Four conditions allow employers to make use of overtime work: urgency of the task, danger, absence of an employee, and lack of alternatives. Additionally, employers may not engage their employees in overtime work exceeding two hours a day, 20 hours a month, and 100 hours a year. The law entitles employees in public enterprises and government financial institutions to overtime pay; civil servants receive compensatory time off for overtime work.

The government, industries, and unions negotiated occupational safety and health standards, which do not fully address worker safety in many industries. Workers specifically excluded by law from unionizing, including domestic workers and seasonal agricultural workers, generally did not benefit from health and safety regulations in the workplace.

The labor ministry’s inspection department was responsible for enforcement of workplace standards. Occupational safety and health measures were not effectively enforced. The ministry carried out regular labor inspections to monitor compliance, but the government had an inadequate number of labor inspectors to enforce the law. The ministry’s severely limited administrative capacity; lack of an effective mechanism for receiving, investigating, and tracking allegations of violations; and lack of detailed, sector-specific health and safety guidelines hampered effective enforcement of these standards. In 2018 the ministry
completed 46,000 inspections, and it was clear that responsibility for identifying unsafe situations resides with labor inspectors.

Only a small percentage of the population, concentrated in urban areas, was involved in wage-labor employment. Wages in the informal sector generally were below subsistence levels.

Compensation, benefits, and working conditions of seasonal agricultural workers were far below those of unionized permanent agricultural employees. The government did little to enforce the law. Most employees in the formal sector worked a 39-hour workweek. Many foreign, migrant, and informal laborers worked more than 48 hours per week.

Hazardous working conditions existed in the agricultural sector, which was the primary base of the country’s economy. There were also reports of hazardous and exploitative working conditions in the construction and industrial sectors, although data on deaths and injuries were not available.
in part to pressure from international donors. There are no laws prohibiting
discrimination against lesbian, gay, bisexual, transgender or intersex
(LGBTI) people, nor are there specific hate-crime laws.' 107

14.1.5 See also the Ethiopian Criminal Code.

14.2 State treatment

14.2.1 The USSD Country Report on Human Rights Practices for 2018 stated:
‘There are no hate crime laws or other criminal justice mechanisms to aid in
the investigation of abuses against LGBTI individuals…There were no
reports of persons incarcerated or prosecuted for engaging in same-sex
sexual activities…Activists in the LGBTI community reported surveillance
and feared for their safety.’ 108

14.3 Societal treatment and discrimination

14.3.1 The Australian DFAT report on Ethiopia stated:
‘LGBTI people face high levels of societal discrimination in Ethiopia, and
often conceal their sexual orientation or gender identity to avoid severe
social stigma, including from their families…There are some reports of
people being jailed for allegedly engaging in homosexual acts. There are
also reports of violence against LGBTI individuals, but these incidents are
highly likely to be underreported due to the illegal nature of homosexual
activity and the high level of societal discrimination against LGBTI people.
DFAT assesses that LGBTI people in Ethiopia face high levels of official and
societal discrimination and violence.’ 109

14.3.2 The USSD Country Report on Human Rights Practices for 2018 stated:
‘There were reports of violence against LGBTI individuals; however,
reporting was limited due to fear of retribution, discrimination, or
stigmatization…Individuals generally did not identify themselves as LGBTI
persons due to severe societal stigma and the illegality of consensual
same-sex sexual activity…

‘The AIDS Resource Center in Addis Ababa reported the majority of self-
identified gay and lesbian callers, most of whom were men, 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.’ 110

14.3.3 A BBC News report, dated 4 June 2019, stated:
‘Ethiopian church groups have called on the government to block a planned
visit to the country by a US-based company that organises tours for gay
people. The groups were particularly angry that the itinerary published by the
Toto Tours company includes religious sites. Many Ethiopians are deeply

religious and disapprove of homosexuality, which is also prohibited under the law.

‘The owner of Toto Tours told the BBC the company had received threats and hate messages on social media…

‘The president [Dereje Negash], of Selestu Me’et a coalition of Ethiopian Orthodox church associations, told BBC Amharic that the government “should ban this group from entering the country and visiting the sacred sites. They should not be allowed to leave their mark. Our religion condemns this act, and it’s disgraceful.” He emphasised that homosexuality was illegal in Ethiopia, and said the tour company should not be allowed to "violate the law of the land". Mr Negash is also a deacon of the Ethiopian Orthodox church, and has been lobbying against homosexuality in the country.

‘The call for the government to ban the tour was reportedly echoed by the Inter-Religious Council of Ethiopia, which includes Christian and Islamic denominations…

‘Bahiru Sheway, the co-founder of House of Guramayle, a London-based organisation that advocates for the recognition of LGBT rights in Ethiopia, told the BBC that homophobia had deep roots in the country. Most gay Ethiopians did not reveal their sexuality, he said, for fear of physical harm and ostracism. He added that the row over Toto Tours had triggered a social-media storm, with many Ethiopians expressing outrage at the prospect of gay tourists visiting the country - and even calling for attacks against them and their straight allies.’

15. Women

15.1 Legal, social, and economic rights

15.1.1 The Australian DFAT report on Ethiopia stated:

‘Article 35 of the Constitution sets out a number of rights for women, including: equality with men in the enjoyment of rights and protections under the Constitution; equal rights in marriage; the entitlement to "affirmative measures" to remedy the historical legacy of inequality and discrimination against women in Ethiopia; the right to maternity leave at full pay; equal rights to property, including land, such as in the inheritance of property; equal rights in employment; and the right of access to family planning education, information and capacity.’

15.1.2 The Organisation for Economic Co-operation and Development’s (OECD) Social Institutions and Gender Index for 2019 stated:

‘Regarding land, property and other non-land assets, the law provides married women with the same rights as married men to own, use, make decisions and use as collateral (Family Code, art. 57, 58 & 59), as well as unmarried women and men (Constitution, art. 35). Furthermore, women and

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EXECUTIVE SUMMARY

Ethiopia is a federal republic. The ruling Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF), a coalition of four ethnically based parties, controls the government. In the 2015 general elections, the EPRDF and affiliated parties won all 547 House of People’s Representatives (HPR - parliament) seats to remain in power for a fifth consecutive five-year term. On February 14, former prime minister Hailemariam Desalegn announced his resignation to accelerate political reforms in response to demands from the country’s increasingly restive youth. On February 15, the government declared a State of Emergency (SOE) in response to growing unrest and political uncertainty. During the SOE a Command Post under the direction of the minister of defense held broad powers that, while constitutionally granted, infringed upon human rights by expanding authorities to detain individuals, restrict speech, and restrict movement. On April 2, the parliament selected Abiy Ahmed Ali as prime minister to lead broad reforms.

It was widely reported that civilian authorities at times did not maintain control over regional security forces. Rural local police and militias sometimes acted independently and extrajudicially. A strong trend toward increased respect for rule of law began under Abiy.

Abiy’s assumption of office was followed by positive changes in the human rights climate. The government decriminalized political movements that had been accused of treason in the past, invited opposition leaders to return to the country and resume political activities, allowed peaceful rallies and demonstrations, enabled the formation and unfettered operation of new political parties and media outlets, continued steps to release thousands of political prisoners, and undertook revisions of repressive laws. On June 5, the parliament voted to lift the SOE.

Human rights issues included reports of unlawful or arbitrary killings by security forces and between citizens; forced disappearances by some government forces; torture; harsh and life-threatening prison conditions; arbitrary arrest and detention by security forces; political prisoners; interference with privacy; censorship and site blocking; substantial interference with the rights of peaceful assembly and freedom of association, such as overly restrictive nongovernmental organization laws; and significant restrictions on freedom of movement; violence against women and children, in part due to government inaction; criminalization of same-sex sexual conduct; and child labor, including worst forms. Both the number and
severity of these human rights issues diminished significantly under Abiy’s administration, and in some cases they were no longer an issue by the end of the year.

The government at times did not take steps to prosecute officials who committed human rights abuses, resulting in impunity for violators. The government took positive steps toward greater accountability under Abiy to change the relationship between security forces and the population. In August the federal government arrested former Somali regional president Abdi Mohamoud Omar on human rights grounds. On June 18, the prime minister spoke to the nation and apologized on behalf of the government for decades of mistakes and abuse he said amounted to terrorist acts.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government and its representatives committed arbitrary and unlawful killings. Security forces used excessive force against civilians.

A July 31 report from the independent nongovernmental organization (NGO) Human Rights Council (HRCO) that documented field investigations in 26 districts across seven zones in the Oromia and Somali Regions found that federal and regional security forces, as well as mobs of local youth, killed 733 citizens between January 2017 and January 2018.

On April 8, during the SOE, a military officer in Qobo town, East Haraghe Zone of Oromia Region, reportedly severely assaulted, shot, and killed 20-year-old Ayantu Mohammed, a mother of one who was three months’ pregnant, after abducting her from the street. According to a local media report, neighbors found Ayantu’s body dumped in their neighborhood the following day. Local police reported they disarmed and arrested the suspected military officer.

On August 4, violence reportedly involving regional security forces left at least 30 citizens dead in Jijiga, capital of the Somali Region, and nearby towns. In cascading violence shortly thereafter, communal violence in Dire Dawa left 14 individuals dead, including a woman and her four children, according to an August 7 press release by HRCO. On August 12, a heavily armed group of Somali
Region’s special police force, sometimes referred to as the Liyu, attacked residents in Mayu Muluke District in East Hararghe Zone, Oromia, killing 40 persons and injuring 40. Oromia Region’s government spokesperson told local media that the attackers took orders from individuals opposing the federal government.

b. Disappearance

The government held individuals, including minors, temporarily incommunicado during the SOE. According to a July 31 HRCO report, nine adult residents of West Hararghe Zone, Oromia Region, disappeared following attacks by Somali Region’s special police force. Liyu officers abducted these individuals from their homes or the street. Due to poor prison administration, family members reported individuals missing who were allegedly in custody/remand, but could not be located.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution prohibits such practices, there were reports that security officials tortured and otherwise abused detainees.

In October 2017 the Ethiopian Human Rights Commission (EHRC), a government human rights body, issued a report on its investigation following formal complaints from inmates that prison officials and police officers committed human rights violations, including torture, at the Shoa Robit Federal Prison between September and November 2016. The inmates told the EHRC that prison officials in Shoa Robit Prison subjected them to electric shocks, severe beatings, hanging heavy water bottles from genitals, handcuffing and tying inmates to beds, and soaking them with water. Muslim inmates reported the officers shouted anti-Muslim words and further harassed, threatened, and intimidated them based on their religious beliefs. Twelve inmates reported officers singled them out, handcuffed them, and tied them to their beds from September 22 until November 19, 2016. The EHRC investigation documented several body injuries on 16 inmates. These marks included deeply scarred hands and legs, broken fingers, marks left by extended handcuffing, flogging marks on the back, mutilated nails, broken arms, and head injuries. The team cross-referenced these marks with the body marks registered in the intake files of each inmate and concluded these injuries occurred in prison.

During a court session in December 2017, inmates criticized the report for documenting torture of only 16 inmates, claiming 176 inmates were tortured in Shoa Robit Prison. They also objected to the report’s failure to hold prison
officials or Federal Police officers who carried out the torture accountable for their actions. The report’s failure to determine who was responsible, directly or indirectly, for the documented torture undermined the credibility of the EHRC in the eyes of prison reform activists.

In July Human Rights Watch (HRW) published a report documenting torture, rape, long-term arbitrary detention, and inhuman detention conditions in Jijiga Central Prison between 2011 and early this year. Many of the former prisoners interviewed said they saw detainees dying in their cells after officials abused them. Former female prisoners reported multiple incidents of rape. Prison guards and the region’s special police allegedly brutalized prisoners, at the behest of regional authorities. According to HRW the prison was subject to virtually no oversight. The cycle of abuse, humiliating treatment, overcrowding, inadequate food, sleep deprivation, and lack of health care in Jijiga Central Prison, also referred to as Jail Ogaden, was consistent with the government’s long-standing collective punishment of persons who were perceived to support the Ogaden National Liberation Front (ONLF), previously designated by the government as a terrorist organization, a designation removed in June.

Multiple sources reported general mistreatment of detainees at official detention centers, unofficial detention centers, police stations, and in Kilinto federal prison. Interrogators administered beatings and electric shocks to extract information and confessions from detainees. Police investigators used physical and psychological abuse to extract confessions.

On April 6, following through on a January 3 EPRDF decision under the leadership of the former prime minister, the government announced the closure of Maekelawi, the federal crime investigation and detention center in Addis Ababa and the site of many reports of prisoner abuse in past years. Officials transferred the detainees in the center to another facility.

The United Nations reported it received one allegation of sexual exploitation and abuse against a peacekeeper from Ethiopia deployed with the UN Mission in Liberia. The case alleged sexual exploitation (exploitative relationship). Investigations by both the United Nations and Ethiopia were pending.

**Prison and Detention Center Conditions**

Prison and pretrial detention center conditions remained harsh and in some cases life threatening. There were reports that authorities physically abused prisoners in
detention centers, military facilities, and police stations. Problems included gross overcrowding and inadequate food, water, sanitation, and medical care. Pretrial detention often occurred in police station detention facilities, where conditions varied widely and where reports stated there was poor hygiene and police abuse of detainees.

During the SOE the government operated detention centers in six zones--Addis Ababa, Hawassa, Dire Dawa, Nekemte, Bahir Dar, and Semera. In March the State of Emergency Inquiry Board announced the SOE Command Post detained 1,107 individuals in the six zones. The main reasons given by the government for these arrests included murder, destruction of public service utilities, road blockade, demolishing of public documents, trafficking illegal firearms, and inciting activities that cause ethnic conflicts. Although conditions varied, problems of gross overcrowding and inadequate food, water, sanitation, and medical care were common at sites holding SOE detainees.

Physical Conditions: Severe overcrowding was common, especially in prison sleeping quarters. For example, in 2016 the EHRC visited a prison cell in Shoa Robit Federal Prison and found that its two small windows did not allow enough light into the estimated 40-square-meter (430-square-foot) cell, which was extremely small to house 38 inmates. Authorities sometimes incarcerated juveniles with adults. Prison officials generally separated male and female prisoners, although mixing occurred at some facilities. Medical attention following physical abuse was insufficient in some cases.

The government budgeted approximately nine birr ($0.32) per prisoner per day for food, water, and health care, although this amount varied across the country. According to the World Bank, the country’s per capita GDP was $1.50 per day. Many prisoners supplemented this support with daily food deliveries from family members or by purchasing food from local vendors. Reports noted officials prevented some prisoners from receiving food from their families, and some families did not know of their relatives’ locations. Medical care was unreliable in federal prisons and almost nonexistent in regional ones. Prisoners had only limited access to potable water. Water shortages caused unhygienic conditions, and most prisons lacked appropriate sanitary facilities. Many prisoners had serious health problems but received little or no treatment. There were reports prison officials denied some prisoners access to needed medical care.

Visitors to political prisoners and other sources reported political prisoners often faced significantly different treatment compared with other prisoners. Allegations
included lack of access to proper medication or medical treatment, lack of access to books or television, and denial of exercise time.

Administration: In July the government fired five federal prison officials following state media reports of allegations of abuse. There were reports that prisoners mistreated by prison guards did not have access to prison administrators or ombudspersons to register their complaints. Legal aid clinics operated in some prisons. At the regional level, these clinics had good working relations with judicial, prison, and other government officials. Prison officials allowed some detainees to submit complaints to judicial authorities without censorship, but courts sometimes declined to hear such complaints.

The law generally provides visitor access for prisoners. Authorities, however, denied some indicted defendants visits with their lawyers or with representatives of their political parties. In some cases police did not allow pretrial detainees access to visitors, including family members and legal counsel. Prison regulations stipulate that lawyers representing persons charged with terrorism offenses may visit only one client per day, and only on Wednesdays and Fridays. Authorities denied family members’ access to persons charged with terrorist activity.

Officials permitted religious observance by prisoners, but this varied by prison and even by section within a prison. There were allegations authorities denied detainees adequate locations in which to pray.

Independent Monitoring: The International Committee of the Red Cross (ICRC) visited prisons throughout the country during the year as part of its normal activities. During the SOE access to prisoners was limited, but once the SOE was lifted in June, the ICRC enjoyed improved access to multiple prisons. The government did not permit access to prisons by other international human rights organizations.

Regional authorities allowed government and NGO representatives to meet with prisoners without third parties present. The EHRC monitored federal and regional detention centers and interviewed prison officials and prisoners in response to allegations of widespread human rights abuses. The NGO Justice for All-Prison Fellowship Ethiopia (JPA-PFE) had access to multiple prison and detention facilities around the country.

d. Arbitrary Arrest or Detention
The constitution and law prohibit arbitrary arrest and detention; however, SOE regulations allowed law enforcement officers to arrest and detain individuals without a court warrant and hold detainees for longer than prescribed under normal, non-SOE legal precedents. There were reports of hundreds of arbitrary arrests and detentions related to the SOE targeting protesters, professors, university students, musicians, businesspersons, health workers, journalists, children, and others.

**Role of the Police and Security Apparatus**

The Federal Police report to the newly created Ministry of Peace as of October and are subject to parliamentary oversight. That oversight was limited. Each of the nine regions has a regional or special police force that reports to regional civilian authorities. Local militias operated across the country in loose and varying coordination with these regional police, the Federal Police, and the military. In some cases militias functioned as extensions of the ruling party. Local militias are members of a community who handle standard security matters within their communities, primarily in rural areas. Local government authorities provided select militia members with very basic training. Militia members serve as a bridge between the community and local police by providing information and enforcing rules. The military played an expanded role with respect to internal security during the SOE.

Impunity remained a problem, including for killings and other violence against protesters. An internal investigation process existed within the police forces, although officials acknowledged that it was inadequate, and there were continued efforts to reform and modernize these internal mechanisms. There were no public reports documenting internal investigations of the federal police for possible abuses during the SOE. The government rarely disclosed the results of investigations into abuses by local security forces, such as arbitrary detention and beatings of civilians.

The government supported limited training on human rights for police and army personnel. It accepted assistance from NGOs and the EHRC to improve and professionalize training on human rights by including more material on the constitution and international human rights treaties and conventions. Additionally, the Ethiopian National Defense Force routinely conducted training on human rights, protection of civilians, gender-based violence, and other courses at the Peace Support Training Center in Addis Ababa.
Arrest Procedures and Treatment of Detainees

The constitution and law require detainees to appear before the court and face charges within 48 hours of arrest or as soon thereafter as local circumstances and communications permit. Travel time to the court is not included in this 48-hour period. With a warrant authorities may detain persons suspected of serious offenses for 14 days without charge and for additional and renewable 14-day periods during a pending investigation. The courts allowed security officials to continue investigations for more than 14 days without bringing formal charges against suspects.

Under the Anti-Terrorism Proclamation (ATP), police may request to detain persons without charge for 28-day periods, up to a maximum of four months, during an investigation. The law permits warrantless arrests for various offenses including “flagrant offenses.” These include suspects apprehended while committing an offense, attempting to commit an offense, or having just completed an offense.

The law prohibits detention in any facility other than an official detention center; however, local militias and other formal and informal law enforcement entities operated an unknown number of unofficial detention centers.

A functioning bail system was in place. Bail was not available for persons charged with terrorism, murder, treason, and corruption. In other cases the courts set bail between 500 and 10,000 birr ($18 and $357), which most citizens could not afford. The government provided public defenders for detainees unable to afford private legal counsel, but defendants received these services only when their cases went to court and not during the critical pretrial phases. In some cases a single defense counsel represented multiple defendants in a single case. There were reports that while some detainees were in pretrial detention, authorities allowed them little or no contact with legal counsel, did not provide full information on their health status, and did not allow family visits. There were reports officials sequestered prisoners for weeks at a time and placed civilians under house arrest for undisclosed periods.

The constitution requires authorities under an SOE to announce the names of detainees within one month of their arrest. Authorities generally published the names of those detained under the SOE but not always within the 30-day period. Civilians were not always able to locate the rosters of names of those imprisoned.
Arbitrary Arrest: Authorities regularly detained persons arbitrarily, including protesters, journalists, and opposition party members. There were hundreds of reports of arbitrary arrest by security forces.

On March 25, government security forces arrested journalists Eskinder Nega and Temesgen Desalegn; bloggers Mahlet Fantahun, Befekadu Hailu, Zelalem Workagegnehu, and Fekadu Mahetemework; and activists Andualem Arage, Addisu Getaneh, Yidnekachew Addis, Tefera Tesfaye, and Woynshet Molla while they gathered at the residence of journalist Temesgen Desalegn in Addis Ababa for the improper display of the national flag. Police first took the 11 to a police station in Addis’ Jemo District but transferred them to another station in Gotera-Pepsi area during the night. On April 5, authorities released the 11 detainees in Addis Ababa without formal charges.

According to a March 31 statement from the SOE Inquiry Board, security forces detained 1,107 individuals suspected of violating the SOE rules.

Pretrial Detention: Some detainees reported indefinite detention for several years without charge or trial. The percentage of the inmate population in pretrial detention and average length of time held was not available. Lengthy legal procedures, large numbers of detainees, judicial inefficiency, and staffing shortages contributed to frequent trial delays, in some cases years. SOE regulations allowed authorities to detain a person without a court order until the end of the SOE. At the conclusion of the SOE, several hundred individuals remained remanded and awaiting trial.

Detainees’ Ability to Challenge Lawfulness of Detention before a Court: The law requires officials to inform detainees of the nature of their arrest within a specific period time, which varies based on the severity of the allegation. It also provides persons accused of or charged with a crime the ability to appeal. During the year no cases were brought to the courts by individuals claiming unlawful detention. There were reports of hundreds of arbitrary arrests and detentions related to the SOE. The criminal law does not provide compensation for unlawfully detained persons.

Amnesty: The federal and regional governments released 9,702 prisoners in the six weeks following the former prime minister’s announcement of prisoner releases on January 3. During these weeks the government released the vast majority of imprisoned high-profile opposition politicians, journalists, and activists.
The federal attorney general dropped charges and/or granted pardons to 744 individuals charged with or convicted of crimes of terrorism and corruption. Of that number, 576 were convicted and serving prison terms, while 168 were still on trial. The majority, more than 500, walked out of prisons on May 29. The justifications provided by the government for the releases included remorse by the convicts, abatement of the threat to society, and ability to contribute to the continued widening of political space. Senior opposition politicians, journalists, activists, and government officials charged with terrorism and corruption were included in those released.

On May 29, authorities released Ethiopian-born British citizen Andargachew Tsige, second in command of Patriotic Ginbot 7 (PG7), a former government-designated terror organization delisted in June, on a “pardon under special circumstances.” Detained in 2014, Andargachew was serving two life sentences and was sentenced to the death penalty.

On July 20, the HPR, in an emergency session passed a bill providing amnesty for individuals and groups under investigation, on trial, or convicted of various crimes. The law applies to persons and organizations convicted of crimes committed before June 7. The federal attorney general announced that those seeking amnesty must register within six months from July 23. On August 23, the federal attorney general announced 650 prisoners in four federal prisons benefitted from releases via either a pardon or the granting of amnesty. The government granted amnesty to more than 200 of these prisoners in accordance with the amnesty proclamation.

In September, in keeping with a long-standing tradition of issuing pardons at the Ethiopian New Year, four regional governments released 8,875 persons. Prisoners who had served a third of their sentences, female prisoners with babies, the elderly, and those with serious health problems primarily benefitted from the pardon. Prisoners sentenced to death and those convicted of corruption, kidnapping, or rape did not qualify for Ethiopian New Year’s pardons.

**e. Denial of Fair Public Trial**

The law provides for an independent judiciary. Although the civil courts operated with a large degree of independence, criminal courts remained weak, overburdened, and subject to political influence.

**Trial Procedures**
Under the constitution accused persons have the right to a fair public trial without undue delay, a presumption of innocence, legal counsel of their choice, appeal, the right not to self-incriminate, the right to present witnesses and evidence in their defense, and cross-examine prosecution witnesses. The law requires translation services provided in a language defendants understand. The federal courts have staff working as interpreters for major local languages and are required to hire interpreters for defendants that speak other languages.

Detainees did not always enjoy all these rights, and as a result defense attorneys were sometimes unprepared to provide adequate defense. The courts did not always presume a defendant’s innocence, allow defendants to communicate with an attorney of their choice, provide timely public defense, or provide access to government-held evidence. Defendants were often unaware of the specific charges against them until the commencement of their trials. There were reports of authorities subjecting detainees to abuse while in detention to obtain information or confessions.

The federal Public Defender’s Office provided legal counsel to indigent defendants, but the scope and quality of service were inadequate due to a shortage of attorneys. A public defender often handles more than 100 cases and may represent multiple defendants in a single case. Numerous free legal aid clinics, primarily based at universities, provided legal services. In certain areas of the country, the law allows volunteers, such as law students and professors, to represent clients in court on a pro bono basis. There was no bar association or other standardized criminal defense representation.

The constitution recognizes both religious and traditional courts. Many citizens residing in rural areas had little access to formal judicial systems and relied on traditional mechanisms for resolving conflict. By law all parties to a dispute must agree to use a traditional or religious court before such a court may hear a case, and either party may appeal to a regular court at any time. Sharia (Islamic law) courts may hear religious and family cases involving Muslims if both parties agree to use the sharia court before the formal legal process begins. Sharia courts received some funding from the government. These sharia courts adjudicated a majority of cases in the Somali and Afar Regions, which are predominantly Muslim. Other traditional systems of justice, such as councils of elders, functioned predominantly in rural areas. Some women felt they lacked access to free and fair hearings in the traditional court system because local custom excluded them from participation in councils of elders and due to persistent gender discrimination.
Political Prisoners and Detainees

There were no high-profile political prisoners at year’s end, because the government dropped charges and/or granted pardons to more than ten thousand individuals charged and convicted with crimes of terrorism and corruption.

Authorities released Oromo Federalist Congress (OFC) chairperson Merera Gudina on January 17, following a decision by the attorney general to discontinue the multiple criminal charges against him. In 2017 the attorney general brought multiple criminal charges against Merera and four others, including Ginbot 7 leader Berhanu Nega and diaspora-based Oromo activist Jawar Mohammed.

In February the federal attorney general dropped pending charges against remaining members of the Zone 9 blogging group Natnael Feleke, Atnaf Berhane, and Befekadu Hailu. In 2017 the Supreme Court downgraded the charges against the three bloggers from terrorism to criminal provocation of the public. Officials also released Bekele Gerba, OFC deputy chair, on February 13, after prosecutors dropped charges against him and his codefendants for leading protests against plans to expand the city of Addis Ababa.

On May 29, the attorney general withdrew charges against diaspora-based Ginbot 7 leader Berhanu Nega and Oromo activist Jawar Mohammed, as well as their respective media organizations Ethiopian Satellite Television and Radio and Oromo Media Network.

Civil Judicial Procedures and Remedies

The law provides citizens the right to appeal in civil court, including in cases with human rights violations. For rights violations where a government agency is the accused perpetrator, the victim initiates the process by filing a complaint at the EHRC. Parliament created the EHRC in 2000, and it continued to fund and provide oversight over the commission. The EHRC investigates and makes recommendations to the concerned government agency. Citizens did not file any human rights violations under this system, primarily due to a lack of evidence and a lack of faith in their ability to secure an impartial verdict in these types of cases.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence
The law generally requires authorities to obtain court-issued search warrants prior to searching private property. Under the SOE court, approval for searches was suspended. Security officials had to provide a reason to the individual or household subject to the search, an official identification card, and have a community member accompany them before conducting a search. Separate from the SOE, the law also recognizes exceptions for “hot pursuit” cases in which a suspect enters a premises or disposes of items that are the subject of an offense committed on the premises. This legal exception also applies when police have reasonable suspicion that evidence of a crime punishable by more than three years’ imprisonment is concealed on or in the property and a delay in obtaining a search warrant would allow the evidence to be removed. Moreover, the ATP law permits warrantless searches of a person or vehicle when authorized by the director general of the Federal Police, his designee, or a police officer who has reasonable suspicion that a terrorist act may be committed and deems a sudden search necessary.

Opposition political party leaders and journalists reported suspicions of telephone tapping, other electronic eavesdropping, and surveillance, and they stated government agents attempted to lure them into illegal acts by calling and pretending to be representatives of previously designated terrorist groups.

The government used a widespread system of paid informants to report on the activities of individuals. Opposition members, journalists, and athletes reported ruling party operatives and militia members made intimidating and unwelcome visits to their homes and offices. These intimidating contacts included entry and searches of homes without a warrant.

There were reports that authorities dismissed opposition members from their jobs and that those not affiliated with the EPRDF sometimes had trouble receiving the “support letters” from their kebeles (neighborhoods or wards) necessary to obtain employment (see section 3, Political Parties and Political Participation).

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech and press; however, SOE regulations included restrictions on these rights, giving legal cover for continued efforts to harass and intimidate journalists that predated the SOE. Upon the end of the SOE and with the encouragement of Prime Minister Abiy, a number of new
and returned diaspora media outlets were able to register and begin operations in the country.

Freedom of Expression: The SOE regulations contained several prohibitions that restricted freedom of speech and expression and subsequently resulted in the temporary detention of some independent voices. The regulations, interpreted broadly, prohibited any covert or overt agitation and communication that could incite violence and unrest. Restricted activities also included any communication with designated terrorist groups or antipeace forces, storing and disseminating texts, storing and promoting emblems of terrorist groups, incitement in sermons and teaching in religious institutions to induce fear or incite conflict, and speech that could incite attacks based on identity or ethnicity.

Under the SOE it was illegal to carry out covert or public incitement of violence in any way, including printing, preparing, or distributing writings; performing a show; demonstrating through signs or making messages public through any medium; or importing or exporting any publication without permission. The SOE also prohibited exchanging any message through the internet, mobile telephones, writing, television, radio, social media, or other means of communication that may cause a riot, disturbance, suspicion, or grievance among persons. Police used suspicion of individuals possessing or distributing such media as a premise to enter homes without a warrant.

The SOE prohibited any individual from exchanging information with a foreign government in a manner that undermined national sovereignty and prohibited political parties from briefing journalists in a manner deemed unconstitutional or that undermined sovereignty and security. Individuals self-censored because of these prohibitions.

The protests and demands for change were driven by the EPRDF’s attempts to impede criticism through intimidation, including continued detention of journalists, those who express critical opinions online, and opposition figures. Additionally, the government monitored and interfered in activities of political opposition groups. Some citizens feared authorities would retaliate against them for discussing security force abuses. Authorities arrested and detained persons who made public or private statements deemed critical of the government under a provision of the law pertaining to inciting the public through false rumors.

Upon taking office Prime Minister Abiy stated that freedom of speech is essential to the country’s future. NGOs subsequently reported that practices such as arrests,
detention, abuse, and harassment of persons for criticizing the government dramatically diminished.

Press and Media Freedom: Independent journalists reported access to private, affordable, independent printing presses was generally limited to a single government-owned facility, citing government intimidation. At least one outlet attempted to import a printing press for private use but was allegedly unable to secure permission to make it operational. Independent media cited limited access as a major factor in the small number, low circulation, and infrequent publication of news.

In Addis Ababa six independent newspapers had a combined weekly circulation of approximately 43,000 copies; there were in addition two sports-focused newspapers. There were no independent newspapers outside of the capital. Eight independent weekly, monthly, and bimonthly magazines published in Amharic and English had a combined circulation estimated at 28,000 copies. State-run newspapers had a combined daily circulation of approximately 50,000 copies. Most newspapers were printed on a weekly or biweekly basis, except state-owned Amharic and English dailies and the privately run Daily Monitor. Government-controlled media closely reflected the views of the government and ruling EPRDF party. The government controlled the only television station that broadcast nationally, which, along with radio, was the primary source of news for much of the population. There were two government-owned radio stations that covered the entire country, seven private FM radio stations broadcast in the capital, one FM radio station in the Tigray Region, and 28 community radio stations broadcast in other regions. State-run Ethiopian Broadcasting Corporation had the largest broadcast range in the country, followed by Fana Broadcasting Corporate, generally regarded as affiliated with the ruling party. There were a few private satellite-based television stations, including the Ethiopian Broadcast Service.

The law prohibits political and religious organizations, as well as foreigners from owning broadcast stations.

Violence and Harassment: The government’s arrest, harassment, and prosecution of journalists sharply declined and imprisoned journalists were released. As of April no high-profile journalist remained in detention. On January 9 and 10, the Federal Prison Administration released 14 Muslim activists and journalists, including Darsema Sorri and Khalid Mohammed, from prison. The release followed the Supreme Court’s decision in December 2017 that reduced jail terms of the defendants convicted for violation of the ATP.
Censorship or Content Restrictions: Many private newspapers reported informal editorial control by the government. Examples of government interference included requests regarding specific stories and calls from government officials concerning articles perceived as critical of the government. Private sector and government journalists routinely practiced self-censorship. Several journalists, both local and foreign, reported an increase in self-censorship during the SOE.

National Security: Under the SOE--February 15 to June 5--the government used the SOE laws to suppress criticism. On July 5, the parliament legally removed the Oromo Liberation Front (OLF), ONLF, and PG7 from the list of terrorist organizations. Journalists, both state and private, were less afraid of reporting on these groups following their delisting.

Nongovernmental Impact: On July 13, an unidentified group of youths in the town of Meisso reportedly attacked a team of journalists travelling from Dire Dawa to Addis Ababa to cover the Eritrean president’s state visit to Ethiopia. Five of the crewmembers were employees of state-owned Dire Dawa Mass Media Agency. The driver of the van died from injuries on July 19 at a hospital in Harar.

Prime Minister Abiy invited diaspora media outlets to return as part of broader reforms to open up political dialogue. Major outlets and bloggers returned and began operations without incident. Media outlets were careful in testing the limits of their new freedoms. Several outfits printed hard-hitting and carefully investigated pieces exposing problems without repercussions.

Internet Freedom

The government periodically restricted and disrupted access to the internet and blocked various social media sites. The government shut down mobile internet in towns outside of Addis Ababa, especially in Oromia and Amhara between February and April, when the SOE was in force. Authorities restored internet connectivity in April while unblocking more than 260 websites that were previously unavailable inside the country. These included blogs, opposition websites, websites of PG7, the OLF, and the ONLF, and news sites such as al-Jazeera, the BBC, and RealClearPolitics. Authorities briefly shut off mobile internet data in and around Addis Ababa in September and October while responding to unrest.
In early August the government temporarily shut down broadband and mobile internet in Dire Dawa, Harar, and Jijiga in the eastern part of the country following an outbreak of violence. In September internet and mobile data were temporarily turned off again in Addis Ababa when protests turned violent. There were credible reports the government monitored private online communications without appropriate legal authority. State-owned Ethio Telecom was the only internet service provider in the country.

The law on computer crimes includes some provisions that are overly broad and could restrict freedom of speech and expression. This included, for example, a provision that provides for imprisonment for disseminating through a computer system any written, video, audio, or any other picture that incites violence, chaos, or conflict among persons. The SOE regulations included prohibitions on agitation and communication to incite violence and unrest through the internet, text messaging, and social media.

Authorities monitored communication systems and took steps to block access to Virtual Private Network providers that let users circumvent government screening of internet browsing and email. There were reports such internet surveillance resulted in arrests.

According to the International Telecommunication Union, 18.6 percent of the population used the internet in 2017.

**Academic Freedom and Cultural Events**

The government restricted academic freedom, primarily via controlling teachers’ appointments and curricula. Authorities frequently restricted speech, expression, and assembly on university and high school campuses. SOE regulations prohibited strikes in educational institutions, giving authorities the power to order educational institutions to take measures against any striking student or staff member and providing law enforcement officers the authority to enter educational institutions and take measures to control strikes or protests.

According to multiple reports, the ruling EPRDF, via the Ministry of Education, continued to favor students loyal to the party in assignment to postgraduate programs. Some university staff members noted that students who joined the party received priority for employment in all fields after graduation. Numerous anecdotal reports suggested inadequate promotions and lack of professional advancement were more likely for non-EPRDF member teachers. There continued
to be a lack of transparency in academic staffing decisions, with numerous complaints from academics alleging bias based on party membership, ethnicity, or religion.

A separate Ministry of Education directive prohibits private universities from offering degree programs in law and teacher education. The directive also requires public universities to align their curriculum with the ministry’s policy of a 70/30 ratio between science and social science academic programs. As a result the number of students studying social sciences and the humanities at public institutions continued to decrease; private universities, however, focused heavily on the social sciences.

Reports stated there was a pattern of surveillance and arbitrary arrests of Oromo university students based on perceived dissent, participation in peaceful demonstrations, or both. According to reports, there was a buildup of security forces, both uniformed and plainclothes, embedded on university campuses preceding student protests, especially in Oromia, in response to student demonstrations.

b. Freidoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The constitution and law provide for freedom of assembly; SOE regulations, however, prohibited demonstrations and town hall meetings that did not have approval from the Command Posts, in some cases federal and in other cases more local bodies. After the lifting of the SOE, security forces’ response to protests showed signs of increasing restraint. In July and August Federal Police and Addis Ababa police provided security to at least three large peaceful demonstrations staged without prior notification to the authorities in Addis Ababa.

Prior to the SOE, organizers of public meetings of more than two persons or demonstrations had to notify the government 48 hours in advance and obtain a permit. Authorities could not refuse to grant a permit but could require changing the location or time for reasons of public safety or freedom of movement. If authorities require an event be moved to another place or time, by law authorities must notify organizers in writing within 12 hours of their request.
The EPRDF used its own conference centers in Addis Ababa, the regional capitals, and government facilities for meetings and events. Following the imposition of the SOE, the prohibition on unauthorized demonstrations or town hall meetings severely limited the organization of meetings, training sessions, and other gatherings, especially for civil society and opposition political parties, who repeatedly reported being intimidated by authorities concerning organizing under SOE regulations.

**Freedom of Association**

Although the law provides for freedom of association and the right to engage in unrestricted peaceful political activity, the government severely limited this right (see sections 3 and 5).

The SOE and the accompanying regulations restricted the ability of labor organizations to operate (see section 5). Regulations prohibited exchanging information or having contact with a foreign government or NGOs in a manner that undermines national sovereignty and security, and this reduced communication between local and international organizations.

The Charities and Societies Proclamation (CSP), also called the Civil Society Organizations (CSO) law, bans anonymous donations to NGOs and political parties. All potential donors were therefore aware their names would be on the public record. A 2013 report by the UN special rapporteur on the rights to freedom of peaceful assembly and association stated, “The enforcement of these provisions has a devastating impact on individuals’ ability to form and operate associations effectively.” For example, international NGOs seeking to operate in the country had to submit an application via the country’s embassies abroad, which the Ministry of Foreign Affairs then submitted to the government’s Charities and Societies Agency for approval. Prime Minister Abiy prioritized the reform of the CSP, along with the ATP and media law, as a mechanism to foster change in a process managed by the attorney general.

c. **Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

d. **Freedom of Movement**
The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. At times authorities or armed groups limited the ability of humanitarian organizations to operate in areas of insecurity, such as on the country’s borders.

**In-country Movement:** Under the SOE some regions of the country and the borders were restricted. Those restrictions ceased once the SOE ended.

**Foreign Travel:** A 2013 government prohibition on unskilled workers travelling to the Middle East for employment remained in force. The ban did not affect citizens travelling for investment or other business reasons. The government stated it issued the ban to prevent harassment, intimidation, and trauma suffered by those working abroad, particularly in the Middle East, as domestic employees.

**Exile:** The prime minister’s call for reconciliation, parliament’s removal of groups from the terrorist list, as well as the passing of the amnesty proclamation, encouraged many dissident groups, activists, journalists, and politicians in exile to return to the country and participate in reform efforts.

**Internally Displaced Persons (IDPs)**

According to the International Organization for Migration (IOM), communal clashes between locals of Gedeo Zone in SNNPR and West Guji Zone in Oromia that started in April led to displacement of 970,000 persons. The number of IDPs in Gedeo Zone reached 820,000, while those in West Guji numbered 150,000. The Gedeo-Guji crisis occurred alongside existing displacement in other parts of the country. In May and June, IOM identified 1,777,000 IDPs in the country, with 1,205,000 displaced due to conflict mostly from the Oromia-Somali conflict in 2017, while 536,000 were displaced by drought and other climate-related factors.

There were 1,391,000 new IDPs, primarily due to conflicts along the border areas of Oromia and SNNPR Regions and border areas of Oromia and Somali Regions.

Authorities attributed the majority of internal displacements to conflict, particularly interregional and interclan conflicts due to lack of governance and property disputes. IDPs’ rights to alternative livelihoods, skill development,
compensation, and access to documentation that determine their opportunity to participate in civic and political action was often limited. In some instances the government strongly encouraged returns of IDPs without adequate arrangements for security and sustainability. The government reportedly used food to induce returns, leading to secondary and tertiary displacements.

Protection of Refugees

As of April the country hosted approximately 915,000 refugees. Major origin countries were South Sudan (440,000), Somalia (256,000), Eritrea (168,000), Sudan (44,000), and Yemen (1,800).

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government used a refugee-status-determination system for providing services and protection to refugees.

Employment: Under this year’s Ethiopian Refugee Regulation, the government does not grant work permits to refugees, a regulation updated in early 2019 to change this, and other, refugee policies. The government supports an Out of Camp policy for those deemed self-sufficient and/or sponsored by an Ethiopian citizen, which allowed some refugees to live outside camps and engage in informal livelihoods.

Durable Solutions: The government welcomed refugees to settle in the country but did not offer a path to citizenship or provide integration. Refugee students who passed the required tests could attend university with fees paid by the government and UNHCR.

Returnees: During the year tens of thousands of refugees returned from Saudi Arabia and required humanitarian assistance. According to IOM, assistance for these returnees upon arrival was limited due to resource constraints.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The ruling party’s electoral advantages, however, limited this ability.

Elections and Political Participation
Recent Elections: In 2015 the country held national elections for the HPR, the country’s parliamentary body. Later that year the parliament elected Hailemariam Desalegn to his first full mandate as prime minister. On February 14, Hailemariam announced his resignation as prime minister, and on March 27, the EPRDF elected Abiy Ahmed as the new chairperson of the party and candidate for federal prime minister. After an acclamation vote in the HPR, Abiy Ahmed assumed the prime minister position on April 2.

In the 2015 national parliamentary elections, the EPRDF and affiliated parties won all 547 seats, giving the party a fifth consecutive five-year term. Government restrictions severely limited independent observation of the vote. The African Union was the sole international organization permitted to observe the elections. Opposition party observers accused local police of interference, harassment, and extrajudicial detention. Six rounds of broadcast debates preceded the elections, with internal media broadcasting the debates generally in full and only slightly edited. The debates included all major political parties competing in the election.

Independent journalists reported little trouble covering the election. Some independent journalists reported receiving their observation credentials the day before the election, after having submitted proper and timely applications. Several laws, regulations, and procedures implemented since the contentious 2005 national elections created a clear advantage for the EPRDF throughout the electoral process. There were reports of unfair government tactics, including intimidation of opposition candidates and supporters. Various reports stated at least six election-related deaths during the period before and immediately following the elections. The National Electoral Board of Ethiopia (NEBE) has sole responsibility for voter education, and it broadcast radio segments and distributed manuals on voter education in many local languages.

In a preliminary election assessment, the African Union called the 2015 elections “calm, peaceful, and credible” and applauded the government for its registration efforts. It raised concerns, however, regarding the legal framework underpinning the election. The NEBE registered more than 35 million voters, and it did not report any incidents of unfair voter registration practices.

On April 12, the parliament decided to postpone local elections scheduled for May for at least one year due to unrest in the country.
Political Parties and Political Participation: The government, controlled by the EPRDF, called on all diaspora-based opposition groups, including those in armed struggle, to return and pursue nonviolent struggle. Virtually all major opposition groups, including OLF, Oromo Democratic Front, ONLF, and PG7, welcomed the request and returned to the country.

On February 14, authorities released Mamushet Amare, former leader of the All Ethiopian Unity Party, whom authorities had detained on terrorism-related charges since March 2017.

Constituent parties of the EPRDF conferred advantages upon their members; the party directly owned many businesses and allegedly awarded jobs and business contracts to loyal supporters. Opposition parties reported they rented offices and meeting halls in the Amhara and Oromia Regions without difficulty. There were reports unemployed youths not affiliated with the ruling coalition sometimes had trouble receiving the “support letters” from their wards necessary to obtain jobs.

Registered political parties must receive permission from regional governments to open and occupy local offices, with at least one major opposition party reporting it was able to open many offices during the year in advance of the 2020 national election. Laws requiring parties to report “public meetings” and obtain permission for public rallies inhibited opposition activities.

Participation of Women and Minorities: No laws prevent women or minorities from voting or participating in political life, although patriarchal customs in some regions limited female participation in political life. There were improvements, but women remained significantly underrepresented across both elected and appointed positions. In October the prime minister announced a new cabinet with 10 female ministers, or half of the resized cabinet. Also in October Sahle-Work Zewde became the country’s first female president. Zewde’s appointment was in line with the prime minister’s stated goal of empowering women in his administration. In November the parliament swore in the country's first female Supreme Court president. In the national parliament, women held 38 percent of seats, 211 of 547.

The government’s policy of ethnic federalism led to the creation of individual constituencies to provide for representation of all major ethnic groups in the House of the Federation (the upper chamber of parliament). The government recognizes more than 80 ethnicities, and the constitution states that at least one member represent each “Nation, Nationality, and People” in the House of the Federation.
Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of corruption. The government did not implement the law effectively or comprehensively.

Corruption: Corruption, especially the solicitation of bribes, including police and judicial corruption, remained a problem. Some stakeholders believed government officials manipulated the land allocation process and state- or party-owned businesses received preferential access to prime land leases and credit. The law mandates that the attorney general investigate and prosecute corruption cases.

In January 2017 former prime minister Hailemariam announced the establishment of the Corruption Directorate within the Federal Police Commission with powers to investigate systemic corruption cases. The government’s rationale in establishing the investigation bureau was to increase transparency throughout the government bureaucracy.

On May 25, the Attorney General’s Office notified the courts that it had dropped charges against and ordered the release of former director general of the Customs and Revenues Authority Melaku Fenta and his deputy Gebrewahid Woldegiorgis, as well as a dozen prominent business personalities and companies charged with corruption. On the same day, a separate group of 17 government officials detained in the corruption crackdown that started in June 2017 also had their charges dropped, including the former state minister of the Ministry of Finance and Economic Cooperation.

Financial Disclosure: The law requires all government officials and employees to register their wealth and personal property. The law includes financial and criminal sanctions for noncompliance. The Federal Ethics and Anti-Corruption Commission holds financial disclosure records. By law any person who seeks access to these records may make a request in writing; access to information on family assets may be restricted unless the commission deems the disclosure necessary.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Very few domestic human rights groups operated due to significant government restrictions during the first half of the year. The resource-challenged HRCO is the
sole local, independent human rights group. It is a membership-based, nonpartisan, nongovernmental, and not-for-profit entity. With more than a hundred reports to date since its inception, HRCO remained the only nongovernmental human rights monitoring and reporting group. Its reports during the year documented ethnically motivated attacks, clashes, and displacement. The government was generally distrustful and wary of domestic and international human rights groups and observers, but that attitude and distrust appeared to be changing. State-controlled media were critical of international human rights groups such as Human Rights Watch. On August 16, four local charities and rights organizations launched a new rights group, Consortium of Ethiopian Rights Organizations, which focuses on advocacy for human rights groups and broader space for rights-advocacy groups to operate.

The CSO law prohibits NGOs that receive more than 10 percent of their funding from foreign sources from engaging in a wide range of activities. Prohibited activities include those that advance human and democratic rights or promote equality of nations, nationalities, peoples, genders, and religions; the rights of children and persons with disabilities; conflict resolution or reconciliation; or the efficiency of justice and law enforcement services. The law severely curtails civil society’s ability to raise questions of good governance, human rights, corruption, and transparency. Either local NGOs must cease advocacy work (so that they may accept funding in excess of the 10 percent limit) or register in a different area of focus not subject to this restriction. There were a few NGOs with waivers of this provision of the CSO law.

The SOE and the accompanying regulations restricted the ability of NGOs to operate. The prohibitions relating to communication and acts that undermine tolerance and unity resulted in broad self-censorship of reports and public statements. The prohibition on unauthorized town hall meetings limited the organization of meetings, training sessions, and other gatherings. The obligation of all organizations to give information when asked by law enforcement officers raised multiple concerns regarding confidentiality of information.

The government denied most NGOs access to federal prisons, police stations, and other places of detention. The government did permit Justice For All - Prison Fellowship Ethiopia to visit prisoners; this organization had an exemption enabling it to raise unlimited funds from foreign sources and to engage in human rights advocacy. Some other NGOs played a positive role in improving prisoners’ chances for clemency.
Authorities limited access of human rights organizations, media, humanitarian agencies, and diplomatic missions in certain areas. The government continued to lack a clear policy on NGO access to sensitive areas and regions, leading regional government officials and military officials frequently to refer requests for NGO access to federal government authorities. Officials required journalists to register before entering sensitive regions and in some cases denied access. There were reports of regional police or local militias blocking NGO access to particular locations for a specific period, citing security risks.

**Government Human Rights Bodies:** The Office of the Ombudsman has the authority to investigate complaints of administrative mismanagement by executive branch offices and officials, including investigation into prison conditions. The office reported it opened investigations into 1,360 complaints from July 2017 to May. The institution determined executive bodies committed poor administrative practices in 714 of the cases. The most serious malpractices related to illegal distribution of basic food items and consumer goods that the government subsidized in Addis Ababa, SNNPR, Amhara, Oromia, and Gambella Regions. The institution also reported mismanagement in the areas of housing and construction as well as land management and compensation.

The institution presented its findings with recommendations to relevant authorities and followed up on those recommendations. While the majority of the agencies followed the recommendations and took corrective measures, 38 offices were reluctant to do so.

The EHRC conducted research on the human rights situation and investigated human rights violations in the Somali and Oromia conflicts, as well as the conflict between west Guji Zone in Oromia and Gedeo Zone in SNNPR. The commission did not publicize the findings of these reports. The EHRC reported to local media that a group of youths and regional security forces attacked its branch office in Jijiga, Somali Region, during the wide-ranging violence the region saw on August 4. EHRC staff suffered direct attacks and their local office was burned. Officials said they believed the attackers were trying to destroy evidence of the commission’s investigation into human rights abuses in the area.

**Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

While the government’s political transformation contributed to a reduction in the number of deaths from engagement with government forces, violence between communities and among citizens began to rise. In mid-June several days of
Communal violence in Hawassa, capital of SNNPR, and Wolaita, SNNPR, left 15 persons dead, according to official accounts. Violence between the nearby communities of Gedeo-Guji displaced approximately one million persons and exceeded the ability of law enforcement to maintain peace.

**Women**

**Rape and Domestic Violence:** The law criminalizes rape and conviction provides for a penalty of five to 20 years’ imprisonment, depending on the severity of the case. The law does not expressly address spousal rape. The government did not fully enforce the law. Article 564 of the criminal code generally covers violence against a marriage partner or a person cohabiting in an irregular union without specifically mentioning spousal rape. Some judges interpret this article to cover spousal rape cases, but others overlook such cases.

Domestic violence is illegal, but government enforcement of laws was inconsistent. Domestic violence, including spousal abuse, was a pervasive social problem. According to the 2016 Demographic and Health Survey (DHS), 34 percent of ever-married women and girls between ages 15 and 49 had experienced spousal physical, sexual, or emotional violence. Depending on the severity of injury inflicted, penalties for conviction range from small fines to 15 years’ imprisonment.

**Female Genital Mutilation/Cutting (FGM/C):** The 2016 DHS indicated that 65 percent of girls and women ages 15-49 were circumcised. The prevalence of female circumcision was highest in the Somali Region (99 percent) and lowest in the Tigray Region (23 percent). FGM/C is illegal, with punishment including imprisonment and a fine, depending on the crime. The government did not actively enforce this prohibition. It was less common in urban areas. The penal code criminalizes the practice of clitoridectomy and provides for three months’ imprisonment or a fine of at least 500 birr ($18) for perpetrators. Infibulation of the genitals (the most extreme and dangerous form of FGM/C) is punishable by five to 10 years’ imprisonment. According to government sources, there had never been a criminal charge regarding FGM/C, but media reported limited application of the law.

For more information, see Appendix C.

**Other Harmful Traditional Practices:** Marriage by abduction is illegal, although it continued in some regions despite the government’s attempts to combat the
Forced sexual relationships accompanied most marriages by abduction, and women often experienced physical abuse during the abduction. Abductions led to conflicts among families, communities, and ethnic groups. In cases of abduction, the perpetrator did not face punishment if the victim agreed to marry the perpetrator.

**Sexual Harassment:** Sexual harassment was widespread. The penal code prescribes penalties for conviction of 18 to 24 months’ imprisonment, but authorities generally did not enforce the law.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization.

**Discrimination:** Discrimination against women was widespread. It was most acute in rural areas, where an estimated 80 percent of the population lived. The law contains discriminatory regulations, such as the recognition of the husband as the legal head of the family and the sole guardian of children older than five. Courts generally did not consider domestic violence by itself a justification for granting a divorce. Irrespective of the number of years married, the number of children raised, and joint property, the law entitles women to only three months’ financial support if her relationship ends. There was limited legal recognition of common-law marriage. A common-law husband had no obligation to provide financial assistance to his family, and consequently women and children sometimes faced abandonment. Traditional courts continued to apply customary law in economic and social relationships.

All federal and regional land laws empower women to access government land. Inheritance laws also enable widows to inherit joint property acquired during marriage; however, enforcement of both legal provisions was uneven.

Women’s access to gainful employment, credit, and the opportunity to own or manage a business was limited by their lower levels of educational attainment and by traditional attitudes. There were a number of initiatives aimed at increasing women’s access to these critical economic empowerment tools.

**Children**

**Birth Registration:** A child’s citizenship derives from its parents. The law requires registration for children at birth. Children born in hospitals were registered; most of those born outside of hospitals were not. The overwhelming majority of
children, particularly in rural areas, were born at home. During the year the government continued a campaign initiated in 2017 to increase birth registrations by advising that failure to register would result in denial of public services.

Education: The law does not make education compulsory. Primary education is universal and tuition-free; however, there were not enough schools to accommodate the country’s youth, particularly in rural areas. The cost of school supplies was prohibitive for many families. The most recent data showed the net primary school enrollment rate was 90 percent for boys and 84 percent for girls.

Child Abuse: Child abuse was widespread. Uvula cutting, tonsil scraping, and milk tooth extraction were among the most prevalent harmful traditional practices. The African Report on Child Wellbeing 2013, published by the African Child Policy Forum, found the government had increased punishment for sexual violence against children. “Child-friendly” benches heard cases involving violence against children and women. There was a commissioner for women and children’s affairs in the EHRC and Ombudsman’s Office.

Early and Forced Marriage: The law sets the legal age of marriage for girls and boys at 18; however, authorities did not enforce this law uniformly, and rural families sometimes were unaware of this provision. The government strategy to address underage marriage focused on education and mediation rather than punishment of offenders. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum legal age for consensual sex is 18, but authorities did not enforce this law. The law provides for three to 15 years’ imprisonment for conviction of sexual intercourse with a minor. The law provides for one year in prison and a fine of 10,000 birr ($357) for conviction of trafficking in indecent material displaying sexual intercourse by minors. Traffickers recruited girls as young as age 11 to work in brothels. Young girls were trafficked from rural to urban areas and exploited as prostitutes in hotels, bars, resort towns, and rural truck stops.

Infanticide or Infanticide of Children with Disabilities: Ritual and superstition-based infanticide, including of infants with disabilities, continued in remote tribal areas, particularly in South Omo. Local governments worked to educate communities against the practice.

Displaced Children: According to a 2010 report of the Ministry of Labor and Social Affairs, approximately 150,000 children lived on the streets; 60,000 of them
were in the capital. The ministry’s report stated the inability of families to support children due to parental illness or insufficient household income exacerbated the problem. Research in 2014 by the ministry noted rapid urbanization, illegal employment brokers, high expectations of better life in cities, and rural-urban migration were adding to the problem. These children often begged, sometimes as part of a gang, or worked in the informal sector.

Institutionalized Children: There were an estimated 4.5 million orphans in the country in 2012, 4.9 percent of the population, according to statistics published by UNICEF. The vast majority lived with extended family members. Governmental and privately operated orphanages were overcrowded, and conditions often unsanitary. Institutionalized children did not receive adequate health care.


Anti-Semitism

The Jewish community numbered approximately 2,000 persons. There were no reports of anti-Semitic acts, and the Addis Ababa Jewish community reported it felt protected by the government to practice its faith but did face limited societal discrimination.

 Trafficking in Persons

See the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution does not mandate equal rights for persons with disabilities. The law prohibits discrimination against persons with physical and mental disabilities in employment and mandates access to buildings but does not explicitly mention intellectual or sensory disabilities. It is illegal for deaf persons to drive.
The law prohibits employment discrimination based on disability. It also makes employers responsible for providing appropriate working or training conditions and materials to persons with disabilities. The law specifically recognizes the additional burden on women with disabilities. The government took limited measures to enforce these laws, for example, by assigning interpreters for deaf and hard-of-hearing civil service employees. The Ministry of Labor and Social Affairs and the Public Servants Administration Commission were responsible for the implementation of employment laws for individuals with disabilities.

The law mandates building accessibility and accessible toilet facilities for persons with physical disabilities, although without specific regulations that define accessibility standards. Buildings and toilet facilities were usually not disability accessible. Property owners are required to give persons with disabilities preference for ground-floor apartments, and they generally did so.

According to a report from the UN Population Fund and the Population Council, one in every three girls with disabilities suffered at least one sexual assault. They also faced systematic and violent abuse at home and in their communities. The report stated many were blamed for being different and feared because they were seen to be under the spell of witchcraft.

Women with disabilities faced more disadvantages in education and employment. According to the 2010 Population Council Young Adult Survey, 23 percent of girls with disabilities were in school, compared with 48 percent of girls and 55 percent of boys without disabilities. Girls with disabilities also were much more likely to experience physical and sexual abuse than were girls without disabilities.

Nationally there were several schools for persons with hearing and vision disabilities and several training centers for children and young persons with intellectual disabilities. There was a network of prosthetic and orthopedic centers in five of the nine regional states.

The Labor Ministry worked on disability-related problems. The CSO law hindered several domestic NGOs active in supporting persons with disabilities, particularly those focused on accessibility and vocational training.

The law does not restrict the right of persons with disabilities to vote and otherwise participate in civic affairs, although continued accessibility problems could make participation difficult. Most polling stations were accessible to persons with
disabilities, and these individuals as well as the elderly, pregnant women, and nursing mothers received priority.

**National/Racial/Ethnic Minorities**

The country has more than 80 ethnic groups, of which the Oromo, at approximately 34 percent of the population, is the largest. The federal system drew boundaries approximately along major ethnic group lines during the early years of EPRDF rule and the drafting of the current constitution. Most political parties remained primarily ethnically based, although the ruling party and one of the largest opposition parties were coalitions of several ethnically based parties.

On September 15 and 16, youth purported to be Oromo attacked citizens in Burayu, Keta, and Ashewa Meda (Oromia towns just west of Addis Ababa), killing 27 residents mostly belonging to the Gamo and related ethnic groups that originated in SNNPR Region. Police detained hundreds of suspects for involvement in the attacks. On September 17, residents of Addis Ababa and Arba Minch, in SNNPR Region, staged large protests condemning the ethnic attacks. The protests in parts of Addis Ababa turned violent and led to loss of lives at the hands of security forces. Security forces killed seven protesters, claiming they attempted to seize firearms. Police arrested 170 individuals in Addis Ababa for suspected involvement in the violence and an additional 1,200 for allegedly attempting to escalate the violence.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is illegal and is punishable by three to 15 years’ imprisonment. No law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. There were reports of violence against LGBTI individuals; however, reporting was limited due to fear of retribution, discrimination, or stigmatization. There are no hate crime laws or other criminal justice mechanisms to aid in the investigation of abuses against LGBTI individuals. Individuals generally did not identify themselves as LGBTI persons due to severe societal stigma and the illegality of consensual same-sex sexual activity. Activists in the LGBTI community reported surveillance and feared for their safety. There were no reports of persons incarcerated or prosecuted for engaging in same-sex sexual activities.
The AIDS Resource Center in Addis Ababa reported the majority of self-identified gay and lesbian callers, most of whom were men, 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.

HIV and AIDS Social Stigma

Societal stigma and discrimination against persons with or affected by HIV/AIDS continued in education, employment, and community integration. Persons with or affected by HIV/AIDS reported difficulty accessing various services. There were no statistics on the scale of the problem.

Other Societal Violence or Discrimination

Intercommunal conflict in parts of Oromia and SNNP resulted in the displacement of nearly a million people in SNNP’s Gedeo Zone and Oromia’s West Guji Zone since April, with the majority of displacements occurring in June, according to the IOM Displacement Tracking Matrix.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution and law provide workers, except for civil servants and certain categories of workers primarily in the public sector, with the right to form and join unions, conduct legal strikes, and bargain collectively. Meanwhile, other provisions and laws severely restrict or excessively regulate these rights. The law specifically prohibits managerial employees, teachers, health-care workers, judges, prosecutors, security-service workers, domestic workers, and seasonal agricultural workers from organizing unions. Despite the law prohibiting antiunion discrimination, unions reported employers terminated union activists. The law requires employers guilty of antiunion discrimination to reinstate workers dismissed for union activities and generally did so. The law prohibits retribution against strikers, but authorities arrested nine air traffic controllers for striking. The government did not effectively enforce applicable laws, and penalties were not sufficient to deter violations.

A minimum of 10 workers are required to form a union. While the law provides all unions with the right to register, the government may refuse to register trade unions that do not meet its registration requirements. One possible rationale for
refusal is the nonpolitical criminal conviction of the union’s leader within the previous 10 years, but there were no reports of a refused registration on this basis. The government may unilaterally cancel the registration of a union. Workers may not join more than one trade union per employment. The law stipulates a trade union organization may not act in an overtly political manner. The law allows administrative authorities to seek recourse via court actions to cancel union registration for engaging in prohibited activities, such as political action.

Other laws and regulations that explicitly or potentially infringe upon workers’ rights to associate freely and to organize include the CSO law. The International Labor Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations noted the CSO law gives the government power to interfere in the right of workers to organize, including through the suppression of registration, internal administration, and the dissolution of organizations. For example, the law requires that labor unions’ internal administration follow certain procedures that diminish their autonomy. Two-thirds of union members belonged to organizations affiliated with the government-controlled Confederation of Ethiopian Trade Unions. The National Teachers Union remained unregistered.

While the law recognizes the right to collective bargaining, this right was severely restricted under the law. Negotiations aimed at amending or replacing a collectively bargained agreement must take place within three months of its expiration; otherwise, the prior provisions on wages and other benefits cease to apply. The law restricts enterprise unions to negotiating wages only at the plant level. Civil servants, including public school teachers, have the right to establish and join professional associations created by the employees but may not bargain collectively. Arbitration procedures in the public sector are more restrictive than in the private sector. The law does not provide for effective and adequate sanctions against acts of interference by other agents in the establishment, functioning, or administration of either workers’ or employers’ organizations. Unions in the formal industrial sector made some efforts to enforce labor regulations.

Although the constitution and law provide workers with the right to strike to protect their interests, the law contains detailed provisions prescribing extremely complex and time-consuming formalities that make legal strike actions prohibitively difficult. The law requires aggrieved workers to attempt to reconcile with employers before striking and includes a lengthy dispute settlement process. These provisions apply equally to an employer’s right to lock workers out. For an authorized strike, two-thirds of the workers concerned must support such action. If
not referred to a court or labor relations board, the union retains the right to strike
without resorting to either of these options, provided they give at least 10 days’
notice to the other party and the Labor Ministry and make efforts at reconciliation.

The law also prohibits strikes by workers who provide essential services, including
air transport and urban bus services, electric power suppliers, gasoline station
personnel, hospital and pharmacy personnel, firefighters, telecommunications
personnel, and urban sanitary workers. The list of essential services goes beyond
the ILO definition of essential services. The law prohibits retribution against
strikers, but it also provides for civil or criminal penalties against unions and
workers convicted of committing unauthorized strike actions. Violation of this
procedure is an offense punishable with a fine not exceeding 1,200 birr ($43) if
committed by a union or of 300 birr ($11) if committed by an individual worker. If
the provisions of the penal code prescribe more severe penalties, the punishment
codified in the penal code becomes applicable. Any public servant who goes on
strike, who urges others to go on strike, or who fails to carry out his/her duties in a
proper manner, to the prejudice of state, public, or private interest, is subject to
imprisonment that involves an obligation to perform labor.

The informal labor sector, including domestic workers and seasonal agricultural
workers, was not unionized or protected by labor laws. The law defines workers as
persons in an employment relationship. Lack of adequate staffing prevented the
government from effectively enforcing applicable laws for those sectors protected
by law. Court procedures were often subject to lengthy delays and appeals. Labor
officials reported that high unemployment, fear of retribution, and long delays in
hearing labor cases deterred workers from participating in strikes or other labor
actions. The ILO was critical of the government’s use of the antiterrorism law to
punish organizers or labor leaders.

Although rarely reported, antiunion activities occurred. There were media reports
that some major foreign investors generally did not allow workers to form unions,
often transferred or dismissed union leaders, and intimidated and pressured
members to leave unions. Lawsuits alleging unlawful dismissal often took years to
resolve because of case backlogs in the courts.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor but
permits courts to order forced labor as a punitive measure. Conviction of slavery is
punishable with five to 20 years’ imprisonment and a fine. The government did not effectively enforce the law, and forced labor occurred.

In 2015 the federal government enacted a comprehensive overhaul of its antitrafficking penal code. The code prescribes harsh penalties up to life imprisonment and a fine of 500,000 birr ($17,900) for conviction of human trafficking and exploitation, including slavery, debt bondage, forced prostitution, and servitude. The penalties served as a deterrent, especially when paired with increased law enforcement attention to the abuse. Police at the federal and regional levels received training focused on human trafficking and exploitation.

Although a ban on labor migration to the Gulf States remained in effect, the government established bilateral work agreements with most of the Gulf States.

Adults and children, often under coercion, engaged in street vending, begging, traditional weaving of hand-woven textiles, or agricultural work. Children also worked in forced domestic labor. Situations of debt bondage also occurred in traditional weaving, pottery making, cattle herding, and other agricultural activities, mostly in rural areas.

The government sometimes deployed prisoners to work outside the prisons for private businesses, a practice the ILO stated could constitute compulsory labor.

Also see the Department of State’s Trafficking in Persons Report at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The government did not effectively enforce the applicable laws, and penalties were not sufficient to deter violations.

By law the minimum age for wage or salaried employment is 14. The minimum age provisions, however, apply only to contractual labor and do not apply to self-employed children or children who perform unpaid work, which constituted the vast majority of employed children. The law prohibits hazardous or night work for children between ages 14 and 18. The law defines hazardous work as any work that could jeopardize a child’s health. Prohibited work sectors include passenger transport, work in electric generation plants, factory work, underground work, street cleaning, and many other sectors. The law expressly excludes children
younger than 16 attending vocational schools from the prohibition on hazardous work. The law does not permit children between ages 14 and 18 to work more than seven hours per day, between 10 p.m. and 6 a.m., or on public holidays or rest days.

Child labor remained a serious problem (see also section 7.b.), and significant numbers of children worked in prohibited, dangerous work sectors, particularly construction.

School enrollment was low, particularly in rural areas. To reinforce the importance of attending school, joint NGO, government, and community-based awareness efforts targeted communities where children were heavily engaged in agricultural work. The government invested in modernizing agricultural practices and constructing schools to combat the problem of child labor in agricultural sectors.

In both rural and urban areas, children often began working at young ages. Child labor was particularly pervasive in subsistence agricultural production, traditional weaving, fishing, and domestic work. A growing number of children worked in construction. Children in rural areas, especially boys, engaged in activities such as cattle herding, petty trading, plowing, harvesting, and weeding, while girls collected firewood and fetched water. Children worked in the production of gold. In small-scale gold mining, they dug mining pits and carried heavy loads of water. Children in urban areas, including orphans, worked in domestic service, often working long hours, which prevented many from attending school regularly. Children also worked in manufacturing, shining shoes, making clothes, parking, public transport, petty trading, as porters, and directing customers to taxis. Some children worked long hours in dangerous environments for little or no wages and without occupational safety protection. Child laborers often faced abuse at the hands of their employers, such as physical, sexual, and emotional abuse.

Traffickers exploited girls from impoverished rural areas, primarily in domestic servitude and commercial sex within the country.

Also see the Department of Labor’s Findings on the Worst Forms of Child Labor at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation
The law prohibits discrimination based on race, ethnicity, national origin nationality, gender, marital status, religion, political affiliation, political outlook, pregnancy, socioeconomic status, disability, or “any other conditions.” The law prohibits discrimination in respect of employment and occupations; however, the authorities enforced these rights unevenly. The law specifically recognizes the additional burden on pregnant women and persons with disabilities. The penalty for conviction of discrimination on any of the above grounds is a fine of 1,200 birr ($43). The government took limited measures to enforce the law. Sexual orientation, gender identity, and HIV-positive status have no basis for protection under the law.

Discrimination in employment and occupation occurred with respect to women, who had fewer employment opportunities than did men, and the jobs available did not provide equal pay for equal work. Discrimination in employment and occupation occurred against sexual orientation and/or gender identity.

Discrimination against migrant workers also occurred.

**e. Acceptable Conditions of Work**

There is no national minimum wage. Some government institutions and public enterprises set their own minimum wages. Public-sector employees, the largest group of wage earners, earned a monthly minimum wage of approximately 615 birr ($22). The official estimate for the poverty income level was 315 birr ($11) per month. Overall, the government did not effectively enforce wage laws.

The law provides for a 48-hour maximum legal workweek with a 24-hour rest period, premium pay for overtime, and prohibition of excessive compulsory overtime. Four conditions allow employers to make use of overtime work; these are urgency of the task, danger, absence of an employee, and lack of alternatives. Additionally, employers may not engage their employees in overtime work exceeding two hours a day, 20 hours a month, and 100 hours a year. The country has 13 paid public holidays per year. The law entitles employees in public enterprises and government financial institutions to overtime pay; civil servants receive compensatory time off for overtime work.

The government, industries, and unions negotiated occupational safety and health standards, which do not fully address worker safety in many industries. Workers specifically excluded by law from unionizing, including domestic workers and
seasonal agricultural workers, generally did not benefit from health and safety regulations in the workplace.

The Labor Ministry’s inspection department was responsible for enforcement of workplace standards. Occupational safety and health measures were not effectively enforced. The ministry carried out regular labor inspections to monitor compliance; however, the government employed 516 labor inspectors, less than half the ILO’s recommended number of 1,321. The ministry’s severely limited administrative capacity; lack of an effective mechanism for receiving, investigating, and tracking allegations of violations; and lack of detailed, sector-specific health and safety guidelines hampered effective enforcement of these standards. The ministry completed 46,000 inspections in the most recent fiscal year, and it was generally clear that responsibility for identifying unsafe situations resides with labor inspectors.

Only a small percentage of the population, concentrated in urban areas, was involved in wage-labor employment. Wages in the informal sector generally were below subsistence levels.

Compensation, benefits, and working conditions of seasonal agricultural workers were far below those of unionized permanent agricultural employees. The government did little to enforce the law. Most employees in the formal sector worked a 39-hour workweek. Many foreign, migrant, and informal laborers worked more than 48 hours per week.

Hazardous working conditions existed in the agricultural sector, which was the primary base of the country’s economy. There were also reports of hazardous and exploitative working conditions in the construction and industrial sectors, although data on deaths and injuries were not available.
Exhibit 5
ETHIOPIA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Ethiopia is a federal republic. The ruling Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF), a coalition of four ethnically based parties, controls the government. In the 2015 general elections the EPRDF and affiliated parties won all 547 House of People’s Representatives (parliament) seats to remain in power for a fifth consecutive five-year term. In 2015 parliament elected Hailemariam Desalegn to his first full mandate as prime minister. Hailemariam assumed that office in 2012 after the death of his predecessor. Government restrictions severely limited independent observation of the general election vote. A mission from the African Union, the sole international institution or organization permitted to observe the voting, called the elections “calm, peaceful, and credible.” Some nongovernmental organizations (NGOs) reported an environment conducive to a free and fair election was not in place prior to the election. There were reports of unfair government tactics, including intimidation of opposition candidates and supporters, and violence before and after the election that resulted in at least six deaths.

It was widely reported that civilian authorities at times did not maintain control over security forces. Local police in rural areas and local militias sometimes acted independently.

In October 2016 parliament imposed a State of Emergency (SOE) and extended it in March. According to the SOE, an executive body called the Command Post managed security policy under the leadership of the minister of defense. During the SOE the Command Post held broad powers, including the ability to detain individuals, restrict speech, and restrict movement. On August 4, parliament voted to end the SOE, which took effect immediately.

The most significant human rights issues included: arbitrary deprivation of life, disappearances, torture and other cruel, inhuman or degrading treatment by security forces; harsh and life-threatening prison conditions; arbitrary arrest and detention by security forces; denial of a fair public trial; infringement of privacy rights; restrictions on freedoms of speech, press, internet, assembly, association, and movement; lack of accountability in cases involving rape and violence against women; and criminalization of same-sex sexual conduct.
The government generally did not take steps to prosecute or otherwise punish officials who committed human rights abuses other than corruption. Impunity was a problem; there was an extremely limited number of prosecutions of security force members or officials for human rights abuses during the year.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were numerous reports that the government and its agents committed arbitrary and unlawful killings. Security forces used excessive force against civilians. A May 28 report from the independent NGO Human Rights Council (HRCO) that conducted field investigations covering 32 districts in 16 zones from Oromia, Amhara, and Southern Nations, Nationalities, and Peoples’ Region (SNNPR), as well as Addis Ababa city, stated government security forces killed 19 citizens between the start of the SOE in October 2016 and May. The Ethiopian Human Rights Commission (EHRC) in April reported to parliament that 669 persons died and more than a thousand persons were injured in the 2016 protests in Oromia, Amhara, and SNNPR. Other NGO reports stated a higher number of casualties. In late February and March, weeks-long raids by armed militiamen from the Somali region reportedly resulted in the deaths of more than 100 civilians in bordering East Hararge, West Hararge, Bale, and Guji zones of Oromia region. Oromia region’s Communications Office confirmed the raids and subsequent deaths but did not give figures.

b. Disappearance

Individuals, including children, arrested by security forces during the SOE temporarily were held incommunicado. The government announced plans to disclose names of SOE detainees in November 2016, but this effort was not comprehensive. According to a May HRCO report, authorities used local government offices, colleges, training centers, and military training camps throughout the country as temporary detention centers.

Due to poor prison administration, family members reported individuals missing who were in custody of prison officials, but whom the families could not locate.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
Although the constitution prohibits such practices, there were reports that security officials tortured and otherwise abused detainees.

In its May report HRCO reported that victims testified authorities hung SOE detainees by their feet and tortured them during interrogations. Detainees in Finote Selam Prison in Amhara region told HRCO investigators that prison officials beat and tortured detainees and immersed some in latrine pits full of human feces. The report stated maltreatment of members of the Oromo and Amhara ethnicities, and some religious minorities, occurred.

The HRCO reported authorities kept several SOE detainees in overcrowded detention centers without sufficient food, water, medical care, toilets, and other facilities. Authorities did not permit these detainees to have visitors. It also found that detainees in several detention centers experienced inhuman treatment including beatings/whippings, forced physical exercises, and denial of food. Authorities forced detainees in Awash Arba to walk barefoot and sit exposed to the sun for three consecutive days.

Multiple sources reported general mistreatment of detainees at official detention centers, unofficial detention centers, police stations, and in Kilinto federal prison. Interrogators administered beatings and electric shocks to extract information and confessions from detainees. Police investigators used physical and psychological abuse to extract confessions in Maekelawi, the federal crime investigation center in Addis Ababa that often held high-profile political prisoners. Authorities restricted access by diplomats and NGOs to Maekelawi; some NGOs reported limited access.

As of October 23, the United Nations reported that it had received one allegation of sexual exploitation and abuse against Ethiopian peacekeepers during the year. The allegation of transactional sex, made against one member of the military contingent serving with the UN Mission in South Sudan, was alleged to have taken place at an unspecified time in 2016. As of October 23, the investigation was pending identification of the personnel involved.

**Prison and Detention Center Conditions**

Prison and pretrial detention center conditions remained harsh and in some cases life threatening. There were reports that authorities physically abused prisoners in detention centers, military facilities, and police stations. Problems included gross overcrowding and inadequate food, water, sanitation, and medical care. There also
were many unofficial detention centers throughout the country, including in Dedessa, Bir Sheleko, Tolay, Hormat, Blate, Tatek, Jijiga, Holeta, and Senkele. Observers were denied access to these facilities. Activists detained in some of these centers during the SOE reported overcrowding, inadequate food and water, and poor medical care. Pretrial detention often occurred in police station detention facilities, where conditions varied widely and where reports stated there was poor hygiene and police abuse of detainees. Detention center officials in Tolay and Awash Arba made more than one hundred detainees use a single open-pit toilet.

During the SOE, the government operated detention centers in Awash, Ziway, and Dilla, and detained suspects at various police stations in Addis Ababa. The government also held detainees in military facilities, local administration offices, and other temporary sites. Although conditions varied, problems of gross overcrowding and inadequate food, water, sanitation, and medical care were common at sites holding SOE detainees.

Physical Conditions: Severe overcrowding was common, especially in prison sleeping quarters. For example, one prison in Asella with capacity for 400 held 3,000 inmates. Authorities sometimes incarcerated juveniles with adults. Prison officials generally separated male and female prisoners, although mixing occurred at some facilities. There were reports that authorities physically abused prisoners in detention centers, military facilities, and police stations. Medical attention following physical abuse was insufficient in some cases.

For example, Ayele Beyene, an inmate of Killinto Prison, died in July while in prison custody. Prison officials reported Ayele’s death to the court on July 24. In a court hearing on July 25, Ayele’s codefendants told the court that they were subject to severe beating in Maekelawi detention center prior to being moved to Killinto Prison. Codefendants also stated they reported Ayele’s condition to the prison authorities repeatedly, but authorities ignored them. Authorities detained Ayele in September 2016 and kept him at the Maekelawi detention center until May 10 when they charged him and seven codefendants with terrorism.

The government budgeted approximately nine birr ($0.40) per prisoner per day for food, water, and health care, although this amount varied across the country. According to the World Bank, the per capita GDP was $1.62 per day. Many prisoners supplemented this amount with daily food deliveries from family members or by purchasing food from local vendors. Reports noted officials prevented some prisoners from receiving food from their families, and some families did not know of their relatives’ locations. Medical care was unreliable in
federal prisons and almost nonexistent in regional ones. Prisoners had only limited access to potable water. Water shortages caused unhygienic conditions, and most prisons lacked appropriate sanitary facilities. Many prisoners had serious health problems but received little or no treatment. There were reports prison officials denied some prisoners access to needed medical care.

HRCO investigators who visited two prisons in Amhara region reported in May that detainees in Debre Tabor Prison faced serious water shortages and overcrowding leading to illness. Detainees in Finote Selam Prison did not get medical services during weekends and emergency cases were not transported to a hospital.

The governmental Institution of the Ombudsman presented its annual report to parliament in June. The report described underpayment of a limited number of prisoners for their labor in Dangla and Debre Markos prisons in the Amhara Region. This prison labor system operates separately from the federal per capita budget for prisoners. Prisoners faced problems accessing food, water, medical treatment, and education. Prison officials made policy changes following recommendations from the Institution of the Ombudsman, which later verified improvements for some criticisms in its report.

Visitors to political prisoners and other sources reported political prisoners often faced significantly different treatment compared with other prisoners. Allegations included lack of access to proper medication or medical treatment, lack of access to books or television, and denial of exercise time.

Administration: There were reports that prisoners mistreated by prison guards did not have access to prison administrators or ombudspersons to register their complaints. Some legal aid clinics existed in some prisons. At the regional level, these clinics had good working relations with judicial, prison, and other government officials. Some prison officials allowed detainees to submit complaints to judicial authorities without censorship. Courts sometimes declined to hear such complaints.

The law generally provides visitor access for prisoners. Authorities, however, denied some indicted defendants visits with their lawyers or with representatives of the political parties to which they belonged. In some cases police did not allow pretrial detainees access to visitors, including family members and legal counsel. Prison regulations stipulate that lawyers representing persons charged with terrorism offenses may visit only one client per day, and only on Wednesdays and
Fridays. Authorities denied family members access to persons charged with terrorist activity.

Officials permitted religious observance by prisoners, but this varied by prison and even by section within a prison. There were allegations authorities denied detainees adequate locations in which to pray.

**Independent Monitoring:** The International Committee of the Red Cross visited prisons throughout the country during the year as part of its normal activities. The government did not permit access to prisons by other international human rights organizations.

Regional authorities allowed government and NGO representatives to meet with prisoners without third parties present. The EHRC monitored federal and regional detention centers and interviewed prison officials and prisoners in response to allegations of widespread human rights abuses. In 2000 the parliament created the EHRC and defined its mandate and powers. Parliament funds and oversees the EHRC. The NGO Justice for All-Prison Fellowship Ethiopia (JPA-PFE) had access to various prison and detention facilities around the country.

**Improvements:** The Federal Prisons Administration Commission (FPAC) completed construction of a prison complex in Addis Ababa during the year. The prison has a 6,000-inmate capacity. FPAC also completed construction of additional prisons in Shoa Robit, Ziway, and Dire Dawa. JPA-PFE worked with the above prisons to improve conditions so they met international minimum standards.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, SOE regulations allowed law enforcement officers to arrest and detain individuals without a court warrant. There were reports of thousands of arbitrary arrests and detentions related to the SOE targeting protesters, professors, university students, musicians, businesspersons, health workers, journalists, children, and others. The HRCO in its May report stated authorities detained more than 22,000 citizens in two rounds of arrests under the SOE. It stated the Command Post established to implement the SOE detained 15,370 persons between October 9 and December 20, 2016 in Oromia, Amhara, SNNPR, and Addis Ababa city. The Command Post, however, reported it detained 12,249, of whom 9,800 were released on December 20 after receiving “training.” Authorities filed charges against the remaining 2,449
detainees. They reported 12,500 persons detained from December 22, 2016 to February 3, when they released 11,352; remaining detainees faced charges. The opposition disputed these figures, stating that the government detained more individuals than it acknowledged.

Role of the Police and Security Apparatus

The Federal Police report to the Office of the Prime Minister and are subject to parliamentary oversight. That oversight was limited. Each of the nine regions has a state or special police force that reports to regional civilian authorities. Local militias operated across the country in loose and varying coordination with regional and Federal Police and the military. In some cases these militias functioned as extensions of the ruling party. Local militias are members of a community who handle standard security matters within their communities in rural areas. Local government authorities select militia members, who take basic training. Militia members serve as a bridge between the community and local police by providing information and enforcing rules. The military played an expanded role with respect to internal security during the SOE.

Impunity remained a serious problem, including impunity for killings and other violence against protesters. An internal investigation process existed, although officials acknowledged that it was inadequate. There were no public reports whether internal investigations of the federal police for possible abuses during the SOE occurred. In a report presented in April to the parliament, the EHRC reported 669 persons, including 66 security personnel, killed in the 2016 protests, and 939 individuals, including 100 security personnel, injured in Oromia, Amhara, and SNNPR. The report stated security forces used excessive force in some localities in Oromia and Amhara regions. The commission blamed local government officials, a local opposition political party, and police for the deaths of 34 individuals in Gedeo Zone of SNNPR. The commission did not publicly release its report. The government rarely publicly disclosed the results of investigations into abuses by local security forces, such as arbitrary detention and beatings of civilians. In August a local media report stated that government forces commandeered an NGO or Ministry of Health vehicle to transport security forces in Oromia.

The government supported human rights training for police and army personnel. It accepted assistance from NGOs and the EHRC to improve and professionalize its human rights training and curriculum by including more material on the constitution and international human rights treaties and conventions. Additionally,

**Arrest Procedures and Treatment of Detainees**

The constitution and law require that detainees be brought to court and charged within 48 hours of arrest or as soon thereafter as local circumstances and communications permit. Travel time to the court is not included in this 48-hour period. With a warrant, authorities may detain persons suspected of serious offenses for 14 days without charge and for additional and renewable 14-day periods if an investigation continues. The courts allowed security officials to continue investigations for more than 14 days without bringing formal charges against suspects.

Under the Anti-Terrorism Proclamation (ATP), police may request to detain persons without charge for 28-day periods, up to a maximum of four months, during an investigation. In some cases during the SOE defendants spent more than the maximum four months detained during an investigation. The law permits warrantless arrests for various offenses including “flagrant offenses.” These include suspects apprehended while committing an offense, attempting to commit an offense, or having just completed an offense.

The law prohibits detention in any facility other than an official detention center; however, local militias and other formal and informal law enforcement entities operated an unknown number of unofficial local detention centers. Under the SOE, authorities detained persons in military training camps, colleges, schools, and other facilities built for other purposes.

A functioning bail system was in place. Bail was not available for persons charged with terrorism, murder, treason, and corruption. In other cases the courts set bail between 500 and 10,000 birr ($22 and $444), which most citizens could not afford. The government provided public defenders for detainees unable to afford private legal counsel, but defendants only received these services when their cases went to court and not during the critical pretrial phases. In some cases a single defense counsel represented multiple defendants. There were reports that while some detainees were in pretrial detention, authorities allowed them little or no contact with legal counsel, did not provide full information on their health status, and did not allow family visits. There were reports officials sequestered prisoners for weeks at a time and placed civilians under house arrest for undisclosed periods.
The constitution requires authorities under an SOE to announce the names of detainees within one month of their arrest. Authorities generally published the names of those detained under the SOE but not always within the 30-day period. Civilians were not always able to locate the rosters of names of those imprisoned.

Arbitrary Arrest: Authorities regularly detained persons arbitrarily, including protesters, journalists, and opposition party members. There were thousands of reports of arbitrary arrest by security forces. The May HRCO report stated authorities illegally detained 22,525 persons during the SOE.

For example, authorities temporarily detained Blue Party chairman Yeshiwas Assefa on July 26 in the city of Bahir Dar, Amhara Region. Three officers who detained Yeshiwas for three hours also threatened to kill him if he returned to the city.

The government arbitrarily arrested journalists and those who expressed views that opposed the government (see section 2.a.). For example, in November 2016 security officers detained journalists Elias Gebru and Ananya Sorri as well as opposition politician Daniel Shibeshi in Addis Ababa. On March 13, they released journalist Ananya. On May 28, authorities filed criminal charges against Elias and Daniel on allegations they violated the law under the SOE. On July 17, an appeals court ruled them each eligible for bail. Authorities released Elias on August 2 and Daniel on August 4, each on bail of 50,000 birr ($2,200).

In 2015 police arrested and detained former Blue Party spokesperson Yonatan Tesfaye. On May 4, the federal attorney general charged Yonatan with incitement of terrorism through posts under a pseudonym on Facebook, citing article 4 of the ATP, covering preparation, conspiracy, incitement, and attempt of terrorist acts. At the subsequent court hearing, the attorney general’s office changed the charge to encouragement of terrorism (article six in the ATP) that carries a lesser sentence. On May 25, the Federal High Court convicted Yonatan and sentenced him to six years and six months in prison after finding him guilty of encouraging terrorism through his Facebook posts.

Pretrial Detention: Some detainees reported indefinite detention for several years without charge or trial. The percentage of the inmate population in pretrial detention and average length of time held was not available. Lengthy legal procedures, large numbers of detainees, judicial inefficiency, and staffing shortages contributed to frequent trial delays, in some cases years. SOE
regulations allowed authorities to detain a person without a court order until the end of the SOE. At the conclusion of the SOE, several thousand individuals remained remanded and awaiting trial.

Detainees’ Ability to Challenge Lawfulness of Detention before a Court: The law provides for detainees to be informed of the nature of their arrest. It also provides persons accused of or charged with a crime the ability to appeal. During the year no cases were brought to the courts by individuals claiming unlawful detention. There were reports of thousands of arbitrary arrests and detentions related to the SOE. Security forces arbitrarily arrested and detained protesters, professors, university students, musicians, businesspersons, health workers, journalists, children, and others. The criminal law does not provide compensation for persons found to have been unlawfully detained.

Amnesty: In September, in keeping with a long-standing tradition of issuing pardons at the Ethiopian New Year, the federal and regional governments released 13,389 persons. In January Oromia regional government released 10,000 prisoners on pardon. Prisoners who had served a third of their sentences, women prisoners with babies, the elderly, and those with serious health problems benefitted from the pardon. Prisoners sentenced to death and those convicted of corruption, kidnapping, or rape did not qualify for pardons.

e. Denial of Fair Public Trial

The law provides for an independent judiciary. Although the civil courts operated with a large degree of independence, criminal courts remained weak and overburdened and subject to political influence.

Trial Procedures

Under the constitution, accused persons have the right to “a fair public trial without undue delay, a presumption of innocence, legal counsel of their choice, appeal, the right not to self-incriminate, the right to present witnesses and evidence in their defense, and cross-examine prosecution witnesses.” The law requires translation services be provided in a language defendants understand. The federal courts have staff working as interpreters for the major local languages, and are required to hire interpreters for defendants that speak other languages.

Detainees did not, however, always enjoy all these rights, and as a result defense attorneys were sometimes unprepared to provide an adequate defense. The courts
did not always presume a defendant’s innocence, allow defendants to communicate with an attorney of their choice, provide timely public defense, or provide access to government-held evidence. Defendants were often unaware of the specific charges against them until the commencement of their trials. There were reports of authorities subjecting detainees to torture and other abuse while in detention to obtain information or confessions.

The federal Public Defender’s Office provided legal counsel to indigent defendants, but the scope and quality of service were inadequate due to a shortage of attorneys. A public defender may handle more than 100 cases and may represent multiple defendants in a single case. Numerous free legal aid clinics, based primarily at universities, provided legal services. In certain areas of the country, the law allows volunteers, such as law students and professors, to represent clients in court on a pro bono basis. There was no bar association or other standardized criminal defense representation.

The constitution recognizes both religious and traditional courts. Many citizens residing in rural areas had little access to formal judicial systems and relied on traditional mechanisms for resolving conflict. By law all parties to a dispute must agree to use a traditional or religious court before such a court may hear a case, and either party may appeal to a regular court at any time. Sharia (Islamic law) courts may hear religious and family cases involving Muslims if both parties agree to use the sharia court before the formal legal process begins. Sharia courts received some funding from the government. These sharia courts adjudicated a majority of cases in the Somali and Afar regions, which are predominantly Muslim. Other traditional systems of justice, such as councils of elders, functioned predominantly in rural areas. Some women felt they lacked access to free and fair hearings in the traditional court system because local custom excluded them from participation in councils of elders and due to persistent gender discrimination.

**Political Prisoners and Detainees**

There were an unknown number of political prisoners and detainees at year’s end. Throughout the year the government detained journalists, activists, and political opposition members, although not explicitly on political grounds. The most common charges against journalists, activists, or opposition politicians were terrorism via ATP, participation in a proscribed terrorist group, incitement, and outrage against the constitution or the constitutional order.
Police arrested Bekele Gerba, deputy chairman of the Oromo Federalist Congress (OFC), and 21 others in late 2015. On July 13, the High Court downgraded charges against Bekele from committing terrorist acts to carrying out criminal acts. The court acquitted five defendants and amended the charges against the remaining 16 from planning and preparation of terrorist acts to participation in a terrorist organization, which carries a lesser sentence.

Police arrested other leaders and members of political parties, including OFC leader Merera Gudina, in November 2016 (see section 3, Political Parties and Political Participation). On March 3, the attorney general brought multiple criminal charges against Merera and four others, including Ginbot 7 leader Berhanu Nega and diaspora-based Oromo activist Jawar Mohammed. The authorities charged all the defendants, save Merera, in absentia. The charges against Merera included outrage against the constitutional order and violation of the SOE measures prohibiting communication with proscribed terrorist groups. The trial continued at year’s end.

The High Court acquitted opposition politicians Abraha Desta and Daniel Shibeshi of terrorism crimes on July 28. The court started hearing the terrorism trial involving the two opposition politicians in 2015, following the Supreme Court’s reversal of an earlier lower court acquittal.

Authorities detained Shibeshi for a separate case in November 2016 and charged him with violating SOE rules; he was released on bail November 8 for the second case.

On April 6, the 1st Criminal Appellate Bench of the Federal Supreme Court upheld the High Court’s acquittal of Zone 9 bloggers Soliyana Shimeles (in absentia) and Abel Wabella and downgraded the charges against bloggers Natnael Feleke and Atnaf Berhane from terrorism to criminal provocation of the public. The High Court did not set a court date to hear the trial of Natnael and Atnaf. The court downgraded charges against Befekadu Hailu, another member of the blogging collective, from terrorism to criminal. Hailu was released on bail pending the continuation of his trial.

**Civil Judicial Procedures and Remedies**

The law provides citizens the right to appeal in civil court, including in cases with human rights violations. For rights violations where a government agency is the accused perpetrator, the victim initiates the process by filing a complaint at the
EHRC. The EHRC investigates and makes recommendations to the government agency. Citizens did not file any human rights violations under this system primarily due to a lack of evidence and a lack of faith in their ability to secure an impartial verdict in these types of cases.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law generally requires authorities to obtain court-issued search warrants prior to searching private property. Under the SOE court approval for searches was suspended. In an amendment to the initial SOE provisions, security officials had to provide a reason to the individual or household subject to the search, an official identification card, and have a community member accompany them before conducting a search. Separate from the SOE, the law also recognizes exceptions for “hot pursuit” cases in which a suspect enters a premises or disposes of items that are the subject of an offense committed on the premises. This legal carve-out also applies when police have reasonable suspicion that evidence of a crime punishable if convicted by more than three years’ imprisonment is concealed on or in the property and that a delay in obtaining a search warrant would allow the evidence to be removed. Moreover, the antiterrorism law permits warrantless searches of a person or vehicle when authorized by the director general of the Federal Police, his designee, or a police officer who has reasonable suspicion that a terrorist act may be committed and deems a sudden search necessary.

Opposition political party leaders and journalists reported suspicions of telephone tapping, other electronic eavesdropping, and surveillance, and they stated government agents attempted to lure them into illegal acts by calling and pretending to be representatives of officially designated terrorist groups.

The government used a widespread system of paid informants to report on the activities of individuals. Opposition members, journalists, and athletes reported ruling party operatives and militia members made intimidating and unwelcome visits to their homes and offices. These unwelcome contacts included entry and searches of homes without a warrant. Security forces continued to detain and intimidate family members of persons sought for questioning by the government.

There were reports that authorities dismissed opposition members from their jobs and that those not affiliated with the EPRDF sometimes had trouble receiving the “support letters” from their kebeles (neighborhoods or wards) necessary to get employment (see section 3, Political Parties and Political Participation).
Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of speech and press; however, SOE regulations included restrictions on these rights, giving legal cover for continued efforts to harass and intimidate journalists that predated the SOE. Government officials harassed, arrested, detained, charged, and prosecuted journalists and bloggers perceived as critical of the government, creating an environment of fear and self-censorship. The Committee to Protect Journalists’ 2016 prison census found the country to be among the top five worst jailers of journalists worldwide. An intensifying crackdown on media included the arrest of journalists, including bloggers, in 2016, according to the committee.

Freedom of Expression: The SOE regulations contained several prohibitions that restricted freedom of speech and expression and subsequently resulted in the detention or disappearance of numerous independent voices. The regulations, interpreted broadly, prohibited any covert or overt agitation and communication that could incite violence and unrest. For example, authorities included the popular Oromo protest sign of crossed arms above one’s head. Restricted activities also included any communication with designated terrorist groups or antipeace forces, storing and disseminating texts, storing and promoting emblems of terrorist groups, incitement in sermons and teaching in religious institutions to induce fear or incite conflict, and speech that could incite attacks based on identity or ethnicity.

Under the SOE, it was illegal to carry out covert or public incitement of violence in any way, including printing, preparing or distributing writings; performing a show; demonstrating through signs or making messages public through any medium; or importing or exporting any publication without permission. The SOE also prohibited exchanging any message through internet, mobile telephones, writing, television, radio, social media, or other means of communication that may cause riot, disturbance, suspicion, or grievance among persons. Suspicion of individuals possessing or distributing such media was used as a premise to enter homes without a warrant.

Finally, the SOE prohibited any individual from exchanging information with a foreign government in a manner that undermined national sovereignty and security and prohibited political parties from briefing journalists in a manner deemed
anticonstitutional or that undermined sovereignty and security. Individuals self-censored because of these prohibitions.

Authorities regularly arrested, detained, and harassed persons for criticizing the government. NGOs reported the torture of individuals critical of the government. The government attempted to impede criticism through intimidation, including continued detention of journalists, those who express critical opinions online, and opposition figures. Additionally, the government monitored and interfered in activities of political opposition groups. Some citizens feared authorities would retaliate against them for discussing security force abuses. Authorities arrested and detained persons who made public or private statements deemed critical of the government under a provision of the law pertaining to inciting the public through false rumors.

Press and Media Freedom: On March 15, the SOE Command Post lifted the provision that allowed for monitoring of media and communications.

Independent journalists reported access to private, independent printing presses was generally limited to a single government-owned facility, citing government intimidation. At least one outlet attempted to import a printing press for private use, but it was unable to secure permission to make it operational. Independent media cited this limited access as a major factor in the small number, low circulation, and infrequent publication of news.

In Addis Ababa seven independent newspapers had a combined weekly circulation of approximately 45,000 copies; there were in addition two sports-focused newspapers. There were no independent newspapers outside of the capital. Seven independent weekly, monthly, and bimonthly magazines published in Amharic and English had a combined circulation estimated at 18,000 copies. State-run newspapers had a combined daily circulation of approximately 50,000 copies. Most newspapers were printed on a weekly or biweekly basis, except state-owned Amharic and English dailies and the privately run Daily Monitor. Government-controlled media closely reflected the views of the government and ruling EPRDF party. The government controlled the only television station that broadcast nationally, which, along with radio, was the primary source of news for much of the population. There were two government-owned radio stations that covered the entire country, seven private FM radio stations broadcast in the capital, one FM radio station in the Tigray Region, and 28 community radio stations broadcast in other regions. State-run Ethiopian Broadcasting Corporation had the largest broadcast range in the country, followed by Fana Broadcasting Corporate, which
was affiliated with the ruling party. There were a few private satellite-based television stations, including the Ethiopian Broadcast Service.

The government periodically jammed foreign broadcasts, including the entire bandwidth for Voice of America. The law prohibits political and religious organizations as well as foreigners from owning broadcast stations.

**Violence and Harassment:** The government continued to arrest, harass, and prosecute journalists. As of October, four journalists remained in detention.

There were numerous reports of arrest, harassment, and prosecution of the press similar to the following: On January 3, the Federal High Court sentenced journalists Khalid Mohammed and Darsema Sorri along with 17 Muslim activists after finding them guilty of terrorism crimes. The court sentenced Khalid to a prison term of five years and six months and Darsema to four years and five months. Authorities arrested the two journalists in 2015.

**Censorship or Content Restrictions:** Government harassment caused journalists to avoid reporting on sensitive topics. Many private newspapers reported informal editorial control by the government. Examples of government interference included requests regarding specific stories and calls from government officials concerning articles perceived as critical of the government. Private sector and government journalists routinely practiced self-censorship. Several journalists, both local and foreign, reported an increase in self-censorship, especially after the October 2016 implementation of the SOE. The government reportedly pressured advertisers not to advertise in publications that were critical of the government.

**National Security:** The government used the antiterrorism law and the SOE laws to suppress criticism. Journalists feared covering five groups designated by the parliament in 2011 as terrorist organizations (Ginbot 7, the Ogaden National Liberation Front (ONLF), the Oromo Liberation Front (OLF), al-Qaida, and al-Shabaab), citing ambiguity whether reporting on these groups might be punishable under the law.

**Internet Freedom**

The government restricted and disrupted access to the internet. It periodically blocked social media sites. At times the government blocked access throughout the country. There were credible reports the government monitored private online
communications without appropriate legal authority. State-owned Ethio Telecom was the only internet service provider in the country.

The law on computer crimes includes some provisions that are overly broad and could restrict freedom of speech and expression. This included, for example, a provision that provides for imprisonment for disseminating through a computer system any written, video, audio, or any other picture that incites violence, chaos, or conflict among persons. The SOE regulations included prohibitions on agitation and communication to incite violence and unrest through the internet, text messaging, and social media.

The government imposed a nationwide internet blackout from May 30 through June 8, the period during which students sat for national exams. The shutdown came 11 months after the government blocked social media sites throughout the country following an online leak of national exam papers, which eventually forced the government to postpone exam dates. The government stated blocking these sites was necessary to provide for an “orderly exam process.”

Between early October 2016 and June the government shut down mobile access to the internet in Addis Ababa, most parts of Oromia Region, and other regions. The government also denied wired access for many popular websites. These included social media sites, such as Facebook, Twitter, Instagram, YouTube, Skype, WhatsApp, and Viber, news websites such as the Washington Post and the New York Times, and many other sites, including foreign university homepages and online shopping sites such as Amazon.

The government periodically and increasingly restricted access to certain content on the internet and blocked numerous websites, including blogs, opposition websites, websites of Ginbot 7, the OLF, and the ONLF, and news sites such as al-Jazeera, the BBC, and RealClearPolitics. Several opposition diaspora group blogs and websites were not accessible. These included Ethiopian Review, Nazret, CyberEthiopia, Quatro Amharic Magazine, and the Ethiopian Media Forum.

Authorities monitored communication systems and took steps to block access to Virtual Private Network providers that let users circumvent government screening of internet browsing and email. There were reports such internet surveillance resulted in arrests. According to the International Telecommunication Union, 15.4 percent of the population used the internet in 2016.

b. Academic Freedom and Cultural Events

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The government restricted academic freedom, including student enrollment, teachers’ appointments, and curricula. Authorities frequently restricted speech, expression, and assembly on university and high school campuses. SOE regulations prohibited strikes in educational institutions, giving authorities the power to order educational institutions to take measures against any striking student or staff member and provided law enforcement officers the authority to enter educational institutions and take measures to control strikes or protests.

The ruling EPRDF party, via the Ministry of Education, continued to favor students loyal to the party in assignment to postgraduate programs. Some university staff members commented that students who joined the party received priority for employment in all fields after graduation.

Numerous anecdotal reports suggested that inadequate promotions and lack of professional advancement were more likely for non-EPRDF member teachers. There were reports of non-EPRDF members being summarily dismissed for failure to attend party meetings. There continued to be a lack of transparency in academic staffing decisions, with numerous complaints from academics alleging bias based on party membership, ethnicity, or religion.

A separate Ministry of Education directive prohibits private universities from offering degree programs in law and teacher education. The directive also requires public universities to align their curriculum with the ministry’s policy of a 70/30 ratio between science and social science academic programs. As a result the number of students studying social sciences and the humanities at public institutions continued to decrease; private universities, however, focused heavily on the social sciences.

Reports stated there was a pattern of surveillance and arbitrary arrests of Oromo university students based on perceived dissent participation in peaceful demonstrations, or both. According to reports, there was an intense buildup of security forces, both uniformed and plainclothes, embedded on university campuses preceding student protests, especially in Oromia, and in response to student demonstrations.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association.
Freedom of Peaceful Assembly

The constitution and law provide for freedom of assembly; SOE regulations, however, prohibited demonstrations and town hall meetings that did not have approval from the Federal Command Post. The government did not respect freedom of assembly, including prior to the SOE, and killed, injured, detained, and arrested numerous protesters throughout the year (see also sections 1.a-e.).

In April the EHRC reported to parliament on its investigations into the death of several persons in a stampede at the Irrechaa festival in Bishoftu in October 2016. The commission recommended bringing to account local and regional officials in Oromia who failed to stop the festival in advance. The commission also blamed diaspora-based media house Oromo Media Network (OMN) for fueling the unrest that led to the incident. In March authorities brought terrorism charges against OMN in absentia. The EHRC report held opposition political group Oromo Federalist Congress (OFC) as well as the OLF, a parliament-designated terrorist group, responsible for protests in July and August 2016.

For the 2017 Irrechaa festival, the main ceremony ended in mid-morning, much earlier than recent previous ceremonies. Breaking from tradition, neither the Abba Geddas (the traditional leaders and elders who have historically organized the event) nor government officials offered remarks or blessings. The Abba Geddas arrived at the sacred space with security force protection, which was an additional security measure employed for the event.

Prior to the SOE, organizers of public meetings of more than two persons or demonstrations had to notify the government 48 hours in advance and obtain a permit. Authorities could not refuse to grant a permit but could require changing the location or time for reasons of public safety or freedom of movement. If authorities determined an event should be held at another place or time, under the law authorities must notify organizers in writing within 12 hours of their request.

Opposition party organizers stated that authorities interfered in most of their gatherings, and changed the dates or locations of several of the protests and rallies. Protest organizers disputed the credibility of the government’s public safety concerns. Local government officials, who were generally EPRDF members, controlled access to municipal halls, and there were many complaints from opposition parties that local officials denied or otherwise obstructed the scheduling of opposition parties’ use of those spaces for lawful political rallies.
There were numerous credible reports from opposition organizations of hotels and other large facilities citing internal rules forbidding non-EPRDF affiliated political parties from utilizing their spaces for gatherings. Regional governments, including the Addis Ababa regional administration, were reluctant to grant permits or provide security for large meetings. EPRDF uses its own conference centers in Addis Ababa and the regional capitals and also utilizes government facilities for these meetings and events. Following the imposition of the SOE, the prohibition on unauthorized demonstrations or town hall meetings severely limited the organization of meetings, training sessions, and other gatherings. For example, authorities interrupted a fundraiser organized by the independent rights group HRCO in October 2016 at a hotel in Addis Ababa. Security officers who stopped the event claimed the SOE Command Post had not authorized the event. The organizers had secured written permission from the government’s Charities and Societies Agency.

**Freedom of Association**

Although the law provides for freedom of association and the right to engage in unrestricted peaceful political activity, the government severely limited this right (see sections 3 and 5).

The SOE and the accompanying regulations restricted the ability of organizations to operate (see section 5). Regulations prohibited exchanging information or having contact with a foreign government or NGOs in a manner that undermines national sovereignty and security, and this reduced communication between local organizations and international organizations.

The Charities and Societies Proclamation (CSP), also called the Civil Society Organizations (CSO) law, bans anonymous donations to NGOs and political parties. All potential donors were therefore aware their names would be public knowledge. A 2013 report by the UN special rapporteur on the rights to freedom of peaceful assembly and association stated, “The enforcement of these provisions has a devastating impact on individuals’ ability to form and operate associations effectively.” For example, international NGOs seeking to operate in the country had to submit an application via the country’s embassies abroad, which the Ministry of Foreign Affairs then submitted to the government’s Charities and Societies Agency for approval.

**c. Freedom of Religion**
d. Freedom of Movement

Although the law provides for freedom of internal movement, foreign travel, emigration, and repatriation, SOE regulations temporarily restricted internal movements for refugees and diplomats. The SOE prohibited refugees from leaving camps without authorization and prohibited entry into the country without visas. Diplomats were prohibited from traveling farther than 24 miles from Addis Ababa. The government also restricted foreign travel.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. At times authorities or armed groups limited the ability of humanitarian organizations to operate in areas of insecurity, such as on the country’s borders.

In-country Movement: Under the SOE some regions of the country and the borders were restricted. Those restrictions ceased once the SOE ended.

Foreign Travel: A 2013 government prohibition on unskilled workers travelling to the Middle East for employment remained in force. The ban did not affect citizens travelling for investment or other business reasons. The government stated it issued the ban to prevent harassment, intimidation, and trauma suffered by those working abroad, particularly in the Middle East, as domestic employees.

Exile: As in past years, citizens including journalists and others fled and remained abroad in self-imposed exile due to fear of government retribution should they return.

Internally Displaced Persons (IDPs)

According to the International Organization for Migration (IOM), as of July there were 1,056,738 IDPs, including protracted and new cases. Of these IDPs, 577,711 resided in Somali Region; 367,557 in Oromia; 52,523 in Afar; 28,954 in Tigray, 17,472 in Gambella; 8,921 in Amhara; and 3,600 in Harar.
The two largest contributing factors were conflict and drought. IDP numbers increased compared with previous years, with 450,160 IDPs newly displaced during the year. Of the IDPs, conflict affected 588,531 of them while drought affected 375,074 others. The majority of internal displacements at the national level were attributed to conflict, particularly interregional and interclan conflicts due to lack of governance and property disputes. IDPs’ rights to alternative livelihoods, skill development, compensation, and access to documentation that determine their opportunity to participate in civic and political action often were limited while they were displaced.

In September and October there were armed border conflicts along the Oromia-Somali border, with incidents in the far south of that border in Moyale, through the Bale Mountains, up to East Haraege in the north, and to the west of Dire Dawa in Mossie. The government mobilized the ENDF to respond. The extent of the violence was difficult to verify, but reports indicated that at a minimum dozens of persons lost their lives, including local government officials. There were credible reports that more than 300,000 IDPs resulted from this conflict.

The government, through the Disaster Risk Management Food Security Sector (DRMFSS), continued to play an active role in delivering humanitarian assistance to IDPs. Federal and local DRMFSS officials coordinated with IOM and its partners in monitoring IDP populations.

**Protection of Refugees**

As of August 31, the country hosted 852,721 refugees. Major origin countries include South Sudan (388,086), Somalia (252,036), Eritrea (161,941), and Sudan (42,967). Among the South Sudanese population, an estimated 17 percent of the refugees were unaccompanied or separated minors.

**Access to Asylum:** The law provides for the granting of asylum or refugee status, and the government used a refugee-status-determination system for providing services and protection to refugees.

**Employment:** Under the existing Ethiopian Refugee Regulation, the government does not grant work permits to refugees. The government supports an Out of Camp policy for those deemed self-sufficient, which allowed some refugees to live outside camps and engage in informal livelihoods.
Durable Solutions: The government welcomed refugees to settle in the country but did not offer a path to citizenship or provide integration. Refugee students who passed the required tests could attend university with fees paid by the government and UNHCR.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. The ruling party’s electoral advantages, however, limited this ability.

Elections and Political Participation

Recent Elections: In 2015 the country held national elections for the House of People’s Representatives, the country’s parliamentary body. Later that year parliament elected Hailemariam Desalegn to his first full mandate as prime minister.

In the 2015 national parliamentary elections, the EPRDF and affiliated parties won all 547 seats, giving the party a fifth consecutive five-year term. Government restrictions severely limited independent observation of the vote. The African Union was the sole international organization permitted to observe the elections. Opposition party observers accused local police of interference, harassment, and extrajudicial detention. Six rounds of broadcast debates preceded the elections, with internal media broadcasting the debates in full and only slightly edited. The debates included all major political parties.

Independent journalists reported little trouble covering the election, including reports from polling stations. Some independent journalists reported receiving their observation credentials the day before the election, after having submitted proper and timely applications. Several laws, regulations, and procedures implemented since the 2005 national elections created a clear advantage for the EPRDF throughout the electoral process. There were reports of unfair government tactics, including intimidation of opposition candidates and supporters. Various reports stated at least six election-related deaths during the period before and immediately following the elections. The National Electoral Board of Ethiopia (NEBE) has sole responsibility for voter education and broadcast radio segments and distributed manuals on voter education in many local languages.
In a preliminary election assessment, the African Union called the elections “calm, peaceful, and credible” and applauded the government for its registration efforts. It raised concerns, however, regarding the legal framework underpinning the election. The NEBE registered more than 35 million voters, and did not report any incidents of unfair voter registration practices.

NEBE was politically dependent on, and appointed by, the prime minister. There was an interparty dialogue underway with 16 political parties, which addressed a limited number of the opposition parties’ concerns.

Political Parties and Political Participation: The government, controlled by the EPRDF, unduly restricted political parties and members of certain ethnic groups, particularly the Amhara and Oromo, who stated they lacked genuine political representation at the federal level. SOE regulations restricted political parties’ ability to operate. For example, the regulations prohibited any political party “from briefing local or foreign journalists in a manner that is anticonstitutional and undermining sovereignty and security.”

Authorities arrested and prosecuted political opposition members including under allegations of terrorism (see section 1.e., Political Prisoners and Detainees). Government officials stated that many members of legitimate Oromo opposition parties were secretly OLF members and, more broadly, that members of many opposition parties had ties to Ginbot 7.

The OFC reported that authorities have kept OFC general secretary Bekele Nega under house arrest since 2015. Security personnel told him not to leave his house in Addis Ababa, use his telephone, or give any interviews to media. Authorities also arrested other OFC leaders and members including Merera Gudina and Bekele Gerba (see section 1.e.). On March 29, police arrested Mamushet Amare, former leader of the All Ethiopian Unity Party, on allegations that he committed terrorist crimes. The federal attorney general filed terrorism charges against Mamushet on August 1.

Constituent parties of the EPRDF conferred advantages upon their members; the party directly owns many businesses and allegedly awards jobs and business contracts to loyal supporters. Several opposition parties reported difficulty in renting homes or buildings for offices, citing visits by EPRDF members to property owners to prevent such transactions. There were reports authorities terminated the employment of teachers and other government workers who belonged to opposition political parties. According to Oromo opposition groups,
the Oromia regional government continued to threaten to dismiss opposition party members, particularly teachers, from their jobs. There were reports unemployed youths not affiliated with the ruling coalition sometimes had trouble receiving the “support letters” from their wards necessary to get jobs.

Registered political parties must receive permission from regional governments to open and occupy local offices. Opposition parties reported difficulty acquiring the required permissions for regional offices, adversely affecting their ability to organize and campaign. Laws requiring parties to report “public meetings” and obtain permission for public rallies inhibited opposition activities.

Participation of Women and Minorities: No laws prevented women or minorities from voting or participating in political life, although highly patriarchal customs in some regions limited female participation in political life. Women remained significantly underrepresented across both elected and appointed positions. As of August women held three of the 31 ministerial positions. The notable exception was the national parliament since the 2015 election, where the ruling EPRDF party decided that 38 percent of seats, 211 of 547, would be held by women.

The government’s policy of ethnic federalism led to the creation of individual constituencies to provide for representation of all major ethnic groups in the House of Federation (one of the two chambers of parliament. The government recognizes more than eighty ethnicities and the constitution states that each “Nation, Nationality and People” is to be represented in the House of the Federation by at least one member.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for conviction of official corruption.

Corruption: Corruption, especially the solicitation of bribes, including police and judicial corruption, remained a problem. Some stakeholders believed government officials manipulated the land allocation process and state or party owned businesses received preferential access to land leases and credit. The law mandates that the federal attorney general investigate and prosecute corruption cases.

In January Prime Minister Hailemariam announced the establishment of the Corruption Directorate within the Federal Police Commission with powers to investigate systemic corruption cases. The government’s rationale in establishing
the investigation bureau was to increase transparency throughout the government bureaucracy.

Starting July 26, the government detained more than 50 government officials, businesspersons, and brokers on allegations of corruption and misuse of public funds valued at more than four billion birr ($181 million). Among the arrested were a brigadier general, a state minister, and the head of the Legal Department at the Ministry of Finance and Economic Cooperation. In addition the government seized assets and property of more than 200 individuals as the investigation continued.

**Financial Disclosure:** The law requires all government officials and employees to register their wealth and personal property. For example, the president and prime minister registered their assets. The law includes financial and criminal sanctions for noncompliance. The Federal Ethics and Anti-Corruption Commission (FEACC) reported it registered the assets of 6,638 appointees, officials, and employees between July 2016 and January. The FEACC holds financial disclosure records. By law any person who seeks access to these records may make a request in writing; access to information on family assets may be restricted unless the FEACC deems the disclosure necessary.

**Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A few domestic human rights groups operated but with significant government restrictions. The government was generally distrustful and wary of domestic and international human rights groups and observers. State-controlled media were critical of international human rights groups such as Human Rights Watch.

The CSO law prohibits NGOs that receive more than 10 percent of their funding from foreign sources from engaging in a wide range of activities. Prohibited activities include those that advance human and democratic rights or promote equality of nations, nationalities, peoples, genders, and religions; the rights of children and persons with disabilities; conflict resolution or reconciliation; or the efficiency of justice and law enforcement services. The law severely curtails civil society’s ability to raise questions of good governance, human rights, corruption, and transparency. Local NGOs must either cease advocacy work (so that they may accept funding in excess of the 10 percent limit) or register in a different area of focus not subject to this restriction.
The SOE and the accompanying regulations restricted the ability of NGOs to operate. The prohibitions relating to communication and acts that undermine tolerance and unity resulted in broad self-censorship of reports and public statements. The prohibition on unauthorized town hall meetings limited the organization of meetings, training sessions, and other gatherings. The prohibition on exchanging information or contact with a foreign government or NGOs in a manner that undermines national sovereignty and security reduced communication between local organizations and international organizations. Curfews in some areas impeded human rights investigations. The obligation of all organizations to give information when asked by law enforcement officers raised legitimate concerns regarding confidentiality of information.

The government denied most NGOs access to federal prisons, police stations, and other places of detention. The government did permit Justice For All - Prison Fellowship Ethiopia to visit prisoners; this organization has an exemption enabling it to raise unlimited funds from foreign sources and to engage in human rights advocacy. Some other NGOs played a positive role in improving prisoners’ chances for clemency.

Authorities limited access of human rights organizations, media, humanitarian agencies, and diplomatic missions in certain areas.

The government continued to lack a clear policy on NGO access to sensitive areas and regions, leading regional government officials and military officials frequently to refer requests for NGO access to federal government authorities. Officials required journalists to register before entering certain regions and in some cases denied access. There were reports of regional police or local militias blocking NGO access to particular locations for a specific period, citing security risks.

The United Nations or Other International Bodies: Between May 2 and 4, UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein visited the country and met with government officials. The commissioner renewed his request that authorities grant UN staff access to the Oromia and Amhara regions to investigate the civil unrest and subsequent response by security forces. He also highlighted the large number of arrests during the SOE and suggested it was unlikely that all detainees received the rights provided for by law. The government maintained it was capable of investigating the incidents. Requests from the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment to visit the country remained unanswered.
Government Human Rights Bodies: The Office of the Ombudsman has the authority to investigate complaints of administrative mismanagement by executive branch offices and officials, including investigation into prison conditions. The Ombudsman received 3,680 complaints from July 2016 to June. During this period, the ombudsman opened investigations into 1,913 complaints (including 178 cases from 2016) and referred 1,945 cases outside its mandate to other offices. Of the 1,913 cases the office investigated, it reported resolving 1,536 (80.3 percent), with 377 pending. The institution investigated 21 government offices and projects including two sugar development projects and one hydroelectric power project. The institution presented its findings with recommendations to relevant authorities and followed up on those recommendations. The EHRC conducted research on the human rights situation and investigated human rights violations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law criminalizes rape and conviction provides for a penalty of five to 20 years’ imprisonment, depending on the severity of the case. The law does not expressly address spousal rape. The government did not fully enforce the law.

Domestic violence is illegal, but government enforcement of laws in this sphere was inconsistent. Domestic violence, including spousal abuse, was a pervasive social problem. A 2013 government report stated 50-60 percent of all women had experienced domestic violence. Depending on the severity of injury inflicted, penalties for conviction range from small fines to 15 years’ imprisonment.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is illegal, but the government did not actively enforce this prohibition. It was less common in urban areas. The penal code criminalizes the practice of clitoridectomy and provides for three months or a fine of at least 500 birr ($22) for convicted perpetrators. Conviction of infibulation of the genitals (the most extreme and dangerous form of FGM/C) is punishable by five to 10 years’ imprisonment. According to government sources, there has never been a criminal charge regarding FGM/C, but media reported limited application of the law. For more information, see data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/.

Other Harmful Traditional Practices: Marriage by abduction is illegal, although it continued in some regions despite the government’s attempts to combat the
practice. Forced sexual relationships accompanied most marriages by abduction, and women often experienced physical abuse during the abduction. Abductions led to conflicts among families, communities, and ethnic groups. In cases of abduction, the perpetrator did not face punishment if the victim agreed to marry the perpetrator.

Sexual Harassment: Sexual harassment was widespread. The penal code prescribes penalties for conviction of 18 to 24 months’ imprisonment, but authorities generally did not enforce harassment laws.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Discrimination against women was a problem. It was most acute in rural areas, where an estimated 80 percent of the population lived. The law contains discriminatory regulations, such as the recognition of the husband as the legal head of the family and the sole guardian of children more than five years old. Courts generally did not consider domestic violence by itself a justification for granting a divorce. Irrespective of the number of years married, the number of children raised, and joint property, the law entitled women to only three months’ financial support if a relationship ended. There was limited legal recognition of common-law marriage. A common-law husband had no obligation to provide financial assistance to his family, and consequently women and children sometimes faced abandonment. Traditional courts continued to apply customary law in economic and social relationships.

All federal and regional land laws empower women to access government land. Inheritance laws also enable widows to inherit joint property acquired during marriage.

Women’s access to gainful employment, credit, and the opportunity to own or manage a business was limited by their lower levels of educational attainment and by traditional attitudes. There were a number of initiatives in progress aimed at increasing women’s access to these critical economic empowerment tools.

Children
Birth Registration: A child’s citizenship derives from its parents. The law requires all children to be registered at birth. Children born in hospitals were registered; most of those born outside of hospitals were not. The overwhelming majority of children, particularly in rural areas, were born at home. During the year the government initiated a campaign to increase birth registrations by advising that failure to register would result in denial of public services. For additional information, see Appendix C.

Education: The law does not make education compulsory. As a policy primary education was universal and tuition free; however, there were not enough schools to accommodate the country’s youth, particularly in rural areas. The cost of school supplies was prohibitive for many families. The most recent data showed the net primary school enrollment rate was 90 percent of boys and 84 percent of girls.

Child Abuse: Child abuse was widespread. Uvula cutting, tonsil scraping, and milk tooth extraction were amongst the most prevalent harmful traditional practices. The African Report on Child Wellbeing 2013, published by the African Child Policy Forum, found the government had increased punishment for sexual violence against children. “Child friendly” benches heard cases involving violence against children and women. There was a commissioner for women and children’s affairs in the EHRC.

Early and Forced Marriage: The law sets the legal age of marriage for girls and boys at 18; however, authorities did not enforce this law uniformly, and rural families sometimes were unaware of this provision. The government strategy to address underage marriage focused on education and mediation rather than punishment of offenders. For additional information, see Appendix C.

Sexual Exploitation of Children: The minimum legal age for consensual sex is 18, but authorities did not enforce this law. The law provides for three to 15 years’ imprisonment for conviction of sexual intercourse with a minor. The law provides for one year in prison and a fine of 10,000 birr ($444) for conviction of trafficking in indecent material displaying sexual intercourse by minors. Traffickers recruited girls as young as age 11 to work in brothels. Young girls were trafficked from rural to urban areas and exploited as prostitutes in hotels, bars, resort towns, and rural truck stops.

Infanticide or Infanticide of Children with Disabilities: Ritual and superstition-based infanticide, including of infants with disabilities, continued in remote tribal
areas, particularly in South Omo. Local governments worked to educate communities against the practice.

**Displaced Children:** According to a 2010 report of the Ministry of Labor and Social Affairs, approximately 150,000 children lived on the streets; 60,000 of them were in the capital. The ministry’s report stated the inability of families to support children due to parental illness or insufficient household income exacerbated the problem. Research in 2014 by the ministry noted rapid urbanization, illegal employment brokers, high expectations of better life in cities, and rural-urban migration were adding to the problem. These children begged, sometimes as part of a gang, or worked in the informal sector. A large number of unaccompanied minors from Eritrea continued to arrive in the country (see section 2.d.).

**Institutionalized Children:** There were an estimated 4.5 million orphans in the country in 2012, 4.9 percent of the population, according to statistics published by UNICEF. The vast majority lived with extended family members. Government and privately run orphanages were overcrowded, and conditions often unsanitary. Institutionalized children did not receive adequate health care.

**International Child Abductions:** The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

**Anti-Semitism**

The Jewish community numbered approximately 2,000 persons. There were no reports of anti-Semitic acts.

**Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

**Persons with Disabilities**

The constitution does not mandate equal rights for persons with disabilities. The law prohibits discrimination against persons with physical and mental disabilities in employment and mandates access to buildings but does not explicitly mention intellectual or sensory disabilities. It is illegal for deaf persons to drive.
The law prohibits employment discrimination based on disability. It also makes employers responsible for providing appropriate working or training conditions and materials to persons with disabilities. The law specifically recognizes the additional burden on women with disabilities. The government took limited measures to enforce these laws; for example, by assigning interpreters for deaf and hard-of-hearing civil service employees (see section 7.d.). The Ministry of Labor and Social Affairs and the Public Servants Administration Commission are responsible for the implementation of employment laws for individuals with disabilities.

The law mandates building accessibility and accessible toilet facilities for persons with physical disabilities, although without specific regulations that define accessibility standards. Buildings and toilet facilities were usually not disability accessible. Property owners are required to give persons with disabilities preference for ground-floor apartments, and generally did so.

Women with disabilities faced more disadvantages in education and employment. According to the 2010 Population Council Young Adult Survey, 23 percent of girls with disabilities were in school, compared with 48 percent of girls and 55 percent of boys without disabilities. Girls with disabilities also were much more likely to experience physical and sexual abuse than were girls without disabilities.

Nationally there were several schools for persons with hearing and vision disabilities and several training centers for children and young persons with intellectual disabilities. There was a network of prosthetic and orthopedic centers in five of the nine regional states.

The Ministry of Labor and Social Affairs worked on disability-related problems. The CSO law hindered several domestic NGOs active in supporting persons with disabilities, particularly those focused on accessibility and vocational training.

The law does not restrict the right of persons with disabilities to vote and otherwise participate in civic affairs, although continued accessibility challenges could make participation difficult. Most polling stations were accessible to persons with disabilities and these individuals as well as the elderly, pregnant women, and nursing mothers received priority.

National/Racial/Ethnic Minorities
The country has more than 80 ethnic groups, of which the Oromo, at approximately 35 percent of the population, is the largest. The federal system drew boundaries approximately along major ethnic group lines. Most political parties remained primarily ethnically based, although the ruling party and one of the largest opposition parties are coalitions of several ethnically based parties.

**Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Consensual same-sex sexual activity is illegal and conviction is punishable by three to 15 years’ imprisonment. No law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals. There were some reports of violence against LGBTI individuals; reporting was limited due to fear of retribution, discrimination, or stigmatization. There are no hate crime laws or other criminal justice mechanisms to aid in the investigation of abuses against LGBTI individuals. Individuals did not identify themselves as LGBTI persons due to severe societal stigma and the illegality of consensual same-sex sexual activity. Activists in the LGBTI community reported surveillance and at times feared for their safety. There were no reports of persons incarcerated for engaging in same-sex sexual activities.

The AIDS Resource Center in Addis Ababa reported the majority of self-identified gay and lesbian callers, most of whom were men, 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.

**HIV and AIDS Social Stigma**

Societal stigma and discrimination against persons with or affected by HIV/AIDS continued in education, employment, and community integration. Persons with or affected by HIV/AIDS reported difficulty accessing various services. There were no statistics on the scale of the problem.

**Section 7. Worker Rights**

**a. Freedom of Association and the Right to Collective Bargaining**

The constitution and law provide workers, except for civil servants and certain categories of workers primarily in the public sector, with the right to form and join unions, conduct legal strikes, and bargain collectively. Meanwhile, other
provisions and laws severely restrict or excessively regulate these rights. The law specifically prohibits managerial employees, teachers, health-care workers, judges, prosecutors, security-service workers, domestic workers, and seasonal agricultural workers from organizing unions. Despite the law prohibiting antiunion discrimination, unions reported employers terminated union activists. Employers found guilty of antiunion discrimination were required by law to reinstate workers dismissed for union activities and generally did so. The law prohibits retribution against strikers, and there were no reported cases of violations.

A minimum of 10 workers are required to form a union. While the law provides all unions with the right to register, the government may refuse to register trade unions that do not meet its registration requirements. One possible rationale for refusal is the nonpolitical criminal conviction of the union’s leader within the previous 10 years, but there were no reports of a refused registration on this basis. The government may unilaterally cancel the registration of a union. Workers may not join more than one trade union per employment. The law stipulates a trade union organization may not act in an overtly political manner. The law allows administrative authorities to seek recourse via court actions to cancel union registration for engaging in prohibited activities, such as political action.

Other laws and regulations that explicitly or potentially infringe upon workers’ rights to associate freely and to organize include the CSO law and implementing regulations and arbitrary application of antiterrorism laws. The International Labor Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations noted the CSO law gives the government power to interfere in the right of workers to organize, including through the suppression of registration, internal administration, and the dissolution of organizations. For example, the law requires that labor unions’ internal administration follow certain procedures that diminish their autonomy.

While the law recognizes the right to collective bargaining, this right was severely restricted under the law. Negotiations aimed at amending or replacing a collectively bargained agreement must take place within three months of its expiration; otherwise, the prior provisions on wages and other benefits cease to apply. The law restricts enterprise unions to negotiating wages only at the plant level. Civil servants, including public school teachers, have the right to establish and join professional associations created by the employees, but not to negotiate better wages or working conditions. Arbitration procedures in the public sector are more restrictive than in the private sector. The law does not provide for effective and adequate sanctions against acts of interference by other agents in the
establishment, functioning, or administration of either workers’ or employers’ organizations. Unions in the formal industrial sector made some efforts to enforce labor regulations.

Although the constitution and law provide workers with the right to strike to protect their interests, the law contains detailed provisions prescribing extremely complex and time-consuming formalities that make legal strike actions difficult. The law requires aggrieved workers to attempt to reconcile with employers before striking and includes a lengthy dispute settlement process. These provisions apply equally to an employer’s right to lock workers out. For a strike to be authorized, two-thirds of the workers concerned must support such action. If cases are not referred to a court or labor relations board, the union retains the right to strike without resorting to either of these options, provided they give at least 10 days’ notice to the other party and the Ministry of Labor and Social Affairs and make efforts at reconciliation.

The law also prohibits strikes by workers who provide essential services, including air transport and urban bus services, electric power suppliers, gas station personnel, hospital and pharmacy personnel, firefighters, telecommunications personnel, and urban sanitary workers. The list of essential services goes beyond the ILO definition of essential services. The law prohibits retribution against strikers, but it also provides for civil or criminal penalties against unions and workers convicted of committing unauthorized strike actions. Violation of this procedure is an offense punishable with a fine not exceeding 1,200 birr ($53) if committed by a union or of 300 birr ($13) if committed by an individual worker. If the provisions of the penal code prescribe more severe penalties, the punishment proscribed in the penal code becomes applicable.

The informal labor sector, including domestic workers, was not unionized, nor protected by labor laws. The law defines workers as persons in an employment relationship. Lack of adequate staffing prevented the government from effectively enforcing applicable laws for those sectors protected by law. Court procedures were subject to lengthy delays and appeals. Labor officials reported that high unemployment, fear of retribution, and long delays in hearing labor cases deterred workers from participating in strikes or other labor actions.

The ILO was critical of the government’s use of the antiterrorism law to punish ringleaders, organizers, or leaders of forbidden societies, meetings, and assemblies. The government refused for the fourth year to register the National Teachers Union (NTA) on grounds that a national teachers’ association already existed and that the
NTA’s registration application did not comply with the CSO law. In 2013 an ILO mission made a working visit and signed a joint statement with the Ministry of Labor and Social Affairs, stating the government was committed to registering the NTA. The ILO’s country office reiterated this message and characterized the dispute as an administrative matter concerning naming rights and diaspora membership.

Though rarely reported, antiunion activities occurred. There were media reports that some major foreign investors generally did not allow workers to form unions, often transferred or dismissed union leaders, and intimidated and pressured members to leave unions. Lawsuits alleging unlawful dismissal often took years to resolve because of case backlogs in the courts.

**b. Prohibition of Forced or Compulsory Labor**

The law prohibits and criminalizes all forms of forced or compulsory labor but permits courts to order forced labor as a punitive measure. Conviction of slavery is punishable with five to 20 years’ imprisonment and a fine. The government did not effectively enforce the law, and forced labor occurred.

In 2015 the federal government enacted a comprehensive overhaul of its antitrafficking penal code. The code prescribes harsh penalties up to life imprisonment and a fine of 500,000 birr ($22,197) for conviction of human trafficking and exploitation, including slavery, debt bondage, forced prostitution, and servitude. The penalties served as a deterrent, especially when paired with increased law enforcement attention to the abuse. The number of traffickers convicted surged more than nine-fold to 640 in 2016, up from 69 in 2015. Police at the federal and regional levels received training focused on human trafficking and exploitation.

Although a ban on labor migration to the Gulf States remained in effect, in February 2016 the government enacted the Revised Overseas Employment Proclamation (Proclamation No. 923/2016), a major precondition for lifting the existing labor migration ban. Women who migrated for work were vulnerable to forced labor overseas. Men and boys migrated to the Gulf States and other African nations, sometimes resulting in forced labor. Adults and children, often under coercion, engaged in street vending, begging, traditional weaving of hand-woven textiles, or agricultural work. Children also worked in forced domestic labor. Situations of debt bondage also occurred in traditional weaving, pottery making, cattle herding, and other agricultural activities, mostly in rural areas.
The government sometimes deployed prisoners to work outside the prisons for private businesses, a practice the ILO stated could constitute compulsory labor.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

c. Prohibition of Child Labor and Minimum Age for Employment

By law the minimum age for wage or salaried employment is 14. The minimum age provisions, however, apply only to contractual labor and do not apply to self-employed children or children who perform unpaid work. The law prohibits hazardous or night work for children between ages 14 and 18. The law defines hazardous work as any work that could jeopardize a child’s health. Prohibited work sectors include passenger transport, work in electric generation plants, factory work, underground work, street cleaning, and many other sectors. The law expressly excludes children under age 16 attending vocational schools from the prohibition on hazardous work. The law does not permit children between ages 14 and 18 to work more than seven hours per day, between 10 p.m. and 6 a.m., or on public holidays or rest days.

Child labor remained a serious problem and significant numbers of children worked in prohibited, dangerous work sectors, particularly construction.

School enrollment was low, particularly in rural areas. To reinforce the importance of attending school, joint NGO, government, and community-based awareness efforts targeted communities where children were heavily engaged in agricultural work. The government invested in modernizing agricultural practices and constructing schools to combat the problem of child labor in agricultural sectors.

In both rural and urban areas, children often began working at young ages. Child labor was particularly pervasive in subsistence agricultural production, traditional weaving, fishing, and domestic work. A growing number of children worked in construction. Children in rural areas, especially boys, engaged in activities such as cattle herding, petty trading, plowing, harvesting, and weeding, while girls collected firewood and fetched water. Children worked in the production of gold. In small-scale gold mining, they dug mining pits and carried heavy loads of water. Children in urban areas, including orphans, worked in domestic service, often working long hours, which prevented many from attending school regularly.
Children also worked in manufacturing, shining shoes, making clothes, parking, public transport, petty trading, as porters, and directing customers to taxis. Some children worked long hours in dangerous environments for little or no wages and without occupational safety protection. Child laborers often faced abuse at the hands of their employers, such as physical, sexual, and emotional abuse.

Girls from impoverished rural areas were exploited in domestic servitude and commercial sex within the country.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, ethnicity, national origin, nationality, gender, marital status, religion, political affiliation, political outlook, pregnancy, socioeconomic status, disability, or “any other conditions.” The law specifically recognizes the additional burden on pregnant women and persons with disabilities (see section 6). The penalty for conviction of discrimination on any of the above grounds is a fine of 1,200 birr ($53). The government took limited measures to enforce the law. Sexual orientation, gender identity, and HIV-positive status have no basis for protection under the law.

Discrimination in employment and occupation occurred with respect to women, who had fewer employment opportunities than did men, and the jobs available did not provide equal pay for equal work.

Discrimination against migrant workers also occurred (see section 7.e.).

e. Acceptable Conditions of Work

There is no national minimum wage. Some government institutions and public enterprises set their own minimum wages. Public sector employees, the largest group of wage earners, earned a monthly minimum wage of approximately 615 birr ($26). The official estimate for poverty income level was 315 birr ($13) per month.

The law provides for a 48-hour maximum legal workweek with a 24-hour rest period, premium pay for overtime, and prohibition of excessive compulsory overtime. There are four conditions that allow employers to make use of overtime
work. These are urgency of the task, danger, absence of an employee, and lack of alternatives. Additionally, employers may not engage their employees in overtime work exceeding 2 hours a day, 20 hours a month, and 100 hours a year. The country has 13 paid public holidays per year. The law entitles employees in public enterprises and government financial institutions to overtime pay; civil servants receive compensatory time off for overtime work.

The government, industries, and unions negotiated occupational safety and health standards. Workers specifically excluded by law from unionizing, including domestic workers and seasonal agricultural workers, generally did not benefit from health and safety regulations in the workplace. Workers have the right to remove themselves from dangerous situations without jeopardizing their employment; there were no reports that workers exercised this right.

The Ministry of Labor and Social Affairs’ inspection department was responsible for enforcement of workplace standards. Occupational safety and health measures were not effectively enforced. The ministry carried out regular labor inspections to monitor compliance; however, there were an insufficient number of trained labor inspectors and a lack of enforcement resources. The ministry’s severely limited administrative capacity; lack of an effective mechanism for receiving, investigating, and tracking allegations of violations; and lack of detailed, sector-specific health and safety guidelines hampered effective enforcement of these standards. The ministry completed 37,000 inspections in the most recent fiscal year. It also carried out 250 investigations into workplace accidents during that same period.

Only a small percentage of the population, concentrated in urban areas, was involved in wage-labor employment. Wages in the informal sector generally were below subsistence levels.

Compensation, benefits, and working conditions of seasonal agricultural workers were far below those of unionized permanent agricultural employees. The government did little to enforce the law. Most employees in the formal sector worked a 39-hour workweek. Many foreign, migrant, and informal laborers worked more than 48 hours per week.

Hazardous working conditions existed in the agricultural sector, which was the primary base of the country’s economy. There were also reports of hazardous and exploitative working conditions in the construction and industrial sectors, although data on deaths and injuries were not available.
Exhibit 6
Country of Origin Information Report Ethiopia

Dutch Council for Refugees

18 May 2016

Commissioned by the United Nations High Commissioner for Refugees, Division of International Protection. UNHCR is not responsible for, nor does it endorse, its content. Any views expressed are solely those of the author.
4.6 Protection of individuals of diverse sexual orientations and gender identities

4.6.1 Legal framework

According to USDOS, consensual same-sex sexual activity is illegal and punishable with three to fifteen years imprisonment. ILGA also notes that both male-male and female-female sexual activity is illegal, quoting articles 629, 630, and 106 of the Ethiopian Criminal Code. The Dutch Ministry of Foreign Affairs notes that homosexuals are only arrested when they are caught "in the act".

HRW reports that in March 2014, Ethiopia's lawmakers proposed legislation that would make same-sex conduct a non-pardonable offence, which would ensure that LGBT people convicted under the law could not be granted early leave from prison. In April 2014, however, the proposed legislation was dropped.

HRW notes that Ethiopia came up for UN Universal Periodic Review in May 2014, and rejected all recommendations that were made to decriminalize same-sex conduct and to take measures to combat discrimination based on sexual orientation.

According to USDOS, there is no law that prohibits discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals.

4.6.2 Treatment by State actors

In March 2015, Landinfo reported that there were no reports of prosecution or convictions of gays in Ethiopia. Anonymous experts and diplomats consulted by Landinfo were not aware of cases of people being arrested, prosecuted and convicted due to their sexual orientation or homosexual activity. Several sources consulted by Landinfo claimed they would have known if such cases had been brought to court and the media would have reported about it. According to an anonymous source, the law creates fear even though prosecutions do not actually take place.

The Dutch Ministry of Foreign Affairs reports that, according to unspecified sources, prosecution of homosexual men and women rarely takes place. There are only a few cases each year. According to a few unspecified sources, homosexual orientation does not give cause for a more severe punishment for other crimes.

The Dutch Ministry of Foreign Affairs states that because of the lack of protective legislation and formal and informal acceptance, it is not likely that homosexuals will receive state protection when they are discriminated against by fellow citizens, the police, or other state bodies.

No recent information has been found on the treatment of bisexuals and transgenders by state actors.

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451 HRW, World Report 2015 - Ethiopia, 29/1/2015, [url](https://www.hrw.org/reports/2015/01/29/world-report-2015-
452 Ibid.
455 Dutch Ministry of Foreign Affairs, Algemeen Ambtsbericht Ethiopië, 24/5/2013, pp.47-48, [url](http://www.beb.nl/onderwerp/ambtsbericht-ethiopië-2013/)
456 Dutch Ministry of Foreign Affairs, Algemeen Ambtsbericht Ethiopië, 24/5/2013, p. 48, [url](http://www.beb.nl/onderwerp/ambtsbericht-ethiopië-2013/)
4.6.3 Treatment by members of society

USDOS notes that people did not identify themselves as LGBT due to the severe societal stigma and the illegality of homosexual sex.\textsuperscript{457} NOAS quotes Ethiopian sociologist Getnet Tadele who published an article on men who have sex with men and HIV/AIDS in Addis Ababa. According to Getnet Tadele: “In many non-Western societies most people do not recognize themselves as heterosexual, gay, bisexual, lesbian or transgender as these subjective sexual identities are peculiar to the Western world.”\textsuperscript{458}

USDOS notes that the AIDS Resource Center in Addis Ababa reported that the majority of self-identified gay and lesbian callers, most of whom were male, requested assistance in changing their behaviour to avoid discrimination. Many gay men reported anxiety, confusion, identity crises, depression, self-ostracism, religious conflict, and suicide attempts.\textsuperscript{459}

A source consulted by Landinfo claims that the biggest fear among gays is not necessarily to be imprisoned, but to be outed in their own environment. Landinfo states that because few people are open about their sexual orientation and because relationships with a same-sex partner take place in secret, they found limited information on how family members, employers or neighbours react to homosexuality. Informants who participated in surveys about homosexuality in Ethiopia were afraid of being revealed and subsequently ostracized by their family.\textsuperscript{460}

USDOS reports that there were some reports of violence against LGBT people. Reporting was limited due to fear of retribution, discrimination, or stigmatization.\textsuperscript{461} An unspecified source consulted by the Dutch Ministry of Foreign Affairs also states that intimidation, extortion and verbal and physical violence against homosexuals occur. According to this source, there is no orchestrated violence against homosexuals.\textsuperscript{462}

USDOS notes that activists in the LGBT community stated they were followed and at times feared for their safety.\textsuperscript{463}

In its previous report on human rights practices in Ethiopia, USDOS reports that “there were periodic detentions of some in the LGBT community, combined with interrogation and alleged physical abuse”.\textsuperscript{464}

No recent information has been found on the treatment of bisexuals and transgenders by members of society.

\begin{footnotes}
\item[461] USDOS, Country Report on Human Rights Practices 2014 - Ethiopia, 25/6/2015, section 6, \url{url}
\item[462] Dutch Ministry of Foreign Affairs, Algemeen Ambtsbericht Ethiopië, 24/5/2013, pp.47-48, \url{url}
\item[464] USDOS, Country Report on Human Rights Practices 2013 - Ethiopia, 27/2/2014, section 6, \url{url}
\end{footnotes}
Exhibit 7
In a 23 against 18 vote (with 6 abstentions)*, the United Nations Human Rights Council voted in favour of a resolution condemning violence discrimination against people on the basis of their sexual orientation and gender identity.

The resolution establishes the new position of an independent expert, whose
role it will be to assess the implementation of existing international human rights instruments regarding LGBT people.

The expert will furthermore identify best practices and gaps in terms of protection. The expert will engage in dialogue with states and other institutions on how to improve the situation and is mandated to report annually on the situation around the world.

The resolution builds upon two previous resolutions, adopted by the Council in 2011 and 2014.

Ulrike Lunacek MEP, Co-President of the LGBTI Intergroup, reacted: “This is a truly historic resolution. The Human Rights Council has taken a fundamental step forward by reaffirming one of the United Nations’ key principles—that everyone is equal in dignity and rights.”

“At the same time it acknowledges that LGBT people across the world continue suffer from (state-sponsored) discrimination and violence because of their sexual orientation or gender identity, I believe that the independent expert can play a key role in addressing this.”

Fabio Massimo Castaldo MEP, Vice-President of the LGBTI Intergroup, added: “I strongly welcome this resolution and I am glad to see it was supported by all EU Member States and accession states that are currently residing in the Human Rights Council, in line with the recommendation of the European Parliament.”

“However, unfortunately there were still 18 states that voted against the resolution. I call on these states and all other states to cooperate with the independent expert so that it can fulfil its full potential in fighting for the human rights of LGBT people.”

Read more

- Read the HRC resolution on the Protection against violence and discrimination based on sexual orientation and gender identity
- Read previous posts on the United Nations

* Voting results

**Voting in favor of the resolution**

Albania, Belgium, Bolivia, Cuba, Ecuador, El Salvador, France, Georgia, Germany, Latvia, Macedonia, Mexico, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Slovenia, Switzerland, UK, Venezuela, Viet Nam

**Voting against the resolution**

Algeria, Bangladesh, Burundi, China, Congo, Cote d’Ivoire, Ethiopia, Indonesia, Kenya, Kyrgyzstan, Maldives, Morocco, Nigeria, Qatar, Russia, Saudi Arabia, Togo, United Arab Emirates

**Abstaining on the resolution**

Botswana, Ghana, India, Namibia, Philippines, South Africa

Categories: Press releases, Recent news
Tags: decriminalisation, united nations
Exhibit 8
Impact and progress made

- In 2015, the number of Best Interests procedures conducted was almost twice those in 2014 and seven times higher than in 2013. However, decreases were reported in other areas including with regards to targeted protection and assistance provided to girls and boys with specific needs.
- Enrolment rates in primary and secondary education for refugees in priority countries show a steady decrease over the last three years, despite expanded services and increased numbers of children attending school, which can be explained by increasing number of refugee children in need of education, but also an improvement in the quality of data collected and reported.
- The number of reported SGBV incidents increased by 32% in 2015 due to better data management and awareness raising. However, coverage of reporting for many action areas, including those related to survival sex and LGBTI persons of concern remains minimal.

About the report
In 2011-12, UNHCR issued three global strategies on the Protection of Children, Education and prevention and response to Sexual and Gender-Based Violence (SGBV), implemented through a range of interventions in selected strategy priority countries. Although formulated as three distinct strategies, they address protection challenges and interventions that cut across all areas of protection delivery and are implemented and monitored through an integrated approach in order to maximize protection outcomes.

This report is the third report outlining the results achieved throughout 2015 in the strategy priority countries. As some of the strategies – and the related global monitoring framework - were created for a five year period (2012 to 2016), this report is the last monitoring report. As foreseen in the monitoring framework, an evaluation is currently being conducted to assess the overall quality, implementation and results of the three global strategies covering the period of 2012-2016 (please see page 7 for details).

The monitoring report focuses on eight countries where all three strategies are being implemented: Chad, Egypt, Ethiopia, Kenya, Rwanda, Sudan, Uganda and Yemen. In 2015, Burundi developed a Child Protection strategy, becoming the ninth country to implement all three protection strategies.1

Overall progress
In 2015, indicators relating to the three strategies show further progress towards some of objectives of the three global protection strategies. Achieving impact and sustaining progress towards some objectives continues to be challenging due to a number of factors, including complex protection environments, access, and coordination.

UNHCR made significant progress in increasing refugee access to national child protection systems across the priority countries. Globally, 21 refugee operations are reporting improvements in access to national child protection and social services, a 50% increase compared to 2014. While UNHCR increased the number of Best Interests procedures for UASC, data on targeted support provided to girls and boys with specific needs shows a slight decrease over the last year. UNHCR and partners achieved significant progress related to refugees’ access to national education systems. In 15 out of the 25 countries who have adopted the education strategy, refugees have access to national education systems, albeit to varying extents. In support of this, an outcome of UNHCR advocacy efforts at the global level, in relation to education, was the inclusion of children affected by conflict in two key policy documents (Incheon Declaration and Education 2030: Framework for Action) associated with Sustainable Development Goal 4 (SDG 4). At the same time, enrolment rates in primary and secondary education for refugees in priority countries show a steady decrease over the last three years, despite expanded services and increased numbers of children attending school. This decrease can be explained by increasing numbers of refugee children in need of education, but also an improvement in the quality of data collected and reported.2

Data on safe learning environments suggests a slight decrease, even though there is an overall positive trend since 2013 and a stable trend on significantly increased access to higher education. In regards to SGBV, 2015 saw a sharp increase in legal, medical and psychosocial services provided to SGBV survivors (13%, 30% and 45% increases respectively) which can be attributed to improved case management systems, and higher quality services. The number of reported SGBV incidents has also increased by 32% due to better data management and awareness raising. Protection of LGBTI has been strengthened, although reporting services remained minimal. Data on prevention of SGBV through safe access to energy shows a steady decrease over the years while impact of interventions relating to survival sex and engagement of men and boys have remained difficult to measure.

The qualitative and quantitative information of this report is based on data from UNHCR’s internal, self-reported results-based data platform (FOCUS) and may not always be complete or sufficiently explanatory due to lack of some data, insufficient explanations or a mismatch between strategy objectives and indicators in UNHCR’s Results Framework. Current indicator formulation, measurement processes and data gaps require a careful interpretation of available data. Due to discrepancies in 2014, some results may vary from the 2014 and 2013 Global Reports due to inputs added after the reporting period ended.

1 However, this report will not go into depth on the results in Burundi due to the ongoing alignment of the programme to the recently developed Child Protection strategy.

2 For example, in Uganda, the number of children accessing primary schools increased from 90,000 in 2014 to 116,000 in 2015, due to expanded services to meet a substantial increase in the refugee population, while the percentage of primary school-aged refugee children attending primary school dropped by 5% as the population of primary school-aged refugees children increased from 157,000 to 163,000 over the same period.
Objectives & Methodology

This third Strategy Implementation Report is prepared by UNHCR as part of its global monitoring framework for UNHCR’s protection strategies in Child Protection, Education and SGBV. The objective of the report is to provide information on progress towards the three protection strategies in priority countries. As such, the report intends to describe results and impacts rather than activities.

The Monitoring Framework was developed in 2013 and guides the systematic monitoring of results achieved at country level as part of the rollout and implementation of the Child Protection, Education, and SGBV Strategies. This 2015 monitoring report is the third and final annual report produced under the Monitoring Framework, building on the 2013 and 2014 reports. The thematic sections summarize progress in the priority countries for the different strategies. The operations selected for the Results by Country section are strategy priority countries for all three protection areas. The primary target audience of this report is UNHCR staff.

Where does the data for this report come from?

The report is based on qualitative and quantitative data and information provided by UNHCR country offices through UNHCR’s internal global reporting system, FOCUS, as part of the 2015 year end reporting and analysed by the concerned units in DIP. The indicator and narrative reports, provided by each operation through FOCUS, are based on UNHCR’s Results Framework, which outlines protection objectives, outputs as well as impact and performance indicators. These are selected by UNHCR’s country offices based on their country and operation specific contexts. Reporting on objectives, outputs and indicators is done in a self-reporting format.

For the purpose of monitoring the three protection strategies and reducing the reporting burden for offices, data and other information from the country year-end reports were grouped around the different objectives of the three strategies and utilized as a measurement of progress and impact.

Why is some information missing or not complete?

Not all achievements and gaps are not fully explained in the report and some sections do not provide the level of detail or analysis required for reporting on progress. This is due to a number of reasons. First, utilizing pre-defined indicators from UNHCR’s Results Framework for the monitoring of the three strategies only worked well for some strategy objectives. For a number of objectives (i.e. engaging men and boys, or addressing survival sex), limited adequate pre-defined indicators were available and only related indicators could be utilized. In addition, data quality, data collection processes and qualitative data reporting are challenging in some operating contexts.

What next?

The integrated monitoring framework developed in 2013 included an evaluation of the 5 year implementation of all three strategies in 2016. This evaluation has been commissioned by UNHCR’s Evaluation Service and the Division of International Protection as an externally conducted policy evaluation at global level. The evaluation will gather evidence and generate insights around key questions relating to the quality, implementation and results of the strategies.

First results of this evaluation are expected in mid-2016 and the findings will determine the strategy parameters and implementation that UNHCR will pursue for these 3 core protection areas in the future.
In 2011-12, UNHCR issued a global Framework for the Protection of Children and two global strategies on Education and SGBV prevention and response. The three strategies define organizational objectives and provide a policy framework for country level strategies. Although formulated as three distinct strategies, they address protection challenges and interventions that cut across all areas of protection delivery and need to be tackled through an integrated approach in order to maximise protection outcomes.

**Global Child Protection Framework**

- **01** Children are safe where they live, learn and play
- **02** Children’s participation and capacity is integral to their protection
- **03** Girls and boys have access to child-friendly procedures
- **04** Girls and boys obtain legal documentation
- **05** Girls and boys with specific needs receive targeted support
- **06** Girls and boys achieve durable solutions in their best interest

The Framework for the Protection of Children broadens UNHCR’s engagement in the protection of children. It articulates six goals that encapsulate UNHCR’s commitment to protect and realize the rights of children of concern, and offers practical guidance on how to achieve them. The six goals centre on children’s safety, participation and capacities as well as their access to legal documentation, child-friendly procedures, support adapted to their specific needs and durable solutions. Increasing access to national child protection systems underpins these six goals. In this report, progress and impact against these Child Protection Framework goals is measured through selected objectives, outputs, and performance and impact indicators of UNHCR’s Results Framework.

**Global Education Strategy**

- **01** Learning achievement for refugee children in primary school improved
- **02** Safe learning environments in school ensured
- **03** Access to formal secondary education opportunities improved
- **04** Access to higher education opportunities for refugee young people improved
- **05** Opportunities for lifelong and available education according to need are ensured
- **06** Access to education opportunities is provided during emergencies

UNHCR’s Education Strategy is anchored in the understanding that the provision of education services does not represent a stand-alone activity but is part of UNHCR’s protection and solutions mandate. Increasing access to quality education is a central objective of the strategy as well as the importance of the lifelong learning cycle from early childhood, primary, secondary and tertiary education through non-formal and adult learning. In addition, the strategy emphasizes the protection element of education through strengthening safe learning environments. As with the Child Protection Framework, these education objectives are approached through increasing access to national education systems. In measuring progress and impact of the Education Strategy, this report uses UNHCR’s related objectives, outputs, performance and impact indicators.

**Updated SGBV Strategy**

- **01** Children of concern are protected against SGBV
- **02** Survival sex as a coping mechanism in situations of displacement is addressed
- **03** Men and boys are engaged in the prevention to SGBV
- **04** Safe environments and safe access to domestic energy and natural resources are provided
- **05** LGBTI persons of concern are protected against SGBV
- **06** Persons of concern with disabilities are protected against SGBV

The Updated Strategy on SGBV is a renewal of UNHCR’s longstanding commitment to prevent and respond to SGBV and defines emerging priorities for UNHCR’s work in this area of protection. Formulated around six action areas, the strategy does not replace existing policy frameworks, but addresses risks that are often overlooked: first, the particular risks of specific groups: children, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons of concern (LGBTI) and men and boys; second, risks related to unsafe environments and survival sex; and third, the transformative role of men and boys as agents of change for gender equality and bringing an end to sexual and gender-based violence. As such, the strategy takes a multi-sectoral approach to preventing and responding to SGBV. To measure progress and impact against the six action areas, this report utilizes objectives and indicators linked to these action areas, including indicators that bear upon prevention (including energy, livelihood, WASH, etc.) as well as indicators that measure key interventions to respond to SGBV. Forty-one multi-year country and camp-level strategies have been developed with the support of four Senior Regional Protection Officers (SGBV) based in Nairobi, Amman, Dakar and San Jose. For the purpose of this report, only 19 countries are included in the analysis. They were selected because they also developed an Education and/or Child and/or SGBV strategy.
Strategy priority countries play a central role in the global implementation of three protection strategies. Priority countries receive dedicated technical support and are expected to draft and implement a country-level strategy in each area or one that combines these three protection priorities.

No. of countries that have been selected as strategy countries

<table>
<thead>
<tr>
<th>All 3 strategies</th>
<th>2 strategies</th>
<th>1 strategy</th>
<th>+ country added in 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 CHILD PROTECTION</td>
<td>25 EDUCATION</td>
<td>19 SGBV</td>
<td></td>
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GLOBAL CHILD PROTECTION FRAMEWORK

INTRODUCTION

Country operations continued to develop and implement child protection strategies in line with the Framework for the Protection of Refugee Children (2012). Targeted support for the implementation of the Framework was provided to 16 priority countries, to which Burundi, Malawi, Mozambique, and Tanzania were added in 2015. Roving Child Protection experts provided technical support to 5 operations and 3 operations received additional financial support to implement child protection projects. 2015 saw 26 deployments of child protection staff resulting in a total of 138 deployment months in 2015, up from 104 months in 2014.

WHAT DIFFERENCE DID WE MAKE?

Despite a continued increase in the number of new arrivals of refugees into the various countries covered by the Global Child Protection Framework, and the increasing percentage of children among displaced populations, indicator data suggests that UNHCR made steady progress towards achieving child protection standards between 2013 and 2015. However, while progress was observed in most priority countries, only four countries (Egypt, India, Kenya, and Thailand) met the standards or were in an acceptable range for the majority of child protection indicators reported in both 2014 and 2015. Positive impact is still indicated in 2015 as no priority countries remained in the critical zone overall, compared to 2014 where 3 priority countries were added in 2015.

GOAL 1: GIRLS AND BOYS ARE SAFE WHERE THEY LIVE, LEARN AND PLAY

Participatory assessments conducted throughout the 16 countries identified a multitude of concerns for the protection of children, such as lack of safe access to education or lack of safe spaces in which to live, study and play. Between 2013 and 2015, reports indicate varying rates of progress relating to targets for this Goal, notably from 9% in 2013, 24% in 2014 and 5% in 2015. In 2015, some of the priority countries reported an increase in percentage of children with safe access to community spaces for socializing and playing (e.g. 15% increase for all children in Rwandan camps, 32% increase for Sudanese children in East Chad, and a 64% increase for Somali children in Kenya), while others reported a decrease (e.g. 23% decrease for refugee children in Yemen), and some did not report on this indicator (e.g. Egypt, Sudan, and Thailand). Data provided by priority countries show concerted efforts towards the provision of safe spaces for children of concern: throughout the last three years UNHCR has improved case management systems, created safe spaces in schools and community centres, and trained teachers and police officers.

GOAL 2: CHILDREN’S PARTICIPATION AND CAPACITY ARE INTEGRAL TO THEIR PROTECTION

UNHCR saw significant progress under this Goal in 2015. 93% of indicators were in the acceptable range compared to 75% by end of 2014 and a reported 100% in 2013. UNHCR has continued throughout the last three years to support children’s committees and youth councils in which children can advocate for their rights and seek solutions for their problems. Multiple child related fora (Child Parliaments, Child Rights Clubs, Mini-media Clubs, and Youth Associations) have helped to promote the participation of children by providing them with a platform to voice their concerns and seek solutions to the challenges they face. In 2015, a particular emphasis was put on participation of youth: UNHCR in collaboration with partners, conducted global refugee youth consultations to create structured spaces for young refugees to engage in participatory dialogue with other youth and relevant stakeholders, and to foster and support participation, leadership and empowerment opportunities. The process culminated in a global refugee youth consultation in Geneva in June 2016, which, among other things, has put forward recommendations for UNHCR’s engagement with and for youth. The Youth Initiative Fund, a dedicated fund for youth-led projects, was established in 2013 and has thus far been implemented in 11 of the 16 priority countries. In 2015, projects were implemented in 6 priority countries. The YIF is a unique initiative that supports forcibly displaced youth in designing and leading protection projects in their communities. The fund provides an enabling environment for social development through a community-based approach, benefiting not only youth but also others in their communities including children, PWD, LGBTI and older persons.

ACHIEVEMENT OF OUTPUT TARGETS

<table>
<thead>
<tr>
<th>% of Output/Impact Indicators meeting Targets/Standards</th>
<th>Times Selected</th>
<th># of Best Interests</th>
<th>Procedures Initiated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Met Target (Achieved above 80% of Target)</td>
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<td>15</td>
<td>59</td>
</tr>
<tr>
<td>Approaching Target (Above 60% of Target)</td>
<td>110</td>
<td>15</td>
<td>57</td>
</tr>
<tr>
<td>Underperforming (Below 60% of Target)</td>
<td>110</td>
<td>15</td>
<td>48</td>
</tr>
<tr>
<td>Not-Reported</td>
<td>110</td>
<td>15</td>
<td>35</td>
</tr>
</tbody>
</table>

5 A low number of indicators were chosen in 2013 as only 1 indicator was selected compared to 14 in 2015.
6 Chad, Egypt, Ethiopia, Kenya, Malawi, Mexico, Rwanda, Sudan, Thailand, Uganda, United Republic of Tanzania
7 Egypt, Ethiopia, Kenya, Sudan, Thailand, Uganda

4 Operations were in Chad, Rwanda, Tanzania, South Sudan and Uganda.
3. Several operations listed limitations and new challenges due to external factors such as conflict and lack of humanitarian access. Some situations improved their indicator values under this goal, such as Rwanda where values went from 37% to 85% in camps, and India where a 21% increase was reported from 65% in 2014 to 85% in 2015. Others saw a major decrease, such as in conflict-affected Yemen where the percentage fell from 100% to 21%.

4. Egypt, Ethiopia, Sudan and Yemen are priority countries implementing the "Live, Learn & Play Safe” regional initiative (2014-2016), with a primary objective to improve the condition and well-being of refugee and asylum-seeking UASC and other children at risk. This regional initiative has strengthened case management to systematically address immediate and longer-term needs: identification and registration, Refugee Status Determination (RSD), alternative care arrangements, psychosocial support, counselling, and family tracing and reunification. As a result, a total number of 13,460 UASC received targeted assistance and improved access to services to address their basic needs: shelter, health care, education, skills development, vocational training and recreational activities. Due to these new developments, the number of young people engaging in dangerous and life threatening actions, such as resorting to criminal networks for assistance with onward movements, decreased significantly in two of the six locations, Shire (Ethiopia) and Khartoum (Sudan).

GOAL 6: GIRLS AND BOYS ACHIEVE DURABLE SOLUTIONS IN THEIR BEST INTEREST

In 24 situations throughout the 16 countries, UNHCR reported that 32,299 Best Interests procedures were initiated in 2015. This marks a significant increase compared to 16,396 throughout 20 situations in 2014, and 4,883 throughout 18 situations in 2013, which shows an improvement both in the number of situations reporting on this indicator and the number of UASC accessing appropriate protection solutions. Additionally, the increase in the number of situations reporting on these indicators also demonstrates an improved reporting capacity, an important component of a systems approach. This trend is also reflected globally in the Global Strategic Priority report related to this indicator, which reports that 83 refugee situations selected and reported on the indicator in 2015, 40 of which were close to the standard by the end of 2015. Individual reports highlight a nuanced picture across operations and population groups, as a number of countries made significant improvements and reported an increase in percentage of UASC covered by a Best Interests procedure but made little impact or diminished impact with other categories of children at risk (Burundi, Uganda, Ethiopia, Mozambique, and Rwanda).

In the past three years, UNHCR’s efforts to advocate for children’s access to national services included advocacy interventions with governments, provision of technical support to governments in drafting policy and operational documents, and in capacity building. Where government capacity or willingness presents a challenge, UNHCR adopted a community-based approach to strengthening access to national services. National child protection systems have proven to be the most effective and sustainable way to prevent and address the multiple protection risks that children face. For example, in Kenya’s urban operation, UNHCR established 6 new child protection committees at the neighbourhood level to identify and support children at risk to access national child protection services. These community members were trained on child rights based on national and international legal instruments, identification of children at risk, and prevention of and response to child abuse, neglect, exploitation and violence. UNHCR Kenya reported an increase in the access of urban refugee children to national child protection systems and other national services from 80% to 92%.

6. UNHCR standard for % of UASC who receive targeted support is set at 100%.

7. UNHCR standard ranges 70% - 100%.
UNHCR and partners are continuing advocacy and capacity building efforts to achieve full inclusion. Refugees, including those from Afghanistan, represent a critical window of opportunity to ensure that refugee and IDP children and youth are able to access education systems to varying extents. In 6 of these countries (DRC, Egypt, Ethiopia, Pakistan, Sudan, United Republic of Tanzania, Turkey, Uganda, Yemen, Zambia), refugee girls are less likely to finish primary education, transition into and complete secondary education. Only 36% of primary school-aged girls were enrolled in primary education compared to 46% of boys across 20 of the priority countries in 2015. In Pakistan, half as many refugee girls were enrolled as boys. In 2015 only 23% of Afghan refugee girls were reported enrolled in primary education compared to 47% of Afghan refugee boys. Displacement weakens children’s protective environments as families are forced to resort to negative coping mechanisms that disadvantage girls, including child labour and child marriage.

WHAT DIFFERENCE DID WE MAKE?

The launch of SDG 4 and the Education 2030 agenda, which provides specific commitments to education for refugees, represents a critical window of opportunity to ensure that refugee and IDP children and youth are visible and accounted for in the next 15 years of education sector planning, development, and monitoring at national and sub-national levels. 15 out of the 25 priority countries allow refugees to access the national education systems to varying extents. In 6 of these countries (DRC, Egypt, Ethiopia, Pakistan, Sudan, Tanzania), only certain groups of refugee children can access national education services (either depending on their country of origin, duration of their stay in exile, or on their location within the host country), however, UNHCR and partners are continuing advocacy and capacity building efforts to achieve full inclusion.

ACHIEVEMENT OF OUTPUT TARGETS

The table below shows the progress made in achieving the targets set in the 2013-2015 Global Strategy. The targets are set against the backdrop of the education priorities identified in the Global Strategy Implementation Report. The targets are categorized under three main headings:

1. Education overview: Access to National Education across the 25 priority countries.
2. PRIMARY EDUCATION NER
   - Primary Education NER
     - Girls: 66%
     - Boys: 46%
     - Total: 42%
3. SECONDARY EDUCATION NER
   - Secondary Education NER
     - Girls: 11%
     - Boys: 20%
     - Total: 19%

Impact and performance indicators showed little difference between 2013 and 2014, but 2015 saw a decrease in the overall achievement rate for this objective from 40% to 31% which is lower than 2013 at 39%. In 2015, primary enrolment rates stood at 42%. The results are lower than the last years’ mainly due to large refugee hosting countries such as Pakistan and Turkey reporting much higher absolute numbers than the previous years, which at the same time also increases data accuracy levels. Pakistan and Turkey make up 64% of the total of children of primary school-age reported in the data set for 20 priority countries and 58% of children reported enrolled across these 20 countries. With extremely low enrolment rates in these two countries (37% in Pakistan and 41% in Turkey), the global average goes down even if other countries with slightly smaller populations of concern might have made progress in their enrolment rates (for instance Ethiopia, Iraq, Kenya, Mali, Rwanda, Zambia).

Refugee girls are less likely to finish primary education, transition into and complete secondary education. Only 36% of primary school-aged girls were enrolled in primary education compared to 46% of boys across 20 of the priority countries in 2015. In Pakistan, half as many refugee girls were enrolled as boys. In 2015 only 23% of Afghan refugee girls were reported enrolled in primary education compared to 47% of Afghan refugee boys. Displacement weakens children’s protective environments as families are forced to resort to negative coping mechanisms that disadvantage girls, including child labour and child marriage.

WHAT DIFFERENCE DID WE MAKE?

Globally, only 1 in 2 refugee children have access to primary education and 1 in 4 refugee adolescents have access to secondary education. Refugee children are 5 times less likely to go to school than their non-refugee peers.

Across 20 priority countries, in 2015 primary enrolment rates stood at 42% (36% amongst girls and 46% amongst boys; GPI: 0.79) and secondary enrolment rates at 19% (18% girls; 20% boys; GPI: 0.93).

With improved data quality and expanded coverage of enrolment data collection in 2015, a decrease in enrolment rates compared to the previous year was observed.

Achievements have been reported in regards to secondary school enrolment with the majority of situations reporting values in the acceptable range rising throughout the three years from 36% in 2013 to 22% in 2015, showing a slight increase in impact across the 25 countries.
building, including a series of webinars, training sessions and intensive remote support. In 2015, UNHCR enhanced efforts to increase access to accelerated education for over-aged children and youth who have missed out on or have dropped out of formal education due to displacement enabling them to obtain primary school certification in a reduced period of time. In 2015, more than 45,000 students had access to accelerated education which included IDPs in Syria, as well as refugees in South Sudan, Ethiopia, Sudan, Lebanon and Kenya. With the aim of improving coordination on accelerated education, UNHCR and partners launched an inter-agency working group on access to accelerated education in 2015.

OBJECTIVE 2: SAFE LEARNING ENVIRONMENTS IN SCHOOL ENSURED

Safety and security in school and on the way to school impacts not only school attendance, but is a critical prerequisite of quality education and critically affects the retention of children in schools, especially girls. Overall achievement in this goal dropped by 12% since 2014, but has seen an improvement of 29% since 2013. Operations approach this objectively differently, some operations have implemented teacher trainings and codes of conduct, or ensured the provision of appropriate school infrastructure while others initiated community groups to provide children with safety on the way to school, such as in Nigeria, where parents and adults in the refugee community volunteer to walk children to school, providing them with safety on their way. In 2015, 75 volunteers joined the initiative, formulating 18 groups benefiting 573 children. Safe access to separate latrines is an important aspect of ensuring a safe environment in schools, especially for girls who are more likely to be victims of sexual assault. While in Yemen 100% of schools were reported to have safe access to separate latrines for boys and girls, in Rwanda, only 57% of schools in camps were reported to have safe access to separate latrines for boys and girls.

OBJECTIVE 3: ACCESS TO FORMAL SECONDARY EDUCATION OPPORTUNITIES IMPROVED

Despite progress in enrolment and retention of refugee children in primary education services in recent years, access to secondary education for refugee adolescents remains a critical gap across UNHCR operations. It is estimated that at global level, 25% of refugee adolescents have access to secondary education, however, 2015 results show that only 19% of adolescents are enrolled in secondary school education across 20 of the priority countries who reported on this indicator. For example, the gap between primary and secondary education provision in Kenya’s Kakuma camps means that in 2015 only 25% of refugee children were enrolled in secondary education, while 73% were enrolled in primary education. Completion rates for secondary education in 2015 ranged from only 6% in Rwanda and 18% in Burundian camps to 100% reported for camps in Zambia and Ethiopia and urban refugees in Rwanda. In many situations across the priority countries, less than a quarter of those who have started primary education make their way to secondary education leaving others at higher risk of protection concerns such as child marriage and child labour. In Pakistan, child marriage and teenage pregnancy are often cited as major barriers to the continuation of education for Afghan refugee girls, particularly to secondary level. Many girls are taken out of school to be married, as early as grade six. Dropout rates for refugee girls are as high as 90% (UNHCR Nansen report, 2015).

OBJECTIVE 4: ACCESS TO HIGHER EDUCATION OPPORTUNITIES FOR REFUGEE YOUNG PEOPLE IMPROVED

In 2015, UNHCR met 89% of its performance indicator targets that relate to higher education opportunities, which is a significant achievement compared to 2013 and 2014 which saw no change from 67% at the end of both years. UNHCR continued to provide refugees with scholarships through the German government-funded Albert Einstein German Academic Refugee Initiative (DAFI) and also worked with host governments to promote government-sponsored scholarships for refugee youth in first countries of asylum. Across the 25 priority countries, UNHCR provided 3,080 DAFI scholarships to persons of concern in 2015 compared to 1,636 in 2014. A good example of provision of both UNHCR DAFI and government-administered scholarships in 2015 is Ethiopia where over 1,600 qualified refugees have benefited from higher education scholarships. Of these, almost 300 refugees benefited from the DAFI scholarship programme and some 1,300 received scholarships under the Government-sponsored scholarship programme. Challenges to the provision of higher education often relate to the certification and recognition of prior studies by schools and academic institutions in the country of asylum. Refugees are often unable to provide important documents, including academic track records, which impedes their access to institutions of higher learning. Due to isolation in the country of asylum, refugees may also find it harder to access support services to obtain necessary information, advice and individual guidance, which is sensitive to their specific context – compared to, for example, international students, and takes into account the implications of their legal status as refugees.

OBJECTIVE 5: OPPORTUNITIES FOR LIFELONG EDUCATION ARE AVAILABLE ACCORDING TO NEED

Lifelong education includes early childhood education, adult learning opportunities, language learning and literacy. Access to lifelong education contributes to the protection of refugees, particularly for those most at-risk. Indicator results show a 10% drop of values from the critical range and a rise of values in acceptable ranges. Over the past three years indicators with acceptable values for this objective have risen from 18% in 2013 to 26% in 2015. Across the priority countries, UNHCR initiated several language programmes for persons of concern in 2015. These programmes have enhanced refugees’ ability to access formal education and take advantage of livelihood opportunities. Operations offer numerous lifelong learning problems such as the technical and vocational education and training programme in Ethiopia where 1,004 refugee youth learned various life-skills such as Building and Electrical Installation, Plumbing, Basic Apparel Production/Dress making, and Hair Dressing and Basic Computer training. Other examples of lifelong learning include literacy and language classes.

OBJECTIVE 6: ACCESS TO EDUCATION OPPORTUNITIES IS PROVIDED DURING EMERGENCIES

Compared against the standard, 49% of indicators reported in the critical range, which is a 14% decrease from 2014 and a 3% increase from 2013. Education was provided in continuing or new emergencies of the education priority countries: Chad, Democratic Republic of the Congo, Djibouti, Ethiopia, Iraq, Kenya, Lebanon, Rwanda, Sudan, Syrian Arab Republic, Tanzania, and Uganda. Support for education in emergencies included the development of regional response strategies and the Burundian, Central African Republic, Nigeria South Sudan, and Yemen refugee situations, in Chad, thanks to a strong collaboration with the government, as well as partner and community engagement. Enrolment rates for the Nigerian emergency situation increased from 68% to 77% through the construction of classrooms, training of teachers from both the local and refugee communities and provision of school materials. A significant achievement for this goal in 2015 was the inclusion of Burundian children into the Rwandan education system by providing them with orientation language skills, which explains the increase of enrolment in both primary and secondary education, ending 2015 with 82% and 83% enrolment respectively.
GLOBAL SGBV STRATEGY

PRIORITY COUNTRIES

Bangladesh, Burkina Faso, Burundi, Chad, Colombia, Ecuador, Egypt, Ethiopia, India, Jordan, Kenya, Lebanon, Malaysia, Niger, Pakistan, Rwanda, Sudan, Uganda, Yemen

• 2015 saw a 12% increase in SGBV survivors receiving legal support, a 30% increase in those who received medical care, and a 44% increase of persons who received psychosocial services.

• UNHCR priority operations documented a 32% increase in the number of reported incidents to SGBV, from 18,245 in 2014 to 26,632 in 2015.

• Significant progress has been made over the last three years in engaging men and boys in the prevention to SGBV in community structures, with more situations reporting on this indicator in 2015 than in previous years.

• Reporting on impact achievement indicators related to safe environments suggests that impact in this area has decreased in 2015 at 38%, as compared to 2014 (46%) and 2013 (59%).

INTRODUCTION

UNHCR measures progress on global efforts to prevent and respond to SGBV through the Global Action Against SGBV: An Updated Strategy. In 2015, reporting on SGBV incidents increased, and UNHCR offices in SGBV priority countries reported on a higher number of indicators to demonstrate progress than in the previous years. 41 multi-year country and camp-level10 strategies have been developed in order to strengthen UNHCR’s prevention and response activities in 6 key action areas: addressing SGBV risks for specific groups such as men and boys, survivors with disabilities, child survivors and LGBTI persons of concern, as well as risks associated with domestic energy needs and survival sex. For the purpose of this report, only 19 countries are included in the analysis.

WHAT DIFFERENCE DID WE MAKE?

UNHCR operations documented a 32% increase in the number of reported SGBV incidents from 18,245 in 2014 to 26,632 in 2015. Out of these, approximately 70% of incidents were reported in SGBV strategy priority countries. An increase in reported cases does not necessarily represent an increase in SGBV incidents, it also indicates an increased community awareness and better use of reporting mechanisms, as well as systematized data management of incidents reported to service providers. In 2015, 3,461 SGBV survivors received legal support, 2,155 received medical care, and 18,167 received psychosocial services compared to 2014 where, 3,036 received legal assistance, 1,509 received medical care and 10,146 received psychosocial services. In 2013 UNHCR did not have the same indicators to show this data in the selected priority countries.

As shown in the numbers above, reporting on indicators related to core services provided to SGBV survivors have improved over the last 4 years. In a number of priority countries, the use of the Gender Based Violence Information Management System (GBVIMS) has contributed to improved data collection and analysis of reported incidents to SGBV. It has also guided programming and advocacy, improving survivor’s access to services and strengthening UNHCR’s protection response. Various activities were carried out to contribute to the achievement of these results including, but not limited to, the establishment of multi-sectoral working groups comprised of actors from government, the UN, NGOs, and civil society to strengthen coordination; coaching programmes for partner staff to strengthen identification and case management; increasing survivors access to safe shelters; and ongoing training and capacity building of government officials, staff, partners, community-based organizations, and law enforcement actors on a range of topics including referral pathways, psychological first aid, interviewing techniques, working with specific groups at risk, and international protection. The development of standard operating procedures (SOPs) and training relevant staff on the use of referral pathways was also cited as a factor contributing to progress in this area. For example, 1 operation noted that in addition to agreeing on inter-agency SOPs, referral pathways were disseminated widely among the refugee community and survivors were accompanied to service points to ensure that services were fully accessible to survivors. UNHCR’s country operations reported on activities that contributed to progress made in community involvement in the prevention and protection to SGBV survivors. SGBV prevention projects continued to focus on community outreach and engagement through working with community mobilizers, developing guidance on the management of community-based structures working on SGBV, and engaging in various awareness-raising, sensitization and educational initiatives.

SGBV CORE SERVICES PROVIDED

| # known SGBV survivors assisted | 4,328 | 1,442 |
| received medical assistance | 2,155 | 1,509 |
| received legal assistance | 1,421 |
| are provided with a safe space | 2,001 |
| received psychosocial counselling | 3,461 | 3,036 |
| received psychosocial services | 18,176 | 10,146 |

10 Kenya has separate strategies for Kakuma, Dadaab and urban refugee caseload.

ACTION AREA 1: CHILDREN OF CONCERN ARE PROTECTED AGAINST SGBV

In 2013, 52% of impact targets were met, 62% in 2014 and 39% in 2015. However, operations were able to maintain the positive trend set in 2014 as all impact indicators remained in an acceptable range, compared to 90% in 2013. This shows that through the strategy, the protection of children against SGBV has been strengthened. At the performance level, operations were able to reach 70% of their context specific performance targets which is an increase of 29% since 2013. In an effort to protect children at risk of SGBV, several operations established community awareness programmes (Chad, Ecuador, Egypt) and established children and youth committees to identify protection issues (Bangladesh, Lebanon, Pakistan). Both of which built awareness of child rights, abuse, referral mechanisms, available response services and how to report cases to service providers.

Achievement of Output Targets

<table>
<thead>
<tr>
<th>% of Output/Impact Indicators meeting Targets/Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Met Target (Achieved above 80% of Target)</td>
</tr>
<tr>
<td>Approaching Target (Above 60% of Target)</td>
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<tr>
<td>Underperforming (Below 60% of Target)</td>
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<td>Not-Reported</td>
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Performance Achievements

<table>
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<tbody>
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Impact Achievements

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<th>Impact Achievements</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 Indicators</td>
</tr>
<tr>
<td>242 Times Selected</td>
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</table>

Impact Criticality

<table>
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<tr>
<th>Impact Criticality</th>
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<tbody>
<tr>
<td>9 Indicators</td>
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<tr>
<td>242 Times Selected</td>
</tr>
</tbody>
</table>

UNHCR's country operations reported on activities that contributed...
ACTION AREA 2: SURVIVAL SEX AS A COPING MECHANISM IN SITUATIONS OF DISPLACEMENT IS ADDRESSED

Measuring progress in this action area remained challenging due to the lack of specific indicators. The use of a proxy indicator suggests that impact in this area has increased since 2014, with 69% achievement towards its targets, compared to 67% in 2014 and 70% in 2013. Depending on the specific country context, addressing the problem of survival sex is being approached in different ways, with some focusing on providing access to alternative income generating activities, and others aiming to prevent communities from resorting to negative coping mechanisms. UNHCR and partners continued to provide persons of concern with reproductive health care and contraception in order to reduce the risk of HIV. Identifying persons involved in survival sex can be difficult in certain operations due to stigma and discrimination. In order to address this, operations carried out trainings and awareness programmes in 2015. UNHCR Ethiopia hosted around 100 events in 2015 to promote access to male and female condoms, reproductive health services and a HIV prevention program for sex workers. They also provided training on peer education and counselling for HIV/AIDS prevention and control, and stigma and discrimination, care and support, and the use of condoms.

ACTION AREA 3: MEN AND BOYS ARE ENGAGED IN THE PREVENTION OF SGBV

Measurement of this objective continues to be challenging due to the formulation and measurement of current indicators. Using a proxy indicator, operations indicate that achievements in this area have significantly increased in 2015 compared to 2014 and 2013. By 31 December 2015, 82% of indicators met or came close to UNHCR standards, compared to 52% in 2014, and 44% in 2012. The engagement of men and boys continued to be achieved through setting up specific men’s groups, and scaling up community-based protection and grass-roots SGBV prevention activities. One example from 2015 is the progress Ethiopia made in increasing men and boy’s involvement in prevention and protection of SGBV survivors among South Sudanese refugees. Twelve men and boys groups were formed and provided with training on SGBV prevention and response, national laws, refugees’ rights and responsibilities, and international protection. These groups were then encouraged to be active in their communities in promoting SGBV prevention and breaking taboos surrounding the topic.

ACTION AREA 4: SAFE ENVIRONMENTS AND SAFE ACCESS TO DOMESTIC ENERGY AND NATURAL RESOURCES ARE PROVIDED

Reporting on impact achievement indicators related to safe environments suggests that impact in this area has decreased in 2015, as compared to 46% in 2014 and 59% in 2013. A number of programs under the “Safe from the Start” initiative, which began in 2013, have continued to make impact in creating safer environments for UNHCR’s persons of concern. Six out of the 19 priority countries had activities centred on providing safe access to energy. A good example of impact in this area is the solar street light pilot project which was launched in Uganda, under which solar street lights and solar mobile charging stations were placed in the settlements in West Nile and Mid-West Uganda. A process assessment of the solar street lights was carried out during 2015 which showed that the solar lamps appeared to have a positive impact on the community and on the prevention of SGBV. White anecdotal, 54% of persons perceived that the new solar street lights in their settlement prevented physical and sexual violence.

ACTION AREA 5: LGBTI PERSONS OF CONCERN ARE PROTECTED AGAINST SGBV

LGBTI persons of concern can suffer a wide range of discrimination and violence because of their sex, sexual orientation or gender identity. UNHCR’s efforts focus on collaborating with LGBTI organizations and NGOs and developing LGBTI-related legal and operational guidance. UNHCR met 100% of its impact related targets for the countries which selected this indicator in 2015 compared to 2014 in which only 3 out of the priority countries selected this indicator and reported a number of challenges to meeting their targets for this action area. The measuring of this objective remains difficult across each prioritised country as few of the priority countries selected indicators related to this action area. However, several operations did increase their efforts to ensure services were inclusive and appropriate for LGBTI persons.

ACTION AREA 6: PERSONS OF CONCERN WITH DISABILITIES ARE PROTECTED AGAINST SGBV

In 2015, performance indicators that met their targets rose from 52% in 2013, to 70% in 2015, which shows that although there are more impact indicators in the critical range (42%) than in the acceptable range (30%), priority countries have improved performance towards targets over the last three years. This is due to the fact that a number of operations met or exceeded the performance targets related to the number of persons of concern with disabilities receiving specific support, however, these results do not meet the standard of 100% of persons of concern assisted. An example can be found among the Somali refugees in Eastern Ethiopia, as the operation assisted 3,453 persons of concern with disabilities which exceeded the target of 1,700, however, this only amounts to 50% of Somali persons of concern with disabilities in Eastern Ethiopia. UNHCR is also currently implementing a 2-year project to strengthen the protection of persons with disabilities in forced displacement, which is focused on improving institutional capacity to implement existing operational guidance on disability. Under this project, 8 country operations, 2 of which are from the SGBV priority list, received intense technical support to assist with the following: network building with local and international disability actors and relevant NGOs; consultations with refugees and IDPs with disabilities; sensitization and inclusion training for UNHCR staff and partners; and, collaborative action planning with multiple stakeholders for persons with disabilities. All of the 27th countries who so far have included in this project, SGBV has been raised as a concern for persons with disabilities, including under-reporting and barriers to accessing prevention and response programmes. Key recommendations emerging from the project are for training of staff and partners on strengthening inclusion of persons with disabilities in prevention and response programmes; and, engaging with organizations of persons with disabilities to raise awareness about SGBV.

11 This is a recognized gap which will be addressed in the next indicator review.
12 Extent persons of concern have access to comprehensive reproductive health services
13 This is a recognized gap which will be addressed in the next indicator review.
14 Extent community is active in SGBV prevention and survivor centered protection
15 UNHCR standard for the extent community is active in SGBV prevention and survivor centered protection is set at 100%. Extent community is active in SGBV prevention and survivor centered protection
16 Burkina Faso, Chad, Egypt, Malaysia, Rwanda, Uganda
17 At least on situation chose this indicator in Chad, Ethiopia, and Uganda, and 2 situations in Kenya
18 This is not an adequate reflection of UNHCR’s work with LGBTI Persons of concern globally. For more information on UNHCR’s efforts to protect LGBTI Asylum Seekers and Refugees please see the global report. Protecting Persons with diverse sexual orientations and Gender Identities. UNHCR, 2015.
19 Zambia, Chad, Rwanda, Djibouti, Mauritania, Kurdish region of Iraq, Ukraine and Malawi
results by country.
INTRODUCTION

With conflict and violence occurring in CAR, Nigeria and Sudan, Chad hosted 372,438 persons of concern as of December 2015. This number includes 53% women and 47% men. Children compose 59% of this total, of which 51% are girls. UNHCR Chad responded to the rising emergency situation at the Lake Chad Basin and the needs of thousands of refugees with the creation of Dar Es Salam camp near the town of Baga Sola. Despite economic and security-related developments, the operation continued to implement its SGBV, Child Protection and Education Strategies.

WHAT IMPACT DID WE HAVE?

UNHCR Chad improved the impact of its SGBV and child protection programmes in 2015, while education programmes do not indicate a similar trend. Impact indicators show an increase towards the standards over the past 3 years for SGBV (57% to 68%) and Child Protection (0% to 33%), whereas impact indicators in the acceptable range for Education rose from 2013 to 2014 (31% to 38%) and significantly fell by end of 2015 to 7%. Educational enrolment rates across Chad suffered in 2015 due to the influx of children and financial constraints of refugee families. However, due to a strong collaboration with the government, as well as partner and community engagement, enrolment rates for the Nigerian emergency situation increased from 68% to 77%. UNHCR Chad also saw an increase in enrolments for girls in Sudanese camps in Eastern Chad due to the establishment of day nurseries. Primary school enrolment increased in Eastern Chad from 49% in the previous school year to 53%, and from 38% to 47% at the secondary school level.

A total of 1,525 cases to SGBV were registered. Among these, 50% of survivors received medical assistance (40% in 2014), 85% received psychosocial support (75% in 2014), 29% were provided material support (16% in 2014), and 8% received legal support (32% in 2014). UNHCR Chad reported 34% increase in reported cases to SGBV compared to 2014 among the CAR refugees and a 19% increase at the national level. A contributing factor to this trend is the increase in awareness of communities on the importance of reporting the perpetrators due to the continued work with refugee communities over the past three years.

UNHCR and partners conducted Best Interests Assessments for 29% of UASC from CAR and 58% of UASC from Sudan. UNHCR identified the need for 139 Best Interests procedures to be initiated for UASC and children at risk living with their parents in urban areas. Of these 139 child protection cases, 28 were for children at risk and others (12 girls and 16 boys), and 111 were for UASC (77 are separated children and 34 unaccompanied).

WHAT DID WE ACHIEVE?

The 2013-2015 period saw a number of achievements for UNHCR Chad in line with the three Global strategies. As noted above the number of Best Interests procedures initiated or completed for UASC increased, the reporting on SGBV and the percentage of survivors who received appropriate support increased, and UNHCR Chad was able to work with the Ministry of Education to allow children access to national education system. The 2014-2015 academic school year was marked by the transition from the Sudanese to the Chadian curriculum in line with UNHCR global education policy and the Chad Refugee Education Strategy. This resulted in an increase in enrolment in the various camps, and schools received support from the state technical services, including in the areas of inspection and the assignment of teachers.

As part of the fight against violence, UNHCR’s partner organized a training of trainers on the protection of persons of concern with disabilities against SGBV in Far chanha and Iriba. This training group all SGBV focal points from all humanitarian partners, UNHCR staff and refugee representatives and leaders, and provided them with training on the technical expertise to prevent and respond to violence against persons with disabilities.

In a further effort to address child marriage, UNHCR Chad welcomed and promoted the new legislation prohibiting underage marriage and conducted sensitization campaigns on the topic. The operation also trained 188 staff from 22 organizations/government bodies on Child Protection, UNHCR Chad set civil registration and civil status documentation as a priority for 2015, and as a result of this prioritization, 7,769 children received their birth certificates under the national birth registration procedure.

CHAD

CHILD PROTECTION - EDUCATION - SGBV

Country Analysis

- 7,769 children received birth certificates under the national birth registration procedure in 2015.
- Curriculum transition allowing refugee children to study in the national Chadian education system was successfully implemented.
- UNHCR Chad saw a 38% increase in known survivors who received medical care, a 32% increase in provision of psychosocial support, and a 58% increase in number of persons who received material support.
- In 2015, weak integration of child protection interventions and the exclusive ownership of Best Interests procedures by UNHCR and partner child protection staff resulted in a delay for cases of children at risk.
- There are still a number of remaining challenges in relation to education, most notably, the undersupply of essential school materials.
- Te operation reported a number of challenges with SGBV programming, including a lack of specialized services for the adequate care of the victims to SGBV, low reporting to SGBV for fear of reprisals, socio-cultural constraints, and low identification and management of LGBTI cases.

STATE OF IMPACT INDICATORS

As of Impact Indicators meeting standards

GAPS & CHALLENGES

Significant gaps remained in SGBV education and child protection programming in 2015. The operation reported a number of challenges with SGBV, including a lack of specialized services for the adequate care of the victims to SGBV, low reporting to SGBV for fear of reprisals, socio-cultural constraints, and low identification and management of LGBTI cases. Challenges in child protection programming were also reported, including weak mainstreaming of child protection work and the lack of partners with expertise. As noted above, there were significant gaps in education caused by an influx of children of concern, and under-funding of secondary and tertiary education. While the curriculum transition allowing refugee children to study in the national Chadian education system was successfully implemented, there are still a number of remaining challenges, most notably, the undersupply of essential school materials. For example, after the curriculum transition, only 33% of schools have a textbook ratio for students within national norms for the Sudanese camps in the East.

ACHIEVEMENTS

- 50.6% of known survivors received medical assistance
- 29% were provided material support
- 85% received psychosocial support
- 8% received legal support

BUDGET ALLOCATION

Impact indicators show an increase towards the standards over the past 3 years for SGBV (57% to 68%) and Child Protection (0% to 33%), whereas impact indicators in the acceptable range for Education rose from 2013 to 2014 (31% to 38%) and significantly fell by end of 2015 to 7%.

EDUCATION

- Learning achievements in primary school
- Safe learning environments in school ensured
- Access to formal secondary education opportunities improved
- Access to higher education opportunities for refugee young people improved
- Opportunities for lifelong and available education according to need are ensured
- Access to education opportunities during emergencies provided

SGBV

- Protection of children of concern against SGBV
- Addressing sexual orientation as a coping mechanism in situations of displacement
- Engaging men and boys
- Providing safe environment and safe access to domestic energy and natural resources
- Protecting LGBTI Persons of Concern against SGBV
- Protecting persons of concern with disabilities against SGBV
- SGBV Core Issues

- Protecting persons of concern with disabilities against SGBV
- SGBV Core Issues

- National curricula and educational materials.
- 50.6% girls and boys achieved durable solutions in their best interest
- 29% of girls and boys were provided material support
- 85% of girls and boys received psychosocial support
- 8% of girls and boys received legal support

IMPACT INDICATORS

- Refers to budget allocated to CP, SGBV and Education
- The operation reported strong social stigma and intolerance by the community against persons with disabilities.
- Significant gaps remained in SGBV education and child protection programming in 2015.
- Challenges in child protection programming were also reported, including weak mainstreaming of child protection work and the lack of partners with expertise.
- As noted above, there were significant gaps in education caused by an influx of children of concern, and under-funding of secondary and tertiary education.

WHAT IMPACT DID WE HAVE?

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INTRODUCTION

Egypt hosts refugees and asylum seekers from 65 countries, mainly from the Syrian Arab Republic, Iraq, and countries in the Horn of Africa. By the end of 2015, the number of individuals registered was 180,647, of whom 51% were male, 49% female, and 40% children. Egypt continued to receive a high number of UASC, mostly from the East and Horn of Africa.

WHAT IMPACT DID WE HAVE?

In 2015, the Operation was able to lift most of the impact indicator results from the critical range to either medium level or acceptable ranges. Hence, the medium level indicator on 2013 maintained in Egypt. The operation had particular impact in expanding access to formal education for Syrian children with some 39,500 children (40,000 in 2014, 25,900 in 2013) enrolled in primary and secondary education in public schools in addition to the 7,200 (6,000 in 2014, 2,000 in 2013) boys and girls enrolled in non-formal education institutions and community schools. An agreement was made with the Ministry of Education (MoE) in March 2015 to support the construction and expansion work in 7 public schools in areas with a high concentration of Syrian refugees, resulting in 135 new classrooms, which reduced the density in classrooms and benefited both refugees and host communities.

There has been a significant increase in reported SGBV incidents since 2013 in urban areas due to community outreach activities, enhanced case management by UNHCR and partners, and the development of an inter-agency coordination mechanism. While 38 cases were reported in 2013 and 124 in 2014, 244 SGBV incidents were reported among African and Iraqi refugee communities in 2015, all of whom received counselling and services from UNHCR and partners. 189 incidents were reported by Syrian refugees in 2015 and 82% received support. A new women friendly space was opened in 2015, where awareness raising, counselling and social work were provided for Syrian refugees.

The operation selected a low number to SGBV related indicators in 2015 and reporting did not sufficiently address action areas outlined in the strategy. Nevertheless, over the three years, Egypt has reported progress in regards to prevention and response to SGBV. In 2015, innovative prevention activities such as self-defence classes were implemented, and female refugee survivors were granted access to a safe shelter officially approved by the Ministry of Social Solidarity. A new women friendly space was opened in 2015, where awareness raising, counselling and services from UNHCR and partners were provided for Syrian refugees.

Due to an 85.5% increase of UASC from the Horn of Africa, Sudan and Yemen, the operation paid particular attention to protection and solutions for UASC through the “Live, Learn, and Play Safe” regional initiative. By the end of 2015, 301 separated and 1,352 unaccompanied children were registered with UNHCR. In order to address the increased influx, Best Interests procedures were adapted to ensure fast-track registration, documentation, and the identification of durable solutions. Enhanced quality case management to ensure timely referral, monitoring and case follow-up, including tailored counselling on procedures and services provided by UNHCR/partners.

WHAT DID WE ACHIEVE?

As in 2014, the Operation met more than two thirds of its output related targets, but met just over two fifths of its impact targets. Targeted services offered throughout 2015 have helped to strengthen the protection of children through access to quality community-based protection, specialized child protection services, access to quality education, interagency coordination and the strengthening of national child protection systems. Community-based protection provided by UNHCR and Partners included quality case management and community schools. An agreement for adolescents, and specialised and non-specialised psycho-social support provided by trained and trusted members of the refugee community.

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Specific needs to ensure access to suitable educational institutions that meet their educational and care needs. Similarly, 22,100 Syrian children benefited with education grants, and additional funds were provided for more than 2,000 of the most vulnerable children and 90 children with disabilities and with specialized needs.

GAPS & CHALLENGES

Whilst a legal framework addressing child protection and to some extent SGBV exists, the implementation through local and central entities requires further strengthening. Limited service coverage for SGBV survivors was particularly visible in the Northern Governorates of Alexandria and Damietta, and remained one of the areas with the biggest unmet needs. Protection challenges affecting African refugee children throughout 2015 remained, children faced harassment, limited livelihood opportunities, lack of timely access to emergency care, and costly secondary and tertiary health care and alternative care arrangements for UASC. Despite significant improvements regarding access to quality education in public schools, access to enrolment and retention, lack of qualified teachers, overcrowded classrooms, lack of safe learning environments and limited pre-schools education opportunities remain a challenge for Syrian refugee students.

ACHIEVEMENTS

Child Protection

- Girls and boys are safe where they live, learn and play
- Children’s participation and capacity are integral to their protection
- Girls and boys have access to child-friendly processes
- Children obtain legal documentation
- Girls and boys with specific needs receive targeted support
- Girls and boys achieve durable solutions in their best interest

SGBV

- Protecting children of concern against SGBV
- Addressing survival sex as a coping mechanism in situations of displacement
- Engaging men and boys
- Providing safe secondary education opportunities
- Protecting LGBTI Persons of Concern against SGBV
- Protecting persons with disabilities against SGBV

Core Issues

- Access to formal secondary education opportunities improved
- Access to higher education opportunities for refugee young people improved
- Opportunities for lifelong and available education according to need are ensured
- Access to education opportunities during emergencies provided

* Percentages shown here may vary from 2014 reporting due to additional objectives added in 2014 and removed in 2015 reporting.
INTRODUCTION

In 2015, the population of concern to UNHCR in Ethiopia grew by 12% from 662,096 at the beginning of the year to 739,151 by 31 December. Refugees continued to arrive in Ethiopia, mostly from South Sudan and Eritrea, but also from Yemen. In order to accommodate the influx of refugees and asylum-seekers, 3 new camps were opened for Sudanese and South Sudanese refugees.

WHAT IMPACT DID WE HAVE?

As in previous years, impact indicator values show only minor changes since 2014, with fewer unreported indicators and a slight increase in the number of targets that moved from the critical range to medium level. By end of 2015, 46% of indicators selected were reported in acceptable ranges, compared to 37% in 2014 and 33% in 2013.

The operation continued to prioritize SGBV through increasing the community’s involvement in prevention and response by 35% from 2014. 14% of the 12 men and boys’ groups were formed and linked to other active community structures, including members of the traditional court system, women’s associations, youth committees, and community policing groups. Members of these structures were provided training on SGBV prevention and response, national laws including refugees’ rights and responsibilities, and international protection. The strengthening of linkages between community structures and the accompanying capacity building created a space where socio-cultural norms that place refugees at risk to SGBV could be challenged. Due to efforts made to bring police physically closer to Assosa refugee camps, a police outpost was established in Bambasi camp in 2015, which among others things contributed to a more timely response to incidents of SGBV.

Enrolment rates in Ethiopia saw an 8% increase in the total enrolment of learners in 2015. South Sudanese refugees in Western Ethiopia reported 47% of school age children enrolled in school in 2015 across all levels of education (early childhood education, primary and secondary education). Also, 34% of Somalia school age children were enrolled in 2015, compared to 33% in 2014, showing 1% increase in enrolment. Overall, Ethiopia presents a varied picture across different Population Planning Groups (PPG) as over 75% of the Shire refugee population are under 25 and they lack access to quality education owing to an absence of the necessary basic facilities.

WHAT DID WE ACHIEVE?

An important achievement for the operation over the last few years is the progress made towards the eradication of FGM in the Somali Regional State of Ethiopia. UNHCR’s implementing partner has been able to make significant progress in breaking the taboo surrounding FGM through the involvement of religious leaders and other key community stakeholders. They have been successful in changing some attitudes through advocacy efforts with both government and religious authorities at the regional state level to support the eradication of FGM. A number of interventions have contributed to these achievements over the past years, including: the establishment of religious leader’s forum at camp level, community sensitization on FGM through various avenues, training of key stakeholders, and the formation of a Regional Level Anti-FGM Task Force. A critical component of interventions to eradicate FGM is the involvement of youth, including male youth. In the 3 camps covered by the Aljija field office, youth clubs and anti-FGM girl’s clubs have been actively involved in promoting the eradication of the practice by sensitizing their peers on the issue. Adolescent boys and young men have been encouraged to speak out and express their preference for marrying uncircumcised girls, while adolescent girls and young women are encouraging their peers to remain uncircumcised.

An important achievement toward the implementation of Education Management Information Systems (EMIS) was the training of each sub-office with a total of 135 individuals including education officers, UNHCR staff, a government partner and NGOs. EMIS roll-out is planned for 2016 in Ethiopia. UNHCR Ethiopia also continued in 2015 to advocate for refugee access to national education systems through the 2015-2018 National Education Strategy, which was completed through a national revalidation workshop with all stakeholders.

A significant achievement for Child Protection in Shire was the decrease in the proportion of UASC reported missing due to assumed onward movements over the past three years. This has decreased from 64% in 2013 to 22% in the first half of 2015. This was an important development, especially considering the substantial increase in new arrivals. Also, a child protection learning and development needs assessment was conducted for the Gambella emergency response, and 87 capacity building sessions on child protection related topics were held where 3,454 persons participated.

GAPS & CHALLENGES

Approximately 46% of primary school aged-children are out of school. This is related to the challenges faced by refugee schools in meeting the minimum standards of a safe learning environment as a result of the undersupply of essential educational materials and teachers. The provision of secondary school education has been hindered by the continuous and constant arrival of refugees, coupled with the growing number of pupils coming from the refugees’ primary school and the nearby local schools. A number of challenges relating to SGBV prevention and response were reported in 2015, including the underreporting of incidents related to cultural taboos, traditional practices, fear of retaliation from perpetrators and concerns regarding the functioning of local courts. The absence of an effective birth registration system in Ethiopia also continues to be a major gap in child protection and the prevention of statelessness/corruption in refugee local courts.

EDUCATION

Learning achievements in primary school
Safe learning environments in school ensured
Access to formal secondary education opportunities improved
Access to higher education opportunities for refugee young people improved
Opportunities for lifelong and available education according to need are ensured
Access to education opportunities during emergencies provided
INTRODUCTION

The refugee population increased from 458,363 in 2014 to 539,881 at the end of 2015. 56% of whom were children. The refugee population in Dadaab stood at 347,980, of whom 110,827 were female, while Kakuma refugee camp consisted of 148,550 refugees, of whom 85,211 were female. The operation also saw a 36% increase of Ugandan nationals, many with specific protection considerations.

WHAT IMPACT DID WE HAVE?

UNHCR Kenya met more than three quarters of its Child Protection, Education, and SGBV performance related targets and 43% of its impact related targets. The operation made particular impact in birth registration as it supported the Garissa District Civil Registrar to facilitate 5 missions to Dadaab refugee registry births in the camps. Electronic processing of civil documentation was also reinforced in order to improve efficiency and reduce delays. Thus, a total of 12,688 birth certificates, 6,415 boys and 6,273 girls, were processed for issuance. In addition, 585 birth certificates were issued to children, between the ages of 6 and 12 months, through late registration procedures. As a result, a total of 13,273 certificates were issued against a target of 13,720. As previously noted above, access to national child protection services for children also improved from 80% to 92% in 2015 due to a number of interventions from UNHCR, including the establishment and training of child protection committees.

The focus on SGBV continued to bear fruit with an increase in SGBV survivors accessing services. 812 cases were provided with medical assistance in 2015 compared to the low number of 81 in 2014, and 211 cases were provided with legal assistance, compared to 169 in 2014. Kenya also saw considerable progress among Somali refugees in the provision of legal services to SGBV survivors as over 500 survivors received some form of legal assistance. 62% of the cases that received legal assistance were prosecuted in the courts. A significant impact was made in relation to the protection of LGBTI persons of concern in 2015, with the percentage of LGBTI persons assisted rising from 43% to 100% in 1 situation and from 5% to 100% in another. LGBTI persons of concern were provided with financial, material and medical support.

In 2015, the number of children enrolled in primary education improved as 129,851 children were enrolled, compared to 121,620 in 2014. UNHCR Kenya made significant progress in the primary education sub-sector in Kakuma camp, with net participation rates increasing from 69.5% recorded at the beginning of the year to 83.3% by the end of the year. This progress was made through implementation of key interventions including the expansion of school infrastructure through the set-up of an additional primary school, construction of additional classrooms, and WASH facilities, training of 123 primary school teachers, provision of schools supplies and set-up of 2 Instant Network Schools (INS) to integrate ICT into learning. Over the reporting period secondary school enrolment has improved from 5,636 in 2013 to almost double in 2015 at 9,101. Impacted Impact in education has remained low in Kenya over the three years, but significant efforts have been made to increase enrolment throughout the country. In Dadaab, UNHCR worked closely with the national and county governments in an effort to register refugee pupils for examinations with the Kenya National Examination Council. In 2015, a mean score of 177.4 in the 2014 Kenya Certificate of Primary Education examination, 2,383 (1,682 Male; 701 Female) candidates scored 200 marks and above which represents a 86.69% pass rate, compared to a pass rate of 33.43% recorded in 2014. In Kakuma camp, UNHCR also expanded school infrastructures, constructed an additional primary school and built WASH facilities. In urban areas UNHCR provided 86 refugees of school age a payment which covered school levies and other education related expenses such as uniforms and books.

WHAT DID WE ACHIEVE?

In Kakuma Camp, a total of 780 Best Interests Determinations (BID) were conducted for 415 boys and 365 girls, reaching 80% of the targeted number, which is a significant increase from 67% in 2013. Remarkable improvement was also reported in the quality of BID reports, which is attributed to the trainings conducted in the first and second quarter of 2015. These trainings targeted child protection caseworkers and aimed at enhancing the identification of cases for BID processes, and in contextualizing resettlement and protection cases in the BID process.

The activities that contributed to the improvement of services provided to Somali SGBV survivors included the deployment of 10 translators to police gender desks located at various police stations. This strengthened confidential reporting of incidents and enhanced the investigation of cases. Increased opportunities were also made available for social workers and other specialists to work with survivors to increase access to livelihood activities in order to decrease abuse and mitigate negative and dangerous coping strategies, such as survival sex or firewood collection in remote areas in the camps.

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CHILDPROTECTION · EDUCATION · SGBV

Country Analysis

80% of the targeted UASC had a Best Interests procedure initiated or completed in 2015.

2,383 candidates scored 200 marks and above in the Kenya Certificate of Primary Education examination which represents a 86.69% pass rate, compared to a pass rate of 33.43% recorded in 2014.

The percentage of self-identified LGBTI persons assisted rose from 43% in 2014 to 100% in 2015 in 1 situation and from 5% in 2014 to 100% in 2015 in another.

39% of primary school-aged children in Dadaab and 27% in Kakuma remain out of school.

Despite the significant achievements made in primary education, challenges in the sector remained, including inadequate provision of textbooks and learning materials, lack of trained teachers, and high numbers of out-of-school children.

UNHCR Kenya noted many gaps regarding the lack of engagement of men and boys in the prevention to SGBV, lack of livelihood opportunities for SGBV survivors, and a high drop-out rate of girls due in part to harmful social and cultural traditions, such as child marriage.

GAPS & CHALLENGES

The high level insecurity in the North Eastern region where Dadaab is situated has continued to have a negative impact on protection programmes as it has placed serious constraints on UNHCR, government and partner staff. This is particularly notable in the response services for SGBV survivors as well as the education sector where high turn-over rate of teachers is observed. UNHCR Kenya also noted many gaps regarding the lack of engagement of men and boys in the prevention to SGBV, lack of livelihood opportunities for SGBV survivors, and a high drop-out rate of girls due in part to harmful social and cultural traditions, such as child marriage. Despite the significant achievements made in primary education, challenges remain, including inadequate provision of textbooks and learning materials, lack of trained teachers, and high numbers of out-of-school children.

EDUCATION

Primary school enrolment

Secondary school enrolment

IMPACT ACHIEVEMENTS OF TARGET (%)

2012

2013

2014

2015

Acceptable

Net Acceptable

Critical

Not Reported

80%

60%

40%

20%

0%

80%

60%

40%

20%

0%

STATE OF IMPACT INDICATORS* % of Impact Indicators meeting standards

2012

2013

2014

2015

Desirable

Critical

Acceptable

0

20

40

60

80

100

5

10

15

20

25

30

35

40

45

50

55

60

65

70

75

80

85

90

95

100

ACHIEVEMENTS

2012

2013

2014

2015

+$\text{Percentages shown here may vary from 2014 reporting due to additional objectives added in 2014 and removed in 2015 reporting.}$

EDUCATIONAL ENROLMENTS FOR CHILDREN

2012

2013

2014

2015

Primary school enrolment

Secondary school enrolment

BUDGET (DOLLARS IN MILLIONS)

5.5M

5.0M

4.5M

4.0M

3.5M

3.0M

2.5M

2.0M

1.5M

1.0M

0.5M

0

0

5

10

15

20

25

30

35

40

45

50

55

60

65

70

75

80

85

90

95

100

BUDGET ALLOCATION

2012

2013

2014

2015

+$\text{Percentages shown here may vary from 2014 reporting due to additional objectives added in 2014 and removed in 2015 reporting.}$
INTRODUCTION

As of 31 December 2015, Rwanda hosted a total refugee population of 144,737. This represents a 9% increase in the total refugee population from 2014 primarily due to the Burundian influx. 51% of the refugees come from the Democratic Republic of Congo and 48% are from Burundi. The remaining 1% is comprised of different nationalities.

WHAT IMPACT DID WE HAVE?

While UNHCR Rwanda encountered setbacks in 2014, the operation was able to see improvements across all indicators as the number of indicators in the acceptable threshold significantly increased by 23%. Overall trends show Child Protection, Education, and SGBV programmes have been strengthened over the past 3 years. There was a significant impact in education as 89% of impact targets were met in 2015, which is a significant rise from 8% in 2014. In a major development for higher education, Kepler University opened the first campus university campus in Kiziba. In collaboration with UNHCR a special admission information session was organised on 8 December 2015 for the 2016 intake.

All SGBV incidents were documented using case management tools that were agreed upon in Standard Operating Procedures developed in collaboration with partners. In 2015, the percentage to SGBV survivors receiving support rose significantly across all situations in Rwanda, with all situations reporting percentages between 80 and 100% by 31 December 2015.

Birth registration has improved across the many of refugee hosting areas in Rwanda. In 2013, the percentage of children with a birth certificate ranged from 12% to 70% for the different populations of concern, whereas it ranged from 65% to 86% in 2015. In order to inform parents of the importance of birth registration, child protection community mobilizers conducted community dialogue sessions on child protection as well as birth registration and shared information on available services with refugees. Coordination mechanisms between health partners and protection partners were in place to assure smooth referral to obtain birth certificates without administrative delay.

WHAT DID WE ACHIEVE?

For Child Protection and SGBV, an increased budget was allocated in 2015 for the continued engagement of the protection implementing partner selected in 2014. The protection partner supported specific activities to enhance the active participation of children and youth including the facilitation of recreational activities through sports, and interest-based clubs on issues raised by the children and youth, such as, sexual and reproductive health, SGBV, and other issues related to gender, sexuality, substance use and general protection. In Mahama camp, village to village awareness raising campaigns on SGBV, were conducted with the Rwanda National Police covering topics such as the different types to SGBV, root causes, consequences, available services, and how to report cases. An important achievement for Child Protection in 2015 was the coordination with a UNHCR partner in family tracing for UASC, which resulted in outcomes for 100% of UASC in urban and 82% of UASC in camps, both of which were 0% in 2014 and unreported in 2013.

A significant achievement for the operation was the inclusion of Burundian refugees from the 2015 influx into the national education system in line with a strategic plan for Burundian refugees. In order to prepare refugee children, orientation classes on English, Swahili, Kiryawanda, and French were organised ahead of the new academic year. The orientation programme was implemented from October to December 2015 at 17 local schools in Kigali, Nyamata and Huye. The programme targeted primary and secondary students and aimed to enable Burundian refugee children to be integrated into the Rwandan education system starting from the 2016 academic year. 1,111 students at primary level and 993 students at secondary level attended and 112 teachers (88 Rwandans and 24 Burundians) were recruited for the orientation programme.

GAPS & CHALLENGES

UNHCR Rwanda noted a number of problems in relation to all three protection areas despite efforts made since the implementation of the Child Protection Framework, birth registration and provision of birth certificates to refugee children in Rwanda continues to be a challenge. Child labour and exploitation (including sexual exploitation of adolescents) also remain challenging in all locations. In 2015, the operation reported a worrying correlation between women and girls with disabilities and SGBV in Rwanda, as some categories of disabilities place some persons at higher risk of abuse. This challenge and gap is due to stigma associated with disabilities and the lack of capacity building services provided to those most at risk. Despite the opening of the first in-camp University, secondary or tertiary education remained extremely limited, as refugees who completed lower secondary education have no access to upper secondary level scholarships, which is a major barrier to accessing higher educational opportunities.

BIRTH REGISTRATION IN 2015

86% of new-born babies were registered in Nyabikere
49% were registered in Gihembe
68% were registered in Kigeme

47% were registered in Kiziba

ACHIEVEMENTS

<table>
<thead>
<tr>
<th>CHILD PROTECTION</th>
<th>EDUCATION</th>
<th>SGBV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Girls and boys are safe where they live, learn and play</td>
<td>Learning achievements in primary school</td>
<td>Protecting children of concern against SGBV</td>
</tr>
<tr>
<td>Children’s participation and capacity are integral to their protection</td>
<td>Safe learning environments in school ensured</td>
<td>Addressing survival sex as a coping mechanism in situations of displacement</td>
</tr>
<tr>
<td>Girls and boys have access to child friendly procedures</td>
<td>Engaging men and boys</td>
<td>Protecting LGBTI Persons of Concern against SGBV</td>
</tr>
<tr>
<td>Children’s right to legal documentation</td>
<td>Providing safe environment and safe access to domestic energy and natural resources</td>
<td>Protecting persons of concern with disabilities against SGBV</td>
</tr>
<tr>
<td>Girls and boys with specific needs receive targeted support</td>
<td>Safe learning environments in school ensured</td>
<td>SGBV Core Issues</td>
</tr>
<tr>
<td>Girls and boys achieve durable solutions in their best interest</td>
<td>Protecting children of concern against SGBV</td>
<td></td>
</tr>
</tbody>
</table>

86% of new-born babies were registered in Nyabikere
47% were registered in Kiziba
49% were registered in Gihembe
68% were registered in Kigeme

* Percentages shown here may vary from 2014 reporting due to additional objectives added in 2014 and removed in 2015 reporting.
**child protection · education · sbgv**

**Country Analysis**

- The number of UASC who benefited from Best Interests procedures in Khartoum rose substantially from 30% in 2013 to 85% by 2015.
- The daily average attendance of the Unaccompanied Children Community Centre in Shagarab was 190 children.
- 2014 saw significant achievements in the number of refugee children under 12 months receiving birth certificates, which increased from 22% to 70% in the East but dropped to 64% due in 2015.
- Sudan reported a 45% increase in SGBV survivors who received appropriate support in urban areas and a 48% increase in Darfur.

**WHAT DID WE ACHIEVE?**

A joint UNHCR and partner project for urban-based refugees was revised to target the needs of the community through awareness raising and capacity building sessions. The purpose of these sessions was to enhance the social support available to survivors in order to address the low number to SGBV survivors coming forward due to the sensitivity of the issue, lack of knowledge and social stigma associated with SGBV amongst community members.

Protection, care and support for UASC and other children at risk were key priorities in the East. In 2015, 2,371 UASC were registered at the Unaccompanied Children Centre in Shagarab, an increase of 556 from 1,785 registered in 2014. The daily average attendance of the Unaccompanied Children Centre was 190 children. 65% of children attended literacy classes at any given time at the centre which was staffed and monitored by social workers. Furthermore, a Child Protection Working Group (CPWG) was set up in Kassala with members representing government agencies, UNHCR, UNICEF, and a local NGO and partner. Monthly meetings allowed for exchange of information and ideas and served as a platform to address child protection issues (e.g. children in conflict with law, family reunification within Sudan, child-friendly procedures, etc.) collaboratively.

In order to address serious barriers to education in 2015, UNHCR’s education partners assisted in the construction of two schools (primary and pre-primary), and constructed new accommodations for teachers and rehabilitated four other accommodations for teachers in Um Gargour. The aim of these initiatives was to improve the learning environment for teachers and thereby increase the retention rate of qualified teachers in the targeted camps.

**STATE OF IMPACT INDICATORS**

As of Impact Indicators meeting standards

<table>
<thead>
<tr>
<th>Year</th>
<th>Acceptable</th>
<th>Not Acceptable</th>
<th>Critical</th>
<th>Not Reported</th>
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</thead>
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<td>20%</td>
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<td>0%</td>
</tr>
<tr>
<td>2015</td>
<td>80%</td>
<td>20%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>

**GAPS & CHALLENGES**

Sudan’s complex operating environment marked by a limited humanitarian access in Darfur continues to result in gaps in the provision of services to persons of concern.

- Gaps remain in the provision of education to all persons of concern, despite the Federal Ministry of Education’s commitment to facilitate South Sudanese children’s access to public schools.
- A challenging economic environment marked by high inflation increased associated protection risks, including SGBV, child lab, and exploitation.

**WHAT IMPACT DID WE HAVE?**

In 2015, Child Protection, Education, and SGBV remained key priorities for UNHCR Sudan. However, impact and achievement indicators show a decline, and UNHCR Sudan was unable to achieve positive progress towards impact standards in these three areas. Despite this, some notable impacts were made in 2015. For example, an increase in the number to SGBV survivors receiving support was reported in regards to the majority of population groups in Sudan. In the urban context, support was provided to 77% of known SGBV survivors compared to 43% in 2014. In Darfur, 88% of internally displaced survivors received support compared to 40% in 2014. This impact can be attributed to UNHCR awareness programmes that were carried out across Sudan, including the launch of an awareness raising and training for camp police staff and other authorities in Kassala and Gadaref states.

In 2015, 715 children, many of whom had at-risk and/or working mothers, attended in-district managed by the ministry of Education and local charities in Khartoum and Bante. In Khartoum, 5,663 South Sudanese refugees and host community students attended the three schools in the area. In other open areas, 2,401 South Sudanese refugee children who were assisted in obtaining their birth certificates, without which they would be unable to access education and other basic services. In this regard, progress continued to be made in registering all new-borns across Sudan, however, most children in Khartoum did not have full access to birth certificates resulting in lack of access to education and other important services.

Hence, UNHCR has made birth registration a priority for Sudan over the past three years. 2014 saw the most significant achievement as the number of refugee children under 12 months registered increased from 22% to 70% in the East, but dropped to 64% in 2015 due to weak systems. The partnership with the Ministry of Social Welfare is set to continue in 2016 to address these gaps. Significant impact was also made in Khartoum and Kassala in relation to the ‘Live, Learn, and Play Safe’ regional initiative which assisted in increasing the number of UASC who benefited from Best Interests procedures, which rose substantially from 30% in 2013 to 85% in 2014 and in the first half of 2015 in Khartoum.

**INTRODUCTION**

By the end of 2015, 278,000 South Sudanese had entered the country, bringing the total number of Persons of concern in Sudan to 2.8M. The operational environment remained challenging in 2015, further compounded by the dire economic situation and tense political climate. Of the totally displaced population in 2015, 285,000 remained displaced at the end of the year, while 141,000 returned to their areas of origin.

**ACHIEVEMENTS**

- Girls and boys are safe where they live, learn and play
- Children’s participation and care are integral to their protection
- Girls and boys have access to child friendly procedures
- Children obtain legal documentation
- Girls and boys with specific needs receive targeted support
- Girls and boys achieve durable solutions in their best interest

**CHILD PROTECTION**

- Protecting children of concern against SGBV
- Addressing survival sex as a coping mechanism in situations of displacement
- Engaging men and boys
- Providing safe environment and safe access to domestic energy and natural resources
- Protecting LGBTI Persons of Concern against SGBV
- Protecting persons of concern with disabilities against SGBV
- SGBV Core Issues

**EDUCATION**

- Learning achievements in primary school
- Safe learning environments in school ensured
- Access to formal secondary education opportunities improved
- Access to higher education opportunities for refugee young people improved
- Opportunities for lifelong and available education according to need are ensured
- Access to education opportunities during emergencies provided
INTRODUCTION

As of 31 December 2015, the total population of concern was at 512,966 with 85.6% residing in settlements and 14.4% in the urban area of Kampala. The main countries of origins were Eritrea (41.8%), South Sudan (39.0%), Somalia (6.9%), Burundi (6.0%), Rwanda (3.3%), Eritrea (1.8%), and nationalities (1.2%). 55.5% of the population of concern were children.

WHAT IMPACT DID WE HAVE?

Despite the new influx of refugees from South Sudan, the impact indicator values show continued improvement from 2014, as the operation was able to lift many critical impact indicator values into the acceptable range. Improvements were made in relation to all three strategies of Child Protection, Education, and SGBV. The operation continued to have positive impact relating to SGBV prevention and response, due to the continued strengthening of community engagement on SGBV issues. This was made possible in a large part by the Safe from the Start initiative. In relation to the South Sudanese refugee population, the operation noted strong coordination across sectors resulting in 100% reported cases receiving appropriate support. The community structures have also become more active in reporting cases to SGBV compared to 2014.

The percentage of UASC for whom a Best Interests procedure has been initiated or completed fell significantly for both South Sudanese refugees as well as refugees considered under Uganda’s emergency response. The percentage fell from 73.3% to 49.8% and 72.1% to 20.3% respectively. However, UNHCR Uganda made significant progress in urban Kampala as the percentage of UASC with a Best Interests procedure has been initiated or completed rose from 22.4% to 78.1%.

Education indicators showed a slight increase towards targets in 2015, compared to 2014 where indicators showed a decrease in the number of targets in the acceptable range. Achievements in school enrolment have been registered, though the increase is slight due to continued influx of South Sudanese, Burundian and Burundian children in 2015. The number of children accessing primary schools increased from 137,000 to 183,000 over the same period. However, results are nuanced across situations in Uganda, as 83% of urban refugees were enrolled in primary education, but only 61% of refugees were enrolled in camps. Similarly, in urban areas, 40% of refugees had access to secondary education compared to only 9% in camps.

WHAT DID WE ACHIEVE?

A major achievement for UNHCR in Uganda was the installation of over 130 solar street lamps across three locations in Uganda as well as the enhancement of the communities in maintenance of the stations. The solar lights project, funded by Safe from the Start initiative, resulted in improved sense of safety and security for the community. A survey conducted in the communities where solar street lamps were placed, showed that 53% of participants felt safer and 39% felt that it prevented SGBV. All respondents reported a change in right time dynamics with an increased number of people out at night. Numerous positive changes were perceived in areas with the solar street lights, including reduced crime and violence, increased sense of safety and security on roads and in homes, and extended hours for social gatherings, studying, praying, reading, shopping, running, small businesses, distributing food, watching games, phone charging, etc. On average 11%, felt less safe with the solar lights as community members had to leave their houses and walk through darkness in order to access the solar lights. Compared to the other locations, this result in improved sense of security and safety for the community.

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Government partners are represented in the BID panels, and their involvement assisted UNHCR to facilitate access to national child protection services. The country programme contributed towards enhancement of protection of children through individual, family and community dialogues; awareness raising on child rights; capacity building; social counselling; networking and partnership with public and private child protection services providers; provision and reinforcement of community child friendly spaces; and strengthening of community support structures.

Quality of primary education and learning environments have improved in many areas, especially in Kinyandongo where the completion rate of primary education improved from 78% in 2014 to 83% and teacher to pupil ratio went from 1:72 to 1:157. These improvements were made through teacher trainings, provision of instructional materials (lesson plans/books), and facilitating co-curricular activities. In an effort to address high youth unemployment, UNHCR Uganda has targeted South Sudanese youth for business skills training in order for them to earn basic knowledge and skills in financial literacy and development of business plan. Youth benefited from microfinance loans for income generating activities as part of the enhancement to livelihoods programme in Kampala. These efforts have resulted in a slight increase in the number of persons who have access to employment and livelihoods.

GAPS & CHALLENGES

The Operation reported major remaining gaps related to education and child protection. The percentage of UASC for whom a Best Interests procedure has been initiated or completed remained low in 2015, and fell significantly from 2014. Overcrowding, violence, and a lack of a sufficient number of teachers in schools remained a serious concern in many primary education facilities across the country. Secondary education is one of the most pressing gaps in settlements and urban areas, as less than a quarter of those who have started primary education make their way to secondary education, leaving others at higher risk of protection concerns such as child marriage and child labour. Gaps were also reported in relation to SGBV prevention and response, included underreporting due to communities who fear retaliation from perpetrators. There is also a lack of interpretation services in courts and police stations, which makes it especially difficult for SGBV survivors to report incidents.

ACHIEVEMENTS

CHILD PROTECTION

- Girls and boys are safe where they live, learn and play
- Children’s participation and capacity are integral to their protection
- Girls and boys have access to child friendly procedures
- Children obtain legal documentation
- Girls and boys with specific needs receive targeted support
- Girls and boys achieve durable solutions in their best interest

SGBV

- Protecting children of concern against SGBV
- Addressing survival sex as a coping mechanism in situations of displacement
- Engaging men and boys
- Providing safe environment and safe access to domestic energy and natural resources
- Protecting LGBTI Persons of Concern against SGBV
- Protecting persons of concern with disabilities against SGBV

EDUCATION

- Learning achievements in primary school
- Safe learning environment in school ensured
- Access to formal secondary education opportunities improved
- Access to higher education opportunities for refugee young people improved
- Opportunities for lifelong and available education according to need are ensured
- Access to education opportunities during emergencies provided

STATE OF IMPACT INDICATORS

<table>
<thead>
<tr>
<th>Indicator</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acceptable</td>
<td>83%</td>
<td>78%</td>
<td>80%</td>
<td>83%</td>
</tr>
<tr>
<td>Not Acceptable</td>
<td>17%</td>
<td>22%</td>
<td>20%</td>
<td>17%</td>
</tr>
<tr>
<td>Critical</td>
<td>5%</td>
<td>10%</td>
<td>10%</td>
<td>5%</td>
</tr>
<tr>
<td>Not Reported</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
</tbody>
</table>
YEMEN

CHILD PROTECTION - EDUCATION - SGBV
Country Analysis

WHAT DID WE ACHIEVE?

Due to disruptions caused by the conflict, the regional initiative of 2014-2015 provided over 1,000 UASC with care arrangements, regular follow up, legal and financial assistance, and informal and formal interventions. All caregivers, whether in a shelter or a foster home, were carefully selected and trained on how to support refugee children. In Sana’a, a Family Centre was opened in August 2015 which provided refugee and host community children with a safe space to socialise and receive the needed/appropriate services. UNHCR Yemen has continued to face challenges in capturing information on the SGBV situation in refugee communities. To address this, attempts were made to identify SGBV survivors in need of targeted assistance through Community-Based Protection Networks (CBPNs) which included female members. The CBPNs engaged in protection monitoring in order to identify protection concerns at grass-roots level as well as individual cases in need of targeted protection assistance. They also engaged in activities such as awareness raising and sensitisation on protection issues with the objective of promoting a degree of self-sufficiency as well as peaceful coexistence. This is a significant achievement as establishing community based protection networks in 2014 proved challenging.

Education interventions undertaken over the past few years, such as improvement of facilities, accelerated learning classes, and teacher recruitment, improved enrolment rates before the conflict began in 2015. During full periods in the conflict, educational officers instructed school principals in Amanat Al-Asimah to facilitate the enrolment of refugee children with special consideration for those without birth certificates. Due to the emergency, Child Protection, Education, and services for SGBV survivors had to be significantly curtailed, hence the operation fell short of the majority of impact and performance indicators.

Despite the three year period, UNHCR Yemen has continued to empower refugee children through child community groups. In 2014, UNHCR supported 4 refugee children in the National Children’s parliament and in 2015 three child protection committees were established. Since January 2014 until the conflict in March 2015, 2,398 UASC in Aden and 631 children in Sana’a received targeted assistance through the “Live, Learn & Play Safe” regional initiative.

WHAT IMPACT DID WE HAVE?

With the escalation of the conflict in late March 2015, the humanitarian and security situation deteriorated rapidly, which significantly complicated provision of UNHCR’s critical protection interventions and service delivery to Persons of Concern. In 2015, Yemen received 92,446 new arrivals at the Arabian and Red Sea coasts (82,268 Ethiopians, 10,162 Somalis, and 16 of other nationalities). The number of IDPs increased significantly in 2015 and by 31 December reached 2.5M. Following the evacuation of all international staff late in March 2015, the operation was remotely managed from Amman. However, the majority of senior staff in Yemen continued working despite ongoing conflict. Sana’a and Haradh offices were closed and national staff self-relocated.

INTRODUCTION

The 2014/2015 academic school year was interrupted due to the conflict, however, UNHCR Yemen coordinated the resumption of education for refugee children and they were able to start the academic year 2015/2016 on 1 Nov 2015 in Sana’a and the end of October in Aden.

WHAT IMPACT DID WE HAVE?

Due to the emergency Child Protection, Education, and services for SGBV remained to be significantly curtailed, hence the operation fell short of the majority of impact and performance indicators.

21 out of 22 governates in Yemen were rapidly engulfed by conflict with 2.5 million persons internally displaced by year-end. UNHCR was able to cover 7 locations with activities limited to certain districts in each of the locations meaning that coverage was not comprehensive.

In 2015, only 51 known SGBV survivors received legal assistance compared to 241 in 2014, and 420 survivors received psycho-social counselling compared to 1,460 in 2014.

Insecurity. However, progress was noted by UNHCR Yemen between 2014 and 2015 in Yemen due to the conflict and related disruptions caused by the conflict, the regional initiative of 2014-2015 provided over 1,000 UASC with care arrangements, regular follow up, legal and financial assistance, and informal and formal interventions. All caregivers, whether in a shelter or a foster home, were carefully selected and trained on how to support refugee children. In Sana’a, a Family Centre was opened in August 2015 which provided refugee and host community children with a safe space to socialise and receive the needed/appropriate services.

UNHCR Yemen has continued to face challenges in capturing information on the SGBV situation in refugee communities. To address this, attempts were made to identify SGBV survivors in need of targeted assistance through Community-Based Protection Networks (CBPNs) which included female members. The CBPNs engaged in protection monitoring in order to identify protection concerns at grass-roots level as well as individual cases in need of targeted protection assistance. They also engaged in activities such as awareness raising and sensitisation on protection issues with the objective of promoting a degree of self-sufficiency as well as peaceful coexistence. This is a significant achievement as establishing community based protection networks in 2014 proved challenging.

Education interventions undertaken over the past few years, such as improvement of facilities, accelerated learning classes, and teacher recruitment, improved enrolment rates before the conflict began in 2015. During full periods in the conflict, educational officers instructed school principals in Amanat Al-Asimah to facilitate the enrolment of refugee children with special consideration for those without birth certificates. Owing to the children losing a third of the 2014/2015 school year because of the conflict, the education office in Aden made an exception to allow all students to pass the 2014/2015 school year.

GAPS & CHALLENGES

The crisis meant that SGBV prevention and response services could not be fully implemented in the country which led to a low number of survivors who were identified by the end of 2015. Challenges in enrolling our school children were also reported due to a number of factors including poverty and fear. Many parents were unable to afford minimum basic needs such as food, and parents were hesitant to send children to school during insecurity for fear of violence and other protection risks. Life-long learning was severely disrupted in 2015 as few trainings and activities related to self-reliance were conducted due to the security situation. A continuous challenge in Yemen is the trafficking and onward movement of UASC. Many UASC came to Yemen with the intention to pay smugglers to transport them to Saudi Arabia. Since March 2015, it has been difficult to identify children victims of trafficking due to the lack of communication and coordination with government entities and partners working at the national level. In 2015, 331 UASC new arrivals identified on the coast were not supported with transportation to the camp or Aden due to the outbreak of armed conflict.

ACHIEVEMENTS

<table>
<thead>
<tr>
<th>ACHIEVEMENTS OF IMPACT (%)</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to education opportunities during emergencies provided</td>
<td>0%</td>
<td>0%</td>
<td>5%</td>
<td>20%</td>
</tr>
<tr>
<td>Opportunities for lifelong and available education according to need</td>
<td>0%</td>
<td>0%</td>
<td>3%</td>
<td>20%</td>
</tr>
<tr>
<td>Safe learning environments in school ensured</td>
<td>0%</td>
<td>0%</td>
<td>2%</td>
<td>6%</td>
</tr>
<tr>
<td>Access to formal secondary education opportunities improved</td>
<td>0%</td>
<td>0%</td>
<td>2%</td>
<td>6%</td>
</tr>
<tr>
<td>Access to higher education opportunities for refugee young people improved</td>
<td>0%</td>
<td>0%</td>
<td>2%</td>
<td>6%</td>
</tr>
<tr>
<td>Opportunities for lifelong and available education according to need</td>
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<td>0%</td>
<td>3%</td>
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<table>
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<tr>
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<th>2015</th>
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<td>CHILD PROTECTION</td>
<td>1.2M</td>
<td>1.4M</td>
<td>1.6M</td>
<td>1.8M</td>
</tr>
<tr>
<td>EDUCATION</td>
<td>0.4M</td>
<td>0.5M</td>
<td>0.6M</td>
<td>0.7M</td>
</tr>
<tr>
<td>SGBV Core Issues</td>
<td>0.2M</td>
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<td>0.4M</td>
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<thead>
<tr>
<th>BUDGET ALLOCATION</th>
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<th>2014</th>
<th>2015</th>
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<tbody>
<tr>
<td>State of Impact Indicators of Impact Indicators meeting standards</td>
<td>Acceptable</td>
<td>Not Acceptable</td>
<td>Critical</td>
<td>Not Reported</td>
</tr>
<tr>
<td>2012</td>
<td>2013</td>
<td>2014</td>
<td>2015</td>
<td></td>
</tr>
<tr>
<td>80%</td>
<td>70%</td>
<td>60%</td>
<td>50%</td>
<td>40%</td>
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</table>

<table>
<thead>
<tr>
<th>STATE OF IMPACT INDICATORS</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of known SGBV survivors who received legal assistance</td>
<td>51</td>
<td>241</td>
<td>2014</td>
<td>2015</td>
</tr>
<tr>
<td>% of known SGBV survivors who received psycho-social support</td>
<td>420</td>
<td>1,460</td>
<td>2014</td>
<td>2015</td>
</tr>
</tbody>
</table>

*Percentages shown here may vary from 2014 reporting due to additional objectives added in 2014 and removed in 2015 reporting.*
The use of the term Budget in this report refers to the amount of authorized spending on these strategies in relation to funding available to UNHCR in 2013.

**TOTAL BUDGET**

Total budget refers to the budget spent on strategy-related objectives and outputs in all strategy priority countries, calculated on the basis of selected outputs by operation, as recorded on 29 April 2014.

**IMPACT**

Positive and negative, long-term effects produced by an intervention, directly or indirectly, intended or unintended.

**IMPACT INDICATOR**

Impact indicators measure the changes in welfare or behavior of persons of concern and systems; and/or of institutions and processes of interest for UNHCR. Impact indicators measure Objectives in UNHCR.

**OBJECTIVE**

An objective is a statement of desired result and impact on well-being of the persons of concern that contributes to achieving the overall goal. Example: Population has optimal access to education.

**OUTPUTS**

Outputs are specific products, goods or services that an activity is expected to deliver as a result of receiving the inputs.

**PERFORMANCE INDICATOR**

Performance indicators facilitate measurement of the quantity and quality of delivered outputs (represented by number, percentage, extent, logical statements). Performance indicators measure Outputs in UNHCR.

**STANDARD**

A standard is the minimum acceptable living conditions of the persons of concern as defined by the International Humanitarian Community and UNHCR. UNHCR has set standards for impact indicators. Example: 100% of persons of concern aged 6-13 enrolled in primary education.

**TARGET**

A target is the value of an indicator that an operation is attempting to reach. It defines what is to be achieved by a specific programme or project, i.e., within a set context, timeframe and budget. Targets can be lower or even exceed standards.

---

**Output Achievements:**

Displays quantitative progress towards the achievement of outputs by measuring if the targets of related performance indicators have been met, approached or being underperformed on. Targets for performance indicators are set by each operation based on the specific context.

**Impact Achievements:**

Displays progress towards targets of impact indicators (short: impact targets), which measure objectives. The vertical bars represent the percentage of selected impact indicators for which the target has been met, approached or been underperformed on. Targets for performance indicators are set by each operation based on the specific context.

The grouping for **Output and Impact** is as follows:

- **Targets Met/Outputs Achieved (80-100%)**
- **Target/Output is being Approached (60-79%)**
- **Target Not Met/Output Not Achieved (0-59%)**
- **Not-Reported**

**Impact Criticality:**

Displays progress towards UNHCR’s internal standard defined for each impact indicator by measuring whether progress towards the standard is:

- **Acceptable**
- **Not Acceptable**
- **Critical**
- **Not-Reported**

The standard and thresholds are specific for each indicator and vary across indicators.

Example: For the indicator “% of primary school-aged children enrolled in primary education” UNHCR set the standard of 100% of primary school children enrolled in school.

The thresholds were defined as:

- **Acceptable Range:** ≥80%
- **Unacceptable Range:** 79 – 60%; **Critical Range:** ≤59%.

**Strategy Objective Graph**

Displays progress towards strategy objectives of the 3 protection strategies in relation to allocated budget for that objective. The graph mirrors the allocated budget for one strategy objective against the progress towards impact targets (white circles) or impact standards (purple circles). Each circle represents one strategy objective. The higher the circles are placed the higher the achievement of the target or standards. The further right the circles are placed the more budget is allocated to the relevant outputs of that strategy objective.
Exhibit 9
United Nations Treaty Bodies: References to Sexual Orientation, Gender Identity, Gender Expression and Sex characteristics

Annual Report 2018
Most of the SOGIESC-inclusive references made by CEDAW in 2018 included the term ‘women,’ and some of them also, ‘women and girls.’

Meanwhile, the term ‘women’ also refers to ‘lesbian’ or ‘lesbian and bisexual.’ For the term ‘intersex,’ the pairing was, in most cases, ‘persons’; but for ‘trans’ the Committee chose ‘women’ more frequently than ‘persons,’ even though problems in question were similarly relevant for all trans persons, or at least for both trans women and trans men.

Specific references to trans women were analysed in the sections above.

In situations involving LB women, only in Ethiopia, stand-alone references were made only in the List of Issues with regards to two problems; criminalisation of consensual same-sex sexual acts and ‘corrective rape.’ Hence, recommendations and other references made to same-sex couples are compatible with LB women issues compared to those of TI person.

Even though CEDAW consistently referred to LBT(I) women, it seems that disaggregated data and specificity of the situations for each of the groups within the acronym has hardly been reflected on or addressed by the Committee. At the same time, only some of the CSO reports submitted to CEDAW described specific experiences of lesbians, trans women, and especially bisexual women, with rare analysis of the specific situations of intersex women previously. As a result, most of the Committee’s recommendations were concerning in relation to LBT(I) women instead of their particular groups.

Such an approach is acceptable unless defenders themselves see the need for stand-alone recommendations on lesbians, intersex, bisexual or trans women. If this is the case, it could be advisable to collect disaggregated data, to submit shadow reports based on such data, and then ideally to travel to Geneva to explain clearly why and how the situation of the particular group is unique to the Committee.

Individual Communications

In 2018, CEDAW reviewed ten Individual Communications, including one concerning sexual orientation – A.S. v. Denmark. However, the case was declared inadmissible.

The author of the communication, A.S., a lesbian from Uganda, was denied asylum in Denmark. In her case, she mentioned concrete incidents of violence and abuse against her at a lesbian bar she worked at in Uganda, as well as the general situation of gay and lesbian persons in the country. CEDAW considered the case and decided that Denmark did not fail to give sufficient consideration to the author’s application for asylum and that there were no procedural defect or arbitrariness in the national authorities’ actions. In principle, this decision was not as surprising, because of the general approach of CEDAW on cases related to non-refoulement and asylum seekers.

At the same time, a new case was registered by CEDAW in 2018, namely [...] v. Sri Lanka (communication No. 134/2018, registered on 12 October 2018). The case concerns criminalisation of lesbian and bisexual women in Sri Lanka. The author claims that the State party violated articles 2, 5 and 16 of the CEDAW Convention.

Finally, in 2018, CEDAW adopted a new document explaining in more detail the Committee’s procedural rulesin
## Ethiopia

### Provisions in force


**Homosexual act**

<table>
<thead>
<tr>
<th>Article 629. Homosexual and other Indecent Acts.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment.</td>
</tr>
</tbody>
</table>

**Aggravation**

<table>
<thead>
<tr>
<th>Article 630(1). General Aggravation to the Crime</th>
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</thead>
<tbody>
<tr>
<td>The punishment shall be simple imprisonment for not less than one year, or, in grave cases, rigorous imprisonment not exceeding ten years, where the criminal:</td>
</tr>
<tr>
<td>(b) makes a profession of such activities within the meaning of the law (article 92).</td>
</tr>
</tbody>
</table>

### Human rights situation

According to Ethiopian human rights lawyer Abebe Hailu, no one has been charged or convicted under the new criminal provisions since they were introduced in 2004. This is because the criminal system is overloaded and there is little judicial appetite to prosecute homosexuality.¹

Nevertheless, the difficult legal and social situation of LGBT people in Ethiopia has been described in accounts given by individuals who have fled the country. For instance, a 2013 news report interviewed two individuals who explained that homosexuality is commonly viewed as a "Western disease."² Another news report in 2014 interviewed several gay men who have been harassed and attacked in public.³

A 2016 research report also featured interviews with LGBT individuals in the closet who dare not reveal their sexual identities due to fears of backlash and social ostracisation.⁴ There is no visible LGBT community, though there are some informal groups that have emerged online, particularly on social media.⁵

In 2011, Christian, Catholic and Muslim religious leaders demanded the cancellation of the International Conference on AIDS and STIs in Africa organised by African Men for Sexual Health and Rights (AMSHeR) on the basis that it violated the country’s conservative culture.⁶ In fact, there is a strong religious counter-movement to SOGI human rights claims, and representatives from different religious groups and political parties

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1. According to Article 106, simple imprisonment may extend for a period of from ten days to three years. However, the court may increase this to five years where, owing to the gravity of the crime, it is prescribed in the Special Part of this Code, or where there are concurrent crimes punishable with simple imprisonment, or where the criminal has been punished repeatedly.
gather annually to discuss prevalent issues, including the “gay problem”. A researcher also described a “crusade against homosexuals” by various religious institutions in December 2008 that culminated in a resolution that referred to homosexuality as the “pinnacle of immorality” and urged Parliament to ban homosexuality in the Constitution, establish rehabilitation centres to “treat” homosexuals and censor the internet to prevent exposure to “homosexuality and other unwanted cultures”.8

In 2014, the Council of Ministers had considered putting homosexuality on a list of “non-pardonable” offences under the Pardon and Amnesty Law, but stopped short of doing so.9 The legislative proposal was purportedly a result of the government’s attempt to emulate the anti-gay laws in Nigeria and Uganda.10 Nevertheless, a government spokesperson explained that the government decided against such an amendment because the existing penalties for homosexuality was sufficient, since it is “not a serious crime. [and] not as widespread as some people suggest”.

Statements by public officials

In 2008, the Patriarch of the Ethiopian Orthodox Church, Abuna Paulos, stated that gay people “have to be dumb, stupid like animals [to act in this manner]”, and “have to be given a lesson”.11

UN voting record

Ethiopia was not a member of the Human Rights Council between 2011 and 2016 and, therefore, did not vote in any of the SOGI resolutions. However, at the session of Third Committee of the UN General Assembly held in November 2016, Ethiopia voted against the LAC amendment to remove Operative Paragraph 2,12 and in favour of the African oral amendment to block the IE SOGI at the UNGA Plenary Session on 19 December 2016. Additionally, Ethiopia voted in favour of the amendment which tried to block financial resources allocated to the Independent Expert on SOGI.

International advocacy and supervision

Universal Periodic Review

At its 2nd cycle UPR in April 2014, Ethiopia ‘noted’ (did not accept) three recommendations from France, Portugal and Argentina to decriminalise same-sex sexual activity.13 Ethiopia made no responses to the decriminalisation issue in the UPR Interactive Dialogue or in its formal responses to recommendations in this regard.14 Ethiopia’s 3rd UPR session commences in May 2019.

Treaty Bodies

In 2011, the Human Rights Committee expressed concern about criminalisation of consensual same-sex acts and stated that its concerns were not allayed by the State’s claims that “the provision in question is not applied in practice”, or by its statement that “it is important to change mindsets before modifying the law in this regard”.15 It urged the State to take steps to decriminalise same-sex sexual acts between consenting adults and send a clear message that the State does not tolerate any form of violence based on sexual orientation.16

In 2012, the Committee on Economic, Social and Cultural Rights expressed concern that the State had not adopted an anti-discrimination bill, as well as the fact that the Penal Code criminalises consensual same-sex sexual acts. It urged the state to address both issues as well as take steps to combat and prevent discrimination and societal stigma against LGBT people.17

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12 Operative Paragraph 2 was an attempt by the Africa Group to defer consideration and action on HRC Resolution 32/2 under the pretext that further consultations were needed to determine the legal basis upon which the IE SOGI would operate on. For more information, see: Out Right, ISHR, ILGA and ARC International, “Defending the independent expert on protection against violence and discrimination based on sexual orientation and gender identity at the 71st Session of the United Nations General Assembly (2017), 4.
15 Consideration of reports submitted by States parties under article 40 of the Covenant - Concluding observations of the Human Rights Committee - Ethiopia, CCPR/C/ETH/CO/1, 19 August 2011, para. 12.
16 Consideration of reports submitted by States parties under article 40 of the Covenant - Concluding observations of the Human Rights Committee - Ethiopia, CCPR/C/ETH/CO/1, 19 August 2011, para. 12.
FREEDOM ON THE NET 2019

Ethiopia

28
/100

<table>
<thead>
<tr>
<th>Category</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Obstacles to Access</td>
<td>3/25</td>
</tr>
<tr>
<td>B. Limits on Content</td>
<td>12/35</td>
</tr>
<tr>
<td>C. Violations of User Rights</td>
<td>13/40</td>
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</tbody>
</table>

LAST YEAR’S SCORE & STATUS

17/100 Not Free

Scores are based on a scale of 0 (least free) to 100 (most free)
Overview

Ethiopia experienced a significant improvement in internet freedom during the coverage period, in large part due to changes implemented by the administration of newly appointed prime minister Abiy Ahmed. In June 2018, the government lifted a state of emergency and unblocked more than 260 websites. The localized network shutdowns that occurred during the second half of 2018 were significantly less severe than the nationwide network shutdowns and social media blocking of previous years. Harassment and arrests of users were also less common than in the past. However, some new concerns emerged as the government began drafting a law on hate speech.

Abiy was appointed in April 2018 following sustained antigovernment protests. Although he represents the incumbent Ethiopian People’s Revolutionary Democratic Front (EPRDF), which has ruled Ethiopia since 1991, he has pledged to reform the authoritarian state and rewrite its repressive electoral, terrorism, and media laws. Despite the promising changes to date, the country remains beset by political factionalism and intercommunal violence, abuses by security forces and violations of due process are still common, and many restrictive laws remain in force.

Key Developments, June 1, 2018 – May 31, 2019

- Local network shutdowns were imposed in August and September 2018 (see A3). However, these disruptions were less severe than the nationwide shutdowns of the past.
- On June 22, 2018, the government reported that it had unblocked 264 websites, including news sites known for their critical reporting (see B1).
- Online media diversity improved as new outlets appeared and some previously blocked diaspora-based media and opposition sites, such as Ethiopian Satellite Television (ESAT) and Oromia Media Network (OMN), returned to the market (see B7).
In a positive step in June, Prime Minster Abiy ended a state of emergency that had been imposed in February to quell escalating antigovernment protests. The measure had included restrictions on certain online activities, banning the circulation of “any information that could cause disturbance or suspicion” (see C1).

The government was drafting a hate speech law during the coverage period that would reportedly penalize the publication of false information and carry a jail term and fines for individuals who disseminate hate speech (see C2).

The Committee to Protect Journalists reported that 2018 was the first year since 2004 in which Ethiopian authorities did not imprison a journalist (see C3). Some reporters for online outlets were briefly detained or assaulted during the coverage period, but conditions were generally less repressive than in the past (see C7).

### A. Obstacles to Access

*Internet access expanded slightly but remained poor during the coverage period. While local network shutdowns were reported, this represented an improvement from past years, in which the government frequently instituted nationwide shutdowns and social media blocking. Efforts to privatize the state-owned telecommunications monopoly Ethio Telecom and open the information and communication technology (ICT) market to competition were under way.*

**A1 0-6 pts**

| Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? | 1/6 |

Despite marginal gains in access, Ethiopia remains one of the least connected countries in the world, with an internet penetration rate of only 18.62 percent in 2017, compared with 15.36 percent in 2016, according to the latest data from the International Telecommunication Union. Although Ethio Telecom became the largest mobile provider in Africa in 2017, the reality in the country varies significantly from the official data regarding infrastructure and mobile penetration.
Public internet access is reportedly becoming more common. In major cities such as Addis Ababa, Bahir Dar, Mekele, Adama, Hawasa, and Dire Dawa, internet service and Wi-Fi are freely available in public places such as hotels, regional universities, phone shops, and internet cafés. 3

However, telecommunications infrastructure is almost entirely absent from rural areas, where more than 80 percent of the population resides. 4 A handful of signal stations serve the entire country, resulting in network congestion and frequent disconnections. 5 In smaller towns, users often hike to the top of the nearest hill to receive a stronger signal for their mobile devices.

The country has improved its internet speeds but still fares poorly in global rankings. In May 2019, Ethiopia was ranked 100 and 123 in Ookla’s SpeedTest global index for mobile data and fixed-line broadband, respectively. 6 Ethiopia’s average mobile data download and upload speeds increased during the coverage period compared with a speed test conducted in Addis Ababa in May 2018, which found an average connection speed of 6.28 Mbps for downloading and 0.21 Mbps for uploading, with a 150-millisecond latency. Such slow speeds make it difficult to download even simple images. A test conducted by a Freedom House researcher in 2016 found that logging into an email account and opening a single message could take several minutes at a standard cybercafé with broadband in Addis Ababa, and even longer in rural areas. 7 This finding remains largely unchanged.

**A2 0-3 pts**

| Is access to the internet prohibitively expensive or beyond the reach of certain segments of the population for geographical, social, or other reasons? | 0/3 |

The average advertised package for unlimited mobile internet service in Ethiopia costs 4,900 birr ($170) per month, 8 which is prohibitively expensive for most Ethiopians. 9 The price is kept artificially high due to state-owned Ethio Telecom’s monopoly. 10 Ethiopians can spend an average of $100 per month for more limited mobile or fixed-line internet access. Better-quality services in neighboring Kenya and Uganda cost less than $30 a month. In June 2018, Prime Minister Abiy’s government
announced plans to privatize Ethio Telecom and open up the country’s telecommunications market to other players (see A4).  

In August 2018, Ethio Telecom introduced a new price package, stating that it had reduced rates by 43 percent for mobile internet service, 40 percent for voice calls, 43 percent for text messaging, and 54 percent for fixed-line broadband internet connections. Ethio Telecom now advertises a 25 MB data plan for 3 birr ($0.11) a day, a reduction from the 7 birr reported during the last coverage period. However, the 25 MB daily package is still extremely limited considering that a standard Google search uses up to 79 KB of data. Regularly loading websites containing 1 GB of multimedia content could cost $9 a day.

Telecommunications devices, connection fees, and other related costs are also beyond the means of many Ethiopians. As a result, Ethiopia has among the lowest smartphone ownership rates in the world, at only 4 percent according to a 2016 Pew Research Center survey.

Many Ethiopians rely on cybercafés, universities, and government offices for internet access. In rural areas and small towns, cybercafés are reportedly the most common means of accessing the internet. Cybercafé rates range from 7 to 10 birr ($0.25 to $0.35) for an hour of access. Rates in rural cybercafés tend to be higher. There have been some efforts to address the urban-rural divide and a gender gap in internet usage, such as Ethio Telecom’s plan to distribute free mobile phones to rural women. The impact of such efforts is unclear.

Digital literacy rates are generally low. Frequent power outages are common, even in the capital Addis Ababa, making internet service unreliable.

**A3 0-6 pts**

<table>
<thead>
<tr>
<th>Does the government exercise technical or legal control over internet infrastructure for the purposes of restricting connectivity?</th>
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Although the government interfered with internet access in Ethiopia during the coverage period, the disruptions were not as severe as in the past. The government
has justified internet shutdowns, which sometimes occurred in the context of political rallies, by citing the need to maintain security and public order. In a positive change, most network connectivity in the country was restored after Prime Minister Abiy took office in April 2018, though localized shutdowns were reported in August and September 2018.

Fixed-line and mobile internet services were shut down from August 4 to August 26 in the eastern Somali region, where federal troops were engaged in clashes with local authorities. Mobile internet access was separately shut down from September 17 to September 19 in Addis Ababa following protests and an outbreak of ethnic violence. At least 23 people were killed in that unrest, with some estimates exceeding 50.

Until April 2018, internet and mobile phone service shutdowns were commonly imposed in response to large-scale demonstrations that began in late 2015—triggered by a government plan to appropriate land from the Oromia region for an expansion of the capital—and later spread to other regions and ethnic groups. For example, after student protests led to violent clashes in December 2017, the government imposed a blanket internet shutdown on all regional states, leaving haphazard access available only in Addis Ababa. Mobile internet services were then shut down nationwide for several days following the resignation of Prime Minister Hailemariam Desalegn in February 2018, as the country was placed under a state of emergency. Oromia experienced another unexplained internet blackout for over two weeks in March 2018.

The process and legal underpinnings for shutdowns were not clear, though officials claimed that they were necessary to prevent ethnic violence and curb the spread of false news and hate speech. In second half of 2018 and the first half of 2019, it became less common for shutdowns to be linked to political rallies and public assemblies.

In June 2019, after the coverage period, one shutdown was imposed during national high school exams in a bid to prevent cheating, and another was implemented following an alleged coup attempt. Several social media platforms, including WhatsApp, Telegram, and Facebook, were blocked intermittently that month.
The Ethiopian government’s monopolistic control over the country’s telecommunications infrastructure via Ethio Telecom enables it to restrict information flows and access to internet and mobile phone services. As a landlocked country, Ethiopia has no direct access to submarine cable landing stations; instead it connects to the international internet via satellite, a fiber-optic cable that passes through Sudan and connects to its international gateway, and another that passes through Djibouti to an international undersea cable. All connections to the international internet are completely centralized under Ethio Telecom, allowing the government to cut off traffic at will.

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers?

The space for independent initiatives in the ICT sector, entrepreneurial or otherwise, is extremely limited, with Ethio Telecom holding a firm monopoly on internet and mobile phone services. In June 2018, Prime Minister Abiy’s government announced plans to privatize Ethio Telecom and open up the country’s market to other players. This process was still under way at the end of the coverage period. It had previously been reported in May 2018 that Ethio Telecom would subcontract a local private company to sell fixed-line internet services.

China is a key investor in Ethiopia’s telecommunications industry. Two major Chinese firms, ZTE and Huawei, were involved in upgrading Addis Ababa’s mobile broadband networks to fourth-generation (4G) technology and expanding 3G networks elsewhere. The partnership has enabled the Ethiopian state to maintain its hold over the telecoms sector, though the networks built by the Chinese firms have been criticized for their high cost and poor service. In May 2018, Beijing-based telecommunications company Hengbao was contracted to supply SIM cards for Ethio Telecom. These relationships have led to growing fears that Chinese entities may also be assisting the authorities in developing more robust ICT censorship and surveillance capacities (see C5).
Despite some movement toward reform, onerous government regulations are still in place and stymie other aspects of the Ethiopian ICT market. For example, imported ICT items are tariffed at the same high rate as luxury items, unlike other imported goods such as construction materials and heavy-duty machinery, which are given duty-free import privileges to encourage investments in infrastructure. Ethiopians are required to register their laptops and tablet computers with the Ethiopian customs authority before they travel out of the country, ostensibly to prevent individuals from illegally importing electronic devices, though observers believe the requirement enables officials to monitor citizens’ ICT activities by accessing the devices without consent.

Local software companies also suffer from heavy-handed government regulations, which do not provide fair or transparent ways of evaluating and awarding bids for new projects. Government companies are given priority for every kind of project, while smaller entrepreneurial software companies are completely overlooked, leaving few opportunities for local technology firms to thrive.

Cybercafés are subject to burdensome operating requirements under the Telecom Fraud Offences Proclamation of 2012, which prohibits them from providing Voice over Internet Protocol (VoIP) services and mandates that owners obtain a license from Ethio Telecom through an opaque process that can take months. Violations of the requirements entail criminal liability, though no cases have been reported.
A 5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a free, fair, and independent manner?

0/4

In February 2019 the government introduced a new proclamation establishing the Ethiopian Communications Regulatory Authority (ECRA) as the primary regulatory body overseeing the telecommunications sector. According to the draft proclamation, which was submitted to the parliament, the authority, which had yet to be established at the end of the coverage period, would have complete control over telecoms policy and sectoral regulation. ECRA will report to the prime minister, who will have some authority over the body, as he or she will appoint members to its board of directors and select its chair. In the past, the Ethiopian Telecommunications Agency was the primary regulatory body overseeing the telecommunications sector. The Information Network Security Agency (INSA), a government agency that has de facto authority over the internet with a mandate to protect the communications infrastructure and prevent cybercrime, has been placed under a new Ministry of Peace created by Abiy’s administration.

B. Limits on Content

More than 260 websites were unblocked in June 2018, reflecting the new government’s increased openness to critical voices and independent news. Online media diversity improved as new outlets appeared and some previously blocked diaspora-based media and opposition sites returned to the market.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content?

3/6

On June 22, 2018, the Ethiopian government reported that it had unblocked 264 websites, which was verified by the Open Observatory of Network Interference (OONI). The sites that became accessible included those of the US-based diaspora
satellite television stations ESAT and OMN. Ayyantuu.net and Opride.com, prominent websites also known for their reporting on the country’s protests, became accessible as well.

With the exception of a few sites that were blocked during the most recent ethnic violence, a manual test conducted in April 2019 by local researchers found that a large number of websites tested by Freedom House each year since 2012 remained unblocked, though several had not been updated for years and appeared abandoned. Three websites that were allegedly run by members of the previous government—Aiga Forum, Tigray Online, and Tigraisolidarity.org—were reportedly blocked in September 2018, but they were accessible during the test. The websites of international digital rights organizations, including the Electronic Frontier Foundation and Tactical Technology Collective, and select tools such as messaging applications and services on Google’s Android mobile operating system, which were inaccessible at irregular intervals during 2018, were all accessible during the 2019 test. Social media and communications platforms were available throughout the coverage period, except for those affected by the local network shutdowns in August and September 2018 (see A3).

Despite the recent improvements, Ethiopia still has a nationwide internet blocking and filtering system that can be redeployed at any time for political reasons. To filter the internet, specific internet protocol (IP) addresses or domain names are generally blocked at the level of the Ethio Telecom–controlled international gateway. Deep-packet inspection (DPI) is also employed, enabling blocking based on a keyword in the content of a website or of a communication such as an email message.

These capabilities were demonstrated in several cases after the coverage period. Facebook, WhatsApp, and Telegram were obstructed in June 2019, and the African Arguments website was apparently blocked as of early August.

In June 2019, when a Chicago-based LGBT+ tour company announced its plan to offer a trip to Ethiopia, it received online death threats, and its website was reportedly blocked temporarily in Ethiopia.
Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content?

| 2/4 |

There were no reported cases of forced content removal by authorities during the coverage period, though nonstate actors such as organized youth groups began to coerce bloggers and other users to remove objectionable content, usually by way of threats. In the past, politically unfavorable content was often targeted for removal by security officials, who personally sought out users and bloggers and instructed them to take down the material in question.

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process?

| 0/4 |

There are no procedures for determining which websites are blocked or why, precluding any avenues for appeal. The authorities do not publish lists of blocked websites or criteria for how blocking decisions are made, and users receive a generic error message when trying to access blocked content. The decision-making process does not appear to be controlled by a single entity, as various government bodies—including INSA, Ethio Telecom, and the Ministry of Innovation and Technology—seem to maintain their own lists, contributing to a phenomenon of inconsistent blocking. The lack of transparency is exacerbated by the government’s typical refusal to admit its censorship efforts. Government officials have flatly denied the blocking of websites or jamming of international satellite operations while also stating that the government has a legal and a moral responsibility to protect the Ethiopian public from extremist content.

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship?

| 1/4 |
Media freedom and freedom of expression in Ethiopia were better respected during the coverage period than they had been in decades, but serious problems persist.

The government of Prime Minister Abiy eased state restrictions on the media, and citizens flocked to social media to participate in conversations about their country’s potential transition from authoritarianism and to hold the new government accountable for promised reforms. However, fear of reprisals by nonstate actors continued to encourage self-censorship (see C7). While most bloggers and journalists who were released from prison returned to their professional activity, they began to report concerns again in September 2018 and April 2019 as rising ethnic tensions led to violence and displacement.

Self-censorship remains common in the LGBT+ community. Same-sex sexual activity is a criminal offense in Ethiopia, deterring open discussion of related topics. Although there are various Ethiopian LGBT+ groups on Facebook, most are run by anonymous accounts.

**B5** 0-4 pts

| Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest? | 1/4 |

Despite Ethiopia’s low levels of internet access, the former government was known to employ an army of online trolls to distort the information landscape. Opposition groups, journalists, and dissidents used the contemptuous Amharic colloquial term “Kokas” to describe the progovernment commentators. Observers say the Kokas regularly discussed Ethiopia’s economic growth in favorable terms and posted negative comments about Ethiopian journalists and opposition groups on Facebook and Twitter. In return, they were known to receive benefits such as money, land, and employment promotions. It is uncertain whether the new government has continued using the same online manipulation tactics, but supporters of the old government have accused the new government of doing so. They scornfully refer to supporters of the new regime as “Tekas.”
Some powerful nonstate actors also command large numbers of followers and trolls, especially on Facebook. There have been reports that online trolls pose as members of different ethnic groups to incite tensions between them.

Meanwhile, the spread of unconfirmed information, the phenomenon of false news, and the growing problem of hate speech in the context of ethnic clashes have had a major negative effect on the credibility of legitimate online information. For example, there was a flood of rumors on social media about the power struggle within the EPRDF coalition in the months before the appointment of Abiy as prime minister in April 2018.

**B6 0-3 pts**

<table>
<thead>
<tr>
<th>Are there economic or regulatory constraints that negatively affect users’ ability to publish content online?</th>
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<td>1/3</td>
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Lack of adequate funding is a significant challenge for independent online media in Ethiopia, as fear of government pressure dissuades local businesses from advertising with politically critical websites. A 2012 Advertising Proclamation also prohibits advertisements from firms “whose capital is shared by foreign nationals.” The process for launching a website on the country’s .et domain is expensive and demanding, requiring a business license from the Ministry of Trade and Industry and a permit from an authorized body.

**B7 0-4 pts**

<table>
<thead>
<tr>
<th>Does the online information landscape lack diversity?</th>
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<td>2/4</td>
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</table>

Various constraints impede the development of diverse media outlets and perspectives online. The media environment often leans toward the government. While domestic usage of social media platforms, particularly Facebook, Twitter, and Instagram, has been expanding and slowly replacing the nascent Ethiopian blogosphere, the content often suffers from misinformation and polarization.
The media landscape has benefited from Prime Minister Abiy’s initial reforms. In addition to restored access for diaspora-based media and opposition outlets such as ESAT and OMN, a number of new online media outlets have appeared on the market.

Ethiopian online media lack diversity in some sensitive areas, such as coverage of LGBT+ issues.

**B8** 0-6 pts

| Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on political and social issues? |
|---|---|
| 2/6 |

Despite hostile conditions caused by poor internet access and repressive laws, online activism has gained considerable momentum and influence over the past few years. Notably, social media and communications platforms have been integral to the mobilization of widespread antigovernment protests in the Oromia and Amhara regions since November 2015, enabling activists to post information about the demonstrations and disseminate news about police brutality as the government cracked down on protesters. Activists have also used social media platforms to consistently report on the arrests, trials, and releases of political prisoners.

In past coverage periods, the government routinely shut down networks and blocked social media in order to hinder mobilization efforts. While this did not take place on a large scale during the coverage period, the localized shutdowns in August and September 2018 were intended to disrupt public mobilization in the affected areas (see A3).

Since 2014 activists have employed social media to raise awareness about gender-based violence. In November 2018, activists created a hashtag and used Facebook for a 16-day campaign against such violence.

### C. Violations of User Rights
Prime Minister Abiy, who took office in April 2018, ended a state of emergency in June 2018, four months after it was imposed. A few bloggers were arrested for short periods during the state of emergency, but conditions for online freedom of expression subsequently improved.

C1 0-6 pts

<table>
<thead>
<tr>
<th>Do the constitution or other laws fail to protect rights such as freedom of expression, access to information, and press freedom, including on the internet, and are they enforced by a judiciary that lacks independence?</th>
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</table>

The law formally guarantees fundamental freedoms for Ethiopian internet users, but these rights have been routinely flouted in practice. The 1995 constitution provides for freedom of expression, freedom of the press, and access to information, while also prohibiting censorship. The 2008 Freedom of Mass Media and Access to Information Proclamation, known as the press law, affirms such constitutional safeguards. Nevertheless, the same law includes problematic provisions that restrict free expression, such as complex registration processes for media outlets and high fines for defamation. The criminal code penalizes defamation with a fine or up to one year in prison. These laws remained on the books under the new prime minister, though he promised to revise the press law. A new media bill was reportedly in draft form after the end of the coverage period.

To quell antigovernment protests that forced the resignation of Prime Minister Hailemariam Desalegn, the government imposed a six-month state of emergency in February 2018 that included restrictions on certain online activities, including a ban on the circulation of “any information that could cause disturbance or suspicion.” As with a previous state of emergency imposed from October 2016 to August 2017, the authorities also criminalized accessing or posting content related to the protests on social media, and any efforts to communicate with “terrorist” groups, a category that included exiled dissidents. Emergency rule undermined other fundamental rights, for example by prohibiting unauthorized protests and allowing security forces to arbitrarily arrest and detain citizens without charge. In a positive step, Prime Minister
Abiy, who took office in April 2018, ended the state of emergency in June, two months early. 64

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities?

Several laws designed to restrict and penalize legitimate online activities remain in place. The 2012 Telecom Fraud Offences Proclamation, for example, extends the violations and penalties defined in the 2009 Anti-Terrorism Proclamation and the criminal code to electronic communications, including both mobile phone and internet services. 65 The antiterrorism legislation prescribes prison sentences of up to 20 years for the publication of statements that can be understood as a direct or indirect encouragement of terrorism, which is itself vaguely defined. 66 The law also bans VoIP services such as Skype, 67 and requires all individuals to register their telecommunications equipment—including smartphones—with the government. Security officials typically enforce that rule at checkpoints by confiscating ICT equipment if the owner cannot produce a registration permit, according to sources in the country.

The 2016 Computer Crime Proclamation further criminalized an array of online activities. 68 Civil society activists expressed concern that the law would be used to intensify a crackdown on critical commentary, political opposition, and public protest. 69 For example, content that “incites fear, violence, chaos, or conflict among people” can be punished with up to three years in prison. 70 Other problematic provisions ban the dissemination of defamatory content, which can be penalized with up to 10 years in prison, 71 and the distribution of unsolicited messages to multiple email addresses (spam), which carries up to five years in prison. 72

More recently, officials including Prime Minister Abiy have started to express alarm about the potential for social media, particularly Facebook, to spread false news and exacerbate ongoing political tensions and ethnic violence. 73 In November 2018 the government began drafting a hate speech law that could place restrictions on social
media posts. The draft reportedly penalizes the publication of false information and imposes jail terms and fines for the dissemination of hate speech.

**C3 0-6 pts**

| Are individuals penalized for online activities? | 4/6 |

The Committee to Protect Journalists reported that 2018 was the first year since 2004 in which Ethiopian authorities did not imprison a journalist. In February 2019, Fasil Aragay of Mereja TV, an online news channel, and one of his colleagues were briefly detained by police—and then assaulted by a mob—while on duty in a suburb of Addis Ababa.

After many years in which the authorities arrested antigovernment protesters and handed down long prison sentences to critical bloggers and journalists, the government stunned observers in January and February 2018 by releasing thousands of political prisoners, including blogger Eskinder Nega, who had been serving an 18-year sentence since 2012. Bloggers who had been convicted on terrorism charges—Zelalem Workagegnehu, Yonatan Wolde, and Bahiru Degu, among others—were also eventually released, and outstanding charges against members of the critical Zone 9 blogging collective were dropped.

Despite these signs of progress, authorities made new arrests under the state of emergency imposed in February 2018. In March, police arrested Seyoum Teshome, a well-known academic and blogger, for criticizing the state of emergency online. He was released in April without charges. Separately, several bloggers and journalists were arrested on March 26 while at a social gathering, which were prohibited without prior authorization under the state of emergency. Those arrested included recently released Eskinger Nega, though they were all released after twelve days in prison.

**C4 0-4 pts**

| Does the government place restrictions on anonymous communication or encryption? | 2/4 |
Anonymous communication is compromised by strict SIM card registration requirements. Upon purchase of a SIM card through EthioTelecom or an authorized reseller, individuals must provide their full name, address, government-issued identification number, and a passport-sized photograph. EthioTelecom’s database of SIM registrants enables the government to terminate individuals’ SIM cards and restrict them from registering for new ones. Internet subscribers are also required to register their personal details, including their home address, with the government.

During the antigovernment protests in 2016, state-owned ICT provider EthioTelecom announced plans to require mobile phones to be purchased from Ethiopian companies and to create a tracking system for all mobile devices in Ethiopia. Observers believe the plan aims to allow the government to track and identify all communications from subscribers on its network. 83

There are no explicit restrictions on encryption, though police officers or members of the security services may assume malign intent on the part of someone who uses encryption.

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy?

1/6

Government surveillance of online and mobile phone communications has been pervasive in Ethiopia, and the relevant laws and practices have not been reformed since the new prime minister took office in April 2018. During the coverage period, several activists reported that their phone communications were under surveillance.

The 2016 Computer Crime Proclamation strengthened the government’s surveillance powers, enabling real-time monitoring or interception of communications when authorized by the justice minister. The law also obliges service providers to store records of all communications and metadata for at least a year. 84

Ethiopia’s telecommunications and surveillance infrastructure has been developed in part through investments from Chinese companies with backing from the Chinese
government, creating strong suspicions that the Ethiopian government has implemented highly intrusive surveillance practices modeled on the Chinese system. These suspicions were reinforced in January 2018, when African Union officials accused China of hacking into its headquarters’ servers and secretly transferring data to servers in Shanghai over the course of five years, from 2012 to 2017. 85 The state-owned China State Construction Engineering Corporation had built the African Union headquarters in Addis Ababa and connected the building’s telecommunications infrastructure through Ethio Telecom.

A 2015 Human Rights Watch report revealed strong indications that the Ethiopian government had deployed a centralized system developed by the Chinese telecommunications firm ZTE to monitor mobile phone networks and the internet. 86 Known for its use by repressive regimes in Libya and Iran, the monitoring system facilitates DPI across the Ethio Telecom network and has the ability to intercept emails and web chats.

Another ZTE technology, known as ZSmart, is a customer management database installed at Ethio Telecom that provides the government with full access to user information and the ability to intercept SMS text messages and record phone conversations. 87 ZSmart also allows security officials to locate targeted individuals through real-time geolocation tracking of mobile phones. 88 While the extent to which the government has made use of the full range of ZTE’s sophisticated surveillance systems is unclear, the authorities frequently present intercepted emails and phone calls as evidence during trials of journalists and bloggers, or as a scare tactic during interrogations. 89

Meanwhile, exiled dissidents have been frequent targets of surveillance-enabling malicious software, or spyware, over the years. In February 2018, Citizen Lab published research detailing how spyware from an Israeli company had been used against Jawar Mohammed, the exiled executive director of the diaspora-run news outlet OMN, which had been banned by the former Ethiopian government for allegedly inciting violence and promoting terrorism. 90

Previous Citizen Lab research published in 2015 found that Remote Control System (RCS) spyware had been used against employees of ESAT, also a diaspora-run media
outlet based in the United States, in 2014. RCS, a product of the Italian company Hacking Team, had been advertised as “offensive technology” sold to law enforcement and intelligence agencies around the world, with the ability to monitor user activity and steal data. While Hacking Team denied that it dealt with “repressive regimes,” analysis of the RCS attacks uncovered credible links to the Ethiopian government, with the spyware’s servers registered at an Ethio Telecom address under the name “INSA-PC,” an apparent reference to INSA, the government’s communications security agency.

In a positive step, Prime Minister Abiy—who is regarded as one of the founders of INSA—forced the resignations of agency officials who were accused of monitoring and hacking activists, leading to some optimism that INSA may become less abusive regarding its surveillance powers.

**C6** 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring the communications of their users?

1/6

The Computer Crime Proclamation requires service providers to store records of all communications and related data for at least a year, and this information must be shared with the government if requested.

The lack of separation between state-owned Ethio Telecom and the government raises significant concerns about the company’s degree of cooperation with the government.

**C7** 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other actor in retribution for their online activities?

3/5

Harassment of and violence toward users still occur, though at lower levels than in the past. Prime Minister Abiy fired the head of Ethiopia’s prison service and other top
officials in July 2018 based on allegations of systemic torture within the prison system. 96

However, Dawit Wassihun Kassa, a journalist for the online news outlet Akiya Media, reported that he was assaulted in Ethiopia’s Southern Region in May 2019 while on assignment. He alleged that police officers were among those who assaulted and harassed him, and that the perpetrators accused him of spying. 97

Also in May, activist Eskinder Nega, who has maintained a provocative presence on Twitter since his release from prison, received a threat from someone who pledged to physically attack him unless he ceased his online activities. 98

Under the former government, security agents frequently harassed and intimidated bloggers, online journalists, and ordinary users. Independent bloggers were often summoned by the authorities, who warned them against discussing certain topics online, while activists reported that they were regularly threatened by state security agents. 99 Ethiopian journalists in the diaspora were also targeted for harassment. 100

Amid escalating antigovernment protests in 2017 and early 2018, the authorities reportedly harassed, detained, and abused several people who used their digital devices to record video of demonstrations. Political prisoners, many of whom were jailed for their online writings, have been subjected to grave human rights abuses, including torture, while in detention. 101 Imprisoned bloggers reported being held in degrading conditions and tortured to extract false confessions. 102

**C8 0-3 pts**

<table>
<thead>
<tr>
<th>Are websites, governmental and private entities, service providers, or individual users subject to widespread hacking and other forms of cyberattack?</th>
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Daniel Berhane, an ardent supporter of the previous government who runs a news and opinion website, accused the new government of hacking his Facebook page in
early 2019. According to local sources, his account was hacked, and some of his details were leaked. He subsequently regained control of the page.

Opposition critics and independent voices have faced frequent technical attacks over the years, even when based abroad. In February 2018, Citizen Lab published research detailing how spyware had been used to target Jawar Mohammed, the exiled executive director of OMN, throughout 2016 and 2017 (see C5).103

Footnotes

2 https://www.africanews.com/2017/11/16/ethiopia-telecoms-monopoly-now-af...
3 https://www.wiman.me/ethiopia
5 Endalk Chala, “When blogging is held hostage of Ethiopia’s telecom policy,” Global Voices, February 3, 2015, https://summit2015.globalvoices.org/2015/02/gv-advocacy-awards-essays-o...
Country Facts

Global Freedom Score
24/100 Not Free

Internet Freedom Score
28/100 Not Free

Freedom in the World Status
Not Free

Networks Restricted
Yes

Social Media Blocked
Yes

Websites Blocked
Yes

Pro-government Commentators
Yes

Users Arrested
No

In Other Reports
Freedom in the World 2019

Other Years

2018

Be the first to know what’s happening.

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Exhibit 12
Ethiopia | Freedom House

FREEDOM ON THE NET 2018

Ethiopia

NOT FREE

A. Obstacles to Access

B. Limits on Content

C. Violations of User Rights

Not Free

Scores are based on a scale of 0 (least free) to 100 (most free)

LAST YEAR’S SCORE & STATUS

14/100 Not Free

https://freedomhouse.org/country/ethiopia/freedom-net/2018
Key Developments, May 31, 2017 - June 1, 2018

- Internet access improved slightly though remained low during the coverage period (see Availability and Ease of Access).
- The government under former Prime Minister Hailemariam Desalegn responded to ongoing antigovernment protests with frequent internet shutdowns and blocks on social media, though access was restored in April 2018 under the new prime minister (see Restrictions on Connectivity).
- A few blocked websites became accessible in May 2018, while hundreds more were unblocked in June, reflecting the new government's openness to critical voices and independent news (see Blocking and Filtering).
- Online self-censorship decreased palpably as citizens flocked to social media to participate in their country's transition from authoritarianism (see Media, Diversity, and Manipulation).
- Following the resignation of Prime Minister Desalegn, the authorities imposed a six-month state of emergency that placed restrictions on certain online activities to quell antigovernment unrest (see Legal Environment).
- In a positive step, the ruling EPRDF party released hundreds of political prisoners, including imprisoned bloggers, before his resignation—a trend that new Prime Minister Abiy Ahmed continued. A few bloggers were arrested for short periods during the state of emergency (see Prosecutions and Arrests for Online Activities).

Introduction

Internet freedom in Ethiopia remained highly restricted during the coverage period but saw incremental improvements following the resignation of former Prime Minister Hailemariam Desalegn in February 2018 and the appointment of Abiy Ahmed to the seat in April. Positive developments were observed in growing access to the
internet and censored content, decreasing online self-censorship, and the release of imprisoned bloggers.

Antigovernment discontent and unrest has engulfed Ethiopia since 2015, when large-scale protests first erupted against the government’s plan to infringe on land belonging to the marginalized Oromo people. The protest movement spread through the country and evolved in 2016-2017 into unprecedented demonstrations seeking regime change and democratic reform. To suppress the unrest, the authoritarian government under Prime Minster Desalegn deployed heavy-handed tactics, including violently arresting protesters, silencing bloggers, enacting repressive laws, and censoring the internet, among other tactics. Popular social media platforms such as Facebook and Twitter used by citizens to mobilize were frequently blocked, when the entire internet was not taken offline altogether.

The unrest reached a tipping point in early 2018 following a burst of renewed antigovernment protests in November 2017. In January and February, the ruling Ethiopian People’s Revolutionary Democratic Front (EPRDF) stunned observers by releasing thousands of political prisoners, including blogger Eskinder Nega, who had been serving an 18-year sentence since 2012. Imprisoned bloggers convicted on terrorism charges were also eventually released, while outstanding charges against the critical Zone 9 bloggers were dropped.

In another surprise move, Prime Minister Desalegn announced his resignation in February, leading to the appointment of Abiy Ahmed in April. In the interim, the authorities imposed a six-month state of emergency, which included restrictions on certain online activities, including banning the circulation of “any information that could cause disturbance or suspicion.” Mobile internet services were shut down nationwide for several days following Desalegn’s resignation in February.

Since his appointment in April, new Prime Minister Abiy Ahmed has projected the image of a reformer, easing restrictions on the media and promising democratic reforms in his inaugural address. Under his short tenure, the internet has become more accessible, as networks were less disrupted and content became less censored. Citizens have flocked to social media to participate in conversations about their country’s transition from authoritarianism and to hold the new government
accountable to promised reforms, resulting in a palpable decline in self-censorship online and off.

While Ethiopian citizens have become optimistic about the direction their country is heading, repressive laws that have enabled authoritarianism remain on the books, including laws designed to constrain freedom of expression and enable unchecked surveillance.

A. Obstacles to Access

Internet access improved slightly though remained low during the coverage period, while the government responded to ongoing antigovernment protests with frequent internet shutdowns throughout the coverage period. Access was restored in April 2018 under the new prime minister, whose government has also announced intentions to liberalize the telecommunications sector.

Availability and Ease of Access

Ethiopia is one of the least connected countries in the world with an internet penetration rate of only 15 percent, compared to 3 percent in 2015, according to the latest data from the International Telecommunications Union (ITU). The uptake of mobile phones in Ethiopia has been the primary driver of incremental growth in internet access, according to a January 2018 report produced by “We Are Social” and Hootsuite. Accordingly, mobile phone penetration has grown rapidly, up from 51 percent in 2016 to 60 percent in 2017, though further growth may be hampered by the government-owned telecom’s efforts to disconnect at least 2.7 million “illicit” mobile phones beginning in September 2017.

Ethiopia’s low penetration rates stem from underdeveloped telecommunications infrastructure, which is almost entirely absent from rural areas, where about 85 percent of the population resides. A handful of signal stations service the entire country, resulting in network congestion and frequent disconnection. In a typical small town, individuals often hike to the top of the nearest hill to find a mobile phone signal.
Nonetheless, connection speeds have been improving, particularly in urban areas, though it remains painstakingly slow in rural areas. A speed test conducted in Addis Ababa in May 2018 found an average connection speed of 6.28 Mbps for downloading and 0.21 Mbps for uploading with a 150 millisecond latency. By contrast, average global download speeds as of July 2018 were 22.81 Mbps. Such slow speeds result in sluggish download times, even of simple images. Logging into an email account and opening a single message can take several minutes at a standard cybercafé with broadband in Addis Ababa, and even longer in rural areas.

Access to ICT services remains prohibitively expensive for most Ethiopians, largely due to the government’s monopoly over the telecoms sector, which provides consumers with few options. Prices are set by state-controlled EthioTelecom and kept artificially high. In a positive step, reforms under new Prime Minister Abiy Ahmed include intentions announced in June 2018 to privatize EthioTelecom and open up the country’s telecoms market to other players.

Mobile internet prices increased slightly in the past year, from ETB 5 to ETB 7 (USD $0.25) per day for 25 MB of data or from ETB 3,000 to nearly ETB 4,000 (USD $140) per month for 30 GB. Nonetheless, the lower cost of the daily 25 MB package is extremely limited considering a standard Google search uses up to 79 KB alone. Regularly loading websites containing 1 GB of multimedia content could cost USD $9 a day. Ethiopians can spend an average of USD $100 per month for limited mobile or fixed wireless internet access. Better quality services in neighboring Kenya and Uganda cost less than USD $30 a month.

Telecommunications devices, connection fees, and other related costs are also beyond the means of many Ethiopians. As a result, Ethiopia has among the lowest smartphone ownership rates in the world at only 4 percent according to a 2016 Pew survey.

Most Ethiopians still rely on cybercafés, universities, and government offices for internet access. Cybercafé access costs ETB 7-10 (USD $0.30-0.35) for an hour of access. However, since internet cafés are not as accessible outside urban areas, rates in rural cybercafés are higher. In addition, digital literacy rates are generally low.
Frequent power outages are common, even in the capital Addis Ababa, making internet service unreliable.

**Restrictions on Connectivity**

Internet shutdowns were a frequent occurrence in Ethiopia throughout 2017 and 2018, as the government continued to disrupt network connectivity to stifle antigovernment protests and online criticism.

The Ethiopian government’s monopolistic control over the country’s telecommunications infrastructure via EthioTelecom enables it to restrict information flows and access to internet and mobile phone services. As a landlocked country, Ethiopia has no direct access to submarine cable landing stations; thus, it connects to the international internet via satellite, a fiber-optic cable that passes through Sudan and connects to its international gateway, and the SEACOM cable that connects through Djibouti to an international undersea cable. All connections to the international internet are completely centralized via EthioTelecom, enabling the government to cut off the internet at will.

Network shutdowns have been common since November 2015, when large-scale demonstrations began against the government’s plan to appropriate land from the Oromia region of the country. The antigovernment protest movement remained ongoing through 2017, with shutdowns affecting the Amhara and Oromia regions most heavily. In response to violent clashes during student protests in December 2017, the government imposed a blanket internet shutdown on all regional states, leaving haphazard access available only in the capital city, Addis Ababa. Mobile internet services were then shut down nationwide for several days following the resignation of Prime Minister Hailemariam Desalegn in February 2018, coinciding with the country being placed under a state of emergency. Oromia state experienced another unexplained internet blackout for over two weeks in March 2018.

In a positive step, most network connectivity returned to the country in April 2018 when the new Prime Minister Abiy Ahmed began instituting reforms, though network shutdowns were reported in August 2018 in the country’s eastern region during a conflict between federal troops and regional leaders.
ICT Market

The space for independent initiatives in the ICT sector, entrepreneurial or otherwise, is extremely limited, with state-owned EthioTelecom holding a firm monopoly over internet and mobile phone services as the country’s sole telecommunications service provider. In a positive step, the government under new Prime Minister Abiy Ahmed announced in June 2018 intentions to privatize EthioTelecom and open up the country’s telecoms market to other players. It had previously been reported in May 2018 that EthioTelecom had decided to subcontract a local private company to sell fixed-line internet services.

Since 2010 China has been a key investor in Ethiopia’s telecommunications industry. Particularly, two main Chinese telecoms companies Zhongxing Telecommunication Corporation (ZTE) and Huawei were involved in upgrading Addis Ababa’s broadband networks to 4G and expanding 3G networks elsewhere. The partnership has enabled Ethiopia’s authoritarian leaders to maintain their hold over the telecoms sector, though the networks built by the Chinese firms have been criticized for their high cost and poor service. In May 2018, Beijing-based telecommunications company Hengbao was contracted to supply SIM cards for EthioTelecom. These relationships have led to increasing fears that the Chinese may also be assisting the authorities in developing more robust ICT censorship and surveillance capacities (see Surveillance, Privacy, and Anonymity).

Onerous government regulations also stymie other aspects of the Ethiopian ICT market. For one, imported ICT items are tariffed at the same high rate as luxury items, unlike other imported goods such as construction materials and heavy-duty machinery, which are given duty-free import privileges to encourage investments in infrastructure. Ethiopians are required to register their laptops and tablets at the airport with the Ethiopian customs authority before they travel out of the country, ostensibly to prevent individuals from illegally importing electronic devices, though observers believe the requirement enables officials to monitor citizens’ ICT activities by accessing the devices without consent.

Local software companies also suffer from heavy-handed government regulations, which do not have fair, open, or transparent ways of evaluating and awarding bids for
new software projects. 28 Government companies are given priority for every kind of project, while smaller entrepreneurial software companies are completely overlooked, leaving few opportunities for local technology companies to thrive. 29

Cybercafés are subject to burdensome operating requirements under the Telecom Fraud Offences Proclamation of 2012, 30 which prohibit them from providing Voice-over-IP (VoIP) services, and mandate that owners obtain a license from EthioTelecom via an opaque process that can take months. Violations of the requirements entail criminal liability, though no cases have been reported. 31

Regulatory Bodies

The Ethiopian Telecommunications Agency (ETA) is the primary regulatory body overseeing the telecommunications sector. In practice, government executives have complete control over ICT policy and sector regulation. 32 The Information Network Security Agency (INSA), a government agency established in 2011 and controlled by individuals with strong ties to the ruling regime, 33 also has significant power in regulating the internet under the mandate of protecting the communications infrastructure and preventing cybercrime.

B. Limits on Content

A few blocked websites became accessible in May 2018, while hundreds more were unblocked in June, reflecting the new government’s openness to critical voices and independent news. Online self-censorship decreased palpably as citizens flocked to social media to participate in their country’s transition from authoritarianism.

Blocking and Filtering

Hundreds of websites remained blocked during the coverage period, from media outlets to human rights and LGBTI organizations, to opposition sites and circumvention tools. In a positive step, a manual test conducted in May 2018 by local researchers on the ground found that a large number of websites tested by Freedom House each year since 2012 had been unblocked, though several of these websites had not been updated for years and appeared abandoned. 34 Nonetheless, a number
of sites remained blocked during this test, including Ethiopian news websites, political party websites, and the websites of international digital rights organizations, including the Electronic Frontier Foundation and Tactical Technology Collective. Select tools such as text messaging apps and services on Google's Android operating system on smartphones were also inaccessible, but at irregular intervals and for unclear reasons.

During antigovernment protests throughout 2017, social media and file-sharing platforms such as Facebook, Twitter, WhatsApp, and Dropbox were repeatedly blocked, including during student protests in December. The blocks on social media first impacted networks in the Oromia region but later spread to other regions, and eventually manifested in a shutdown of entire internet and mobile networks for days and months at a time (see Restrictions on Connectivity). Unrelated to protests, the government has also been known to block access to social media to prevent cheating during university examinations. Social media and communications platforms have been accessible since internet networks were restored in April 2018.

Later, on June 22, 2018 (after this report’s coverage period), the Ethiopian government reported that it had unblocked a list of 264 websites, which was verified by the Open Observatory of Network Interference (OONI). Websites that have become accessible include those of U.S.-based diaspora satellite television stations, Ethiopian Satellite Television (ESAT), and the Oromo Media Network (OMN). Ayyantuu.net and Opride.com, prominent websites also known for their reporting on the protests, have become accessible as well.

Despite the recent improvements, Ethiopia still has a nationwide, politically-motivated internet blocking and filtering scheme that can be redeployed at any time. To filter the internet, specific internet protocol (IP) addresses or domain names are generally blocked at the level of the EthioTelecom-controlled international gateway. Deep-packet inspection (DPI) is also employed, which blocks websites based on a keyword in the content of a website or communication (such as email).

There are no procedures for determining which websites are blocked or why, precluding any avenues for appeal. There are no published lists of blocked websites or
publicly available criteria for how such decisions are made, and users are met with an error message when trying to access blocked content. The decision-making process does not appear to be controlled by a single entity, as various government bodies—including the Information Network Security Agency (INSA), EthioTelecom, and the ICT ministry—seem to be implementing their own lists, contributing to a phenomenon of inconsistent blocking. This lack of transparency is exacerbated by the government's continued denial of its censorship efforts. Government officials flatly deny the blocking of websites or jamming of international satellite operations while also stating that the government has a legal and a moral responsibility to protect the Ethiopian public from extremist content.

**Content Removal**

Politically objectionable content is often targeted for removal, usually by way of threats from security officials who personally seek out users and bloggers to instruct them to take down certain content, particularly critical content on Facebook. The practice suggests that at least some voices within Ethiopia's small online community are being closely monitored.

During protests in February 2018, the Facebook page of prominent political activist, Jawar Mohammed, who had over 1.2 million followers at the time of the incident, was continuously blocked. 41

https://www.cnbc.com/2018/02/15/mark-zuckerbergs-valentines-day-photo-g.... The Facebook page has over 1.4 million followers as of August 2018:
https://www.facebook.com/Jawarmd Jawar suspected that the Ethiopian government played a role in manipulating or pressuring the social media platform to block and remove certain posts from his verified Facebook page. 42

**Media, Diversity and Content Manipulation**

Media and freedom of expression remained limited throughout 2017, though citizens began to feel less fearful in early 2018 when former Prime Minister Desalegn began releasing hundreds of political prisoners in January before resigning in February. Self-censorship continued to decrease palpably through 2018, as the government under
new Prime Minister Abiy Ahmed instituted progressive reforms and eased restrictions on the media. Citizens flocked to social media to participate in conversations about their country’s transition from authoritarianism and to hold the new government accountable to promised reforms.

Nonetheless, various constraints still impede the development of diverse media and perspectives online. Lack of adequate funding is a significant challenge for independent online media in Ethiopia, as fear of government pressure dissuades local businesses from advertising with politically critical websites. A 2012 Advertising Proclamation also prohibits advertisements from firms “whose capital is shared by foreign nationals.” The process for launching a website on the local .et domain is expensive and demanding, requiring a business license from the Ministry of Trade and Industry and a permit from an authorized body. While the domestic Ethiopian blogosphere has been expanding, most blogs are hosted on international platforms or published by members of the diaspora community.

Despite Ethiopia’s low levels of internet access, the former government was known to employ an army of trolls to distort Ethiopia’s online information landscape. Opposition groups, journalists, and dissidents used the contemptuous Amharic colloquial term, “Kokas,” to describe the progovernment commentators. Observers say the Kokas regularly discussed Ethiopia’s economic growth in favorable terms and posted uncomplimentary comments about Ethiopian journalists and opposition groups on Facebook and Twitter. In return, they were known to receive benefits such as money, land, and employment promotions. It is uncertain whether the new government has continued using the same online manipulation tactics.

Meanwhile, the spread of unconfirmed information, the phenomenon of fake news, and the growing problem of hate speech in the context of ethnic clashes have had a major chilling effect on the credibility of legitimate online information, particularly in response to the flood of rumors about the power struggle within the ruling Ethiopian People’s Revolutionary Democratic Front (EPRDF) coalition that swarmed social media right before the appointment of Abiy Ahmed as prime minister in February 2018.

Digital Activism
Despite oppressive conditions caused by poor access and a hostile legal environment, online activism has gained considerable momentum and influence over the past few years. Notably, social media and communications platforms have been integral to the mobilization of widespread antigovernment protests in the Oromia and Amhara regions since November 2015, enabling activists to post information about the demonstrations and disseminate news about police brutality as the government cracked down on protesters. Activists have also used social media platforms to consistently report the arrests, trials, and releases of political prisoners.

The use of such tools to fuel the protest movement led the government to block access to several platforms during the first half of the coverage period and shut down internet and mobile networks altogether. Repeated internet shutdowns and blocks on social media platforms also hindered mobilization efforts (see Blocking and Filtering and Restrictions on Connectivity).

C. Violations of User Rights

Following the resignation of Prime Minister Desalegn in February 2018, the authorities imposed a six-month state of emergency that placed restrictions on certain online activities to quell antigovernment unrest. In a positive step, the ruling EPRDF released hundreds of political prisoners, including imprisoned bloggers, before the prime minister’s resignation—a trend that new Prime Minister Abiy Ahmed continued. However, a few bloggers were arrested for short periods during the state of emergency, which was eventually lifted in June 2018.

Legal Environment

To quell escalating antigovernment protests that forced the resignation of the country’s prime minister, the government imposed a six-month state of emergency on February 17, 2018 that included restrictions on certain online activities, including banning the circulation of “any information that could cause disturbance or suspicion.” Like the previous state of emergency imposed in October 2016, which lasted until August 2017, the authorities also criminalized accessing or posting content related to the protests on social media, as well as efforts to communicate with
“terrorist” groups, a category that included exiled dissidents. Emergency rule also undermined fundamental rights, banning unauthorized protests and allowing the authorities to arbitrarily arrest and detain citizens without charge. In a positive step, the new Prime Minster Abiy Ahmed, who took office in April 2018, ended the state of emergency in June, two months early. 52 The move was a reflection of easing tensions in Ethiopia.

Fundamental freedoms are guaranteed for Ethiopian internet users on paper, but the guarantees have been routinely flouted in practice under authoritarian rule. The 1995 Ethiopian constitution provides for freedom of expression, freedom of the press, and access to information, while also prohibiting censorship. 53 These constitutional guarantees are affirmed in the 2008 Mass Media and Freedom of Information Proclamation, known as the press law, which governs the print media. 54 Nevertheless, the press law also includes problematic provisions that contradict constitutional protections and restrict free expression, such as complex registration processes for media outlets and high fines for defamation. 55 The Criminal Code also penalizes defamation with a fine or up to one year in prison. 56 As of September 2018, these laws remain on the books under the new prime minister.

Several laws designed to restrict and penalize legitimate online activities and speech are also still in place. Most alarmingly, the 2012 Telecom Fraud Offences Law extends the violations and penalties defined in the 2009 Anti-Terrorism Proclamation and Criminal Code to electronic communications, which explicitly include both mobile phone and internet services. 57 The antiterrorism legislation prescribes prison sentences of up to 20 years for the publication of statements that can be understood as a direct or indirect encouragement of terrorism, which is vaguely defined. 58 The law also bans VoIP services such as Skype 59 and requires all individuals to register their telecommunications equipment—including smartphones—with the government, which security officials typically enforce at security checkpoints by confiscating ICT equipment if the owner cannot produce a registration permit, according to sources in the country.

Under the former government, Ethiopia passed a new Computer Crime Proclamation in June 2016 that further criminalized an array of online activities. 60 Civil society expressed concern that the law would be used to further crack down on critical
commentary, political opposition, and social unrest. For example, content that “incites fear, violence, chaos or conflict among people” can be punished with up to three years in prison, which could be abused to suppress digital campaigns. Other problematic provisions ban the dissemination of defamatory content, which can be penalized with up to 10 years in prison, and the distribution of unsolicited messages to multiple emails (spam), which carries up to five years in prison.

While the restrictive legal environment for media and freedom of expression remained unchanged under the new government, Prime Minister Abiy Ahmed promised democratic reforms during his inaugural speech to parliament in April 2018.

Prosecutions and Detentions for Online Activities

Following years of arresting antigovernment protesters and handing out long prison sentences to critical bloggers and journalists, the ruling EPRDF party stunned observers in January and February 2018 by releasing thousands of political prisoners, including blogger Eskinder Nega, who had been serving an 18-year sentence since 2012. Imprisoned bloggers convicted on terrorism charges—Zelalem Workagegnehu, Yonatan Wolde, and Bahiru Degu, among others—were also eventually released, while outstanding charges against the critical Zone 9 bloggers were dropped.

Despite the progress, authorities made new arrests under the state of emergency imposed in February 2018. On March 8, 2018, police arrested Seyoum Teshome, a well-known academic and blogger, for criticizing the state of emergency on his blog. He was released on April 16 without charges. Separately, several bloggers and journalists were rearrested on March 26 while at a social gathering, which were prohibited without prior authorization under the state of emergency. Those arrested included recently released Eskinger Nega, though they were all released after twelve days in prison.

Surveillance, Privacy, and Anonymity
Government surveillance of online and mobile phone communications has been pervasive in Ethiopia and has not been reformed since the new prime minister came into office in April 2018.

The Computer Crime Proclamation enacted in June 2016 strengthened the government’s surveillance powers, enabling real-time monitoring or interception of communications authorized by the Minister of Justice. The law also obliges service providers to store records of all communications and metadata for at least a year. 72

Ethiopia’s telecommunications and surveillance infrastructure has been developed in part by investments from Chinese telecommunications companies with potential ties to the Chinese government, creating strong suspicions that the Ethiopian government has implemented highly intrusive surveillance practices styled after the Chinese system. These suspicions were reinforced in January 2018, when African Union officials accused China of hacking into its headquarters’ servers and secretly transferring data files to servers in Shanghai over the course of five years, from 2012 to 2017. 73 The state-owned China State Construction Engineering Corporation had built the AU’s headquarters in Addis Ababa and connected the building’s telecommunication infrastructure through Ethiopia’s state-run EthioTelecom.

A 2015 Human Rights Watch report revealed strong indications that the Ethiopian government had deployed a centralized monitoring system developed by the Chinese telecommunications firm ZTE to monitor mobile phone networks and the internet. 74 Known for its use by repressive regimes in Libya and Iran, the monitoring system enables deep packet inspection (DPI) of internet traffic across the EthioTelecom network and has the ability to intercept emails and web chats.

Another ZTE technology, known as ZSmart, is a customer management database installed at EthioTelecom that provides the government with full access to user information and the ability to intercept SMS text messages and record phone conversations. 75 ZSmart also allows security officials to locate targeted individuals through real-time geolocation tracking of mobile phones. 76 While the extent to which the government has made use of the full range of ZTE’s sophisticated surveillance systems is unclear, the authorities frequently present intercepted emails
and phone calls as evidence during trials against journalists and bloggers or during interrogations as a scare tactic. 77

Meanwhile, exiled dissidents have been frequent targets of surveillance malware over the years. In February 2018, Citizen Lab published research detailing how spyware from an Israeli company had been used against Jawar Mohammed, the exiled executive director of the Oromia Media Network (OMN). OMN is a diaspora-run independent satellite television, radio, and online news media outlet, based in Minneapolis, Minnesota, that had been banned by the former Ethiopian government for inciting violence and promoting terrorism. 78

Previous Citizen Lab research published in March 2015 found that Remote Control System (RCS) spyware had been used against employees of the Ethiopian Satellite Television Service (ESAT) in November and December 2014. ESAT is also a diaspora-run independent satellite television, radio, and online news media outlet, based in Alexandria, Virginia. 79 Made by the Italian company Hacking Team, RCS spyware had been advertised as “offensive technology” sold exclusively to law enforcement and intelligence agencies around the world, with the ability to steal files and passwords and intercept Skype calls and chats. 80 While Hacking Team denied that it dealt with “repressive regimes,” 81 analysis of the RCS attacks uncovered credible links to the Ethiopian government, with the spyware’s servers registered at an EthioTelecom address under the name “INSA-PC,” referring to the Information Network Security Agency (INSA), the body established in 2011 to preside over the security of the country’s critical communications infrastructure. 82

In a positive step, the new Prime Minister Abiy Ahmed—who himself is regarded as one of the founders of INSA—forced the resignations of INSA officials who were accused of monitoring and hacking activists, leading to some optimism that INSA may become less abusive in its surveillance powers. 83

Anonymous communication is compromised by strict SIM card registration requirements. Upon purchase of a SIM card through EthioTelecom or an authorized reseller, individuals must provide their full name, address, government-issued identification number, and a passport-sized photograph. EthioTelecom’s database of SIM registrants enables the government to terminate individuals’ SIM cards and
restrict them from registering for new ones. Internet subscribers are also required to register their personal details, including their home address, with the government. During the antigovernment protests in 2016, state-owned ICT provider EthioTelecom announced plans to require mobile phones to be purchased from Ethiopian companies and to create a tracking system for all mobile devices in Ethiopia. Observers believe the plan aims to allow the government to track and identify all communications from subscribers on its network. 84

Intimidation and Violence

Amidst escalating antigovernment protests in 2017 and early 2018, the authorities reportedly harassed, detained, and abused several people who used their digital devices to record footage of demonstrations. Political prisoners, many of whom were imprisoned for their online writings, have been notoriously subjected to grave human rights abuses, including torture, while in detention. 85 Imprisoned bloggers reported being held in degrading conditions and tortured by prison guards seeking to extract false confessions. 86

Under the former government, security agents frequently harassed and intimidated bloggers, online journalists, and ordinary users for their online activities. Independent bloggers were often summoned by the authorities to be warned against discussing certain topics online, while activists reported that they were regularly threatened by state security agents. 87 Ethiopian journalists in the diaspora were also targeted for harassment. 88

In a positive step, new Prime Minister Abiy Ahmed fired the head of Ethiopia’s prison service and other top officials in July 2018 based on allegations of systemic torture within the prison system. 89

Technical Attacks

Opposition critics and independent voices have faced frequent technical attacks over the years, even when based abroad. In February 2018, Citizen Lab published research detailing how spyware had targeted Jawar Mohammed, the exiled executive director of the Oromia Media Network (OMN) throughout 2016 and 2017 (see also: 
Surveillance, Privacy, and Anonymity). OMN is a diaspora-run independent satellite television, radio, and online news media outlet, based in Minneapolis, Minnesota, that had been banned by the former government for inciting violence and promoting terrorism. 90

Footnotes


More footnotes

On Ethiopia
See all data, scores & information on this country or territory. See More  

Country Facts
FREEDOM ON THE NET 2017

Ethiopia

**Not Free**

<table>
<thead>
<tr>
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<th>Score</th>
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<tr>
<td><strong>A. Obstacles to Access</strong></td>
<td>1/25</td>
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<td><strong>B. Limits on Content</strong></td>
<td>5/35</td>
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<td><strong>C. Violations of User Rights</strong></td>
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**Last Year’s Score & Status**

17/100  **Not Free**

Scores are based on a scale of 0 (least free) to 100 (most free)

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https://freedomhouse.org/country/ethiopia/freedom-net/2017
Key Developments

- Internet and mobile phone networks were deliberately disrupted during antigovernment protests and student exams; social media and communications platforms were periodically blocked throughout the year (see Restrictions on Connectivity and Blocking and Filtering).
- Self-censorship heightened following the state of emergency instituted in October 2016 (see Media, Diversity, and Online Manipulation).
- The state of emergency eroded fundamental rights and restricted certain online activities, including supporting protests on social media (see Legal Environment).
- The Computer Crime Proclamation enacted in June 2016 criminalizes online defamation and incitement and strengthened the government’s surveillance capabilities by enabling real-time monitoring or interception of communications (see Legal Environment and Surveillance, Privacy, and Anonymity).
- Numerous individuals were arrested for online speech or protests; two were convicted and handed multi-year prison sentences (see Prosecutions and Detentions for Online Activities).

Introduction

Internet freedom declined dramatically in the past year as the government imposed emergency rule to crack down on antigovernment protests and the digital tools citizens used to organize them.

The authoritarian government declared a six-month state of emergency in October 2016 following months of escalating protests. Starting in the Oromia region in November 2015 as a protest against the government’s plan to infringe on land belonging to the marginalized Oromo people, the protests spread across the country throughout 2016, turning into unprecedented demonstrations seeking regime change and democratic reform. Emergency rule derogated fundamental rights in violation of international standards, banned unauthorized protests, and allowed the
authorities to arbitrarily arrest and detain citizens without charges. More than 21,000 people were arrested before the state of emergency was lifted in August 2017.

The state of emergency restricted certain online activities and the internet was shut down for several days. The authorities criminalized accessing or posting content related to the protests on social media, displaying antigovernment symbols or gestures, as well as efforts to communicate with “terrorist” groups—a category that includes exiled dissidents. Penalties included prison terms of between three and five years.

Numerous individuals were arrested for online activities, and two were convicted to long prison sentences. In May 2017, a prominent opposition activist, Yonatan Tesfaye, was sentenced to six and a half years in prison on terrorism charges based on Facebook posts in which he criticized the government’s handling of the Oromia protests. Also in May, Getachew Shiferaw, editor-in-chief of opposition outlet Negere Ethiopia, was sentenced to one and a half years in prison on subversion charges for Facebook comments published in support of an exiled journalist. He was released on time served.

The legal environment for internet freedom became more restrictive under the Computer Crime Proclamation enacted in June 2016, which criminalizes defamation and incitement. The proclamation also strengthens the government’s surveillance capabilities by enabling real-time monitoring or interception of communications.

### A. Obstacles to Access

*Internet and mobile phone networks were deliberately disrupted during antigovernment protests and student exams throughout the year. Meanwhile, poor infrastructure, obstructionist telecom policies, and a government monopoly on the information and communication technology (ICT) sector make ICT services prohibitively expensive for the majority of the population.*

### Availability and Ease of Access
Ethiopia is one of the least connected countries in the world with an internet penetration rate of only 15 percent in 2016, up from 12 percent the previous year, according to the latest data from the International Telecommunications Union (ITU).  

Mobile phone penetration is also low at 51 percent, up from 43 percent in 2015. Low penetration rates stem from underdeveloped telecommunications infrastructure, which is almost entirely absent from rural areas, where about 85 percent of the population resides. A handful of signal stations service the entire country, resulting in network congestion and frequent disconnection. In a typical small town, individuals often hike to the top of the nearest hill to find a mobile phone signal.

Access to ICT services remains prohibitively expensive for most Ethiopians, largely due to the government’s monopoly over the telecom sector, which provides consumers with few options. Prices are set by state-controlled EthioTelecom and kept artificially high. William Davison, Bloomberg’s Ethiopia correspondent, described the issue on Facebook in March 2016: “It cost me 44 birr ($2.05) to watch Al Jazeera’s latest 3-minute dispatch on Oromo protests using 4G network on my phone, which is not that much less than the average daily wage of a daily laborer in Ethiopia.” Ethiopians can spend an average of US$85 per month for limited mobile or fixed wireless internet access. Better quality services in neighboring Kenya and Uganda cost less than US$30 a month. One comparative assessment of internet affordability put Ethiopia among the world’s most expensive countries for access.

Telecommunication devices, connection fees and other related costs are also beyond the means of many Ethiopians. As a result, Ethiopia has one of the lowest smartphone ownership rates in the world at only 4 percent, according to a 2016 Pew survey. Consequently, the majority of internet users rely on cybercafes for internet access. A typical internet user in the capital, Addis Ababa, pays between ETB 5 and 7 (US$ 0.25 to 0.35) for an hour of access. Because of the scarcity of internet cafes outside urban areas, however, rates in rural cybercafes are higher. In addition, digital literacy rates are generally low.

Connection speeds have been painstakingly slow for years, despite the rapid technological advances improving service quality in other countries. According to Akamai, the average connection speed in Ethiopia was 3 Mbps in the first quarter of
2017, significantly lower than the global average of 7.0 Mbps. In practice, such speeds result in extremely sluggish download times for even simple images. Logging into an email account and opening a single message can take as long as five minutes at a standard cybercafe with broadband in the capital, while attaching documents or images to an email can take eight minutes or more. 9

Restrictions on Connectivity

Throughout 2016 and 2017, network traffic in and out of Ethiopia registered a significant decline as a result of continual throttling and repeated internet shutdowns. Network shutdowns occurred several times during the coverage period:

- During widespread antigovernment protests on August 6 and 7, 2016, internet services were completely inaccessible in the Amhara, Addis Ababa, and Oromia regions. The government responded to the protests with excessive force, resulting in the deaths of at least 100 people. 10
- In October 2016, mobile internet services were shut down for several days when the government declared a state of emergency. 11 Mobile internet service and social media remained intermittently accessible for months (see Legal Environment).
- The government shut down all telecommunications networks from May 30 to June 8 following the conviction of two human rights activists for online expression in May 2017 (see Prosecutions and Detentions for Online Activities). 12
- In separate incidents in July 2016, August 2016, and June 2017, the authorities shut down fixed and mobile internet services in select regions to prevent students from cheating during national university exams. 13

The ICT shutdowns were costly. According to October 2016 research by the Brookings Institution, network disruptions between July 1, 2016 and June 30, 2017 cost Ethiopia’s economy over USD $8.5 million. 14 September 2017 research by the Collaboration on International ICT Policy in East and Southern Africa (CIPESA) calculated the economic cost of Ethiopia’s internet disruptions between 2015 and
2017 at nearly USD $3.5 million a day. Calculated separately, disruptions to apps cost nearly USD $875,000 a day. 15

The Ethiopian government’s monopolistic control over the country’s telecommunications infrastructure via EthioTelecom enables it to restrict information flows and access to internet and mobile phone services. As a landlocked country, Ethiopia has no direct access to submarine cable landing stations; thus, it connects to the international internet via satellite, a fiber-optic cable that passes through Sudan and connects to its international gateway, and the SEACOM cable that connects through Djibouti to an international undersea cable. All connections to the international internet are completely centralized via EthioTelecom, enabling the government to cut off the internet at will.

ICT Market

State-owned EthioTelecom holds a firm monopoly over internet and mobile phone services as the country’s sole telecommunications service provider. Despite repeated international pressure to liberalize telecommunications in Ethiopia, the government refuses to ease its grip on the sector. 16 The space for independent initiatives in the ICT sector, entrepreneurial or otherwise, is extremely limited. 17

China is a key investor in Ethiopia’s telecommunications industry, 18 with Zhongxing Telecommunication Corporation (ZTE) and Huawei currently serving as contractors to upgrade broadband networks to 4G in Addis Ababa and expand 3G networks elsewhere. 19 The partnership has enabled Ethiopia’s authoritarian leaders to maintain their hold over the telecom sector, 20 though the networks built by the Chinese firms have been criticized for their high cost and poor service. 21 Furthermore, the contracts have led to increasing fears that the Chinese may also be assisting the authorities in developing more robust ICT censorship and surveillance capacities (see Surveillance, Privacy, and Anonymity). 22 In December 2014, the Swedish telecom group Ericsson also partnered with the government to improve and repair the mobile network infrastructure, 23 though ZTE remains the sector’s largest investor.
Onerous government regulations also stymie other aspects of the Ethiopian ICT market. For one, imported ICT items are tariffed at the same high rate as luxury items, unlike other imported goods such as construction materials and heavy duty machinery, which are given duty-free import privileges to encourage investments in infrastructure. 24 Ethiopians are required to register their laptops and tablets at the airport with the Ethiopian customs authority before they travel out of the country, ostensibly to prevent individuals from illegally importing electronic devices, though observers believe the requirement enables officials to monitor citizens’ ICT activities by accessing the devices without consent. 25

Local software companies also suffer from heavy-handed government regulations, which do not prescribe fair, open, or transparent ways of evaluating and awarding bids for new software projects. 26 Government companies are given priority for every kind of project, while smaller entrepreneurial software companies are completely overlooked, leaving few opportunities for local technology companies to thrive.

Cybercafes are subject to burdensome operating requirements under the 2002 Telecommunications (Amendment) Proclamation, 27 which prohibit them from providing Voice-over-IP (VoIP) services, and mandate that owners obtain a license from EthioTelecom via an opaque process that can take months. In the past few years, EthioTelecom began enforcing its licensing requirements more strictly in response to the increasing spread of cybercafes, reportedly penalizing Muslim cafe owners more harshly. Violations of the requirements entail criminal liability, though no cases have been reported. 28
Regulatory Bodies

The Ethiopian Telecommunications Agency (ETA) is the primary regulatory body overseeing the telecommunications sector. In practice, government executives have complete control over ICT policy and sector regulation. The Information Network Security Agency (INSA), a government agency established in 2011 and controlled by individuals with strong ties to the ruling regime, also has significant power to regulate the internet under its mandate to protect communications infrastructure and prevent cybercrime.

B. Limits on Content

Social media and communications platforms were repeatedly blocked throughout the coverage period. Self-censorship heightened following the state of emergency instituted in October 2016, which placed restrictions on the use of social media for certain types of speech.

Blocking and Filtering

One of the first African countries to censor the internet, Ethiopia has a nationwide, politically motivated internet blocking and filtering apparatus that is reinforced during sensitive political events.

Tests conducted by the Open Observatory of Network Interference (OONI) in December 2016 found a wide range of websites blocked in Ethiopia, including the websites of Ethiopian news outlets known for critical reporting, political opposition groups, LGBTI (lesbian, gay, bisexual, transgender, or intersex) groups, human rights organizations, and circumvention tools. In total, at least one hundred websites were inaccessible. OONI tests also found the mobile version of WhatsApp completely blocked.

Other social media platforms such as Facebook and Twitter were repeatedly blocked for periods of time throughout 2016 and 2017, limiting their utility for political organizing even when the internet had not been completely shut down. In one case unrelated to political unrest, the authorities also blocked access to Facebook,
Twitter, Instagram, Viber, IMO, and Google+ to prevent cheating during university examinations in July 2016. 35 The blocks followed a full internet blackout for the same reason (see Restrictions on Connectivity). A government spokesperson stated that blocking social media during the exam would help students concentrate.

However, some progovernment media organizations and commentators seemed to have exclusive access to social media during the block, 36 which reinforced the popular belief that government supporters are not disadvantaged during shutdowns to the extent that citizens are. Tools that help internet users bypass censorship are frequently blocked in Ethiopia, but some may remain available for approved uses. When social media platforms were blocked in the past year, diaspora-based activists publicized virtual private networks (VPNs) to circumvent the censorship, but certain VPNs were also subsequently blocked. 37 Local sources suspected progovernment commenters were reporting some tools to the authorities for enabling censorship circumvention.

Digital security tools and information are also blocked. The Amharic translation of the Electronic Frontier Foundations’ “Surveillance Self-Defense” web guide was blocked two weeks after it was published in October 2015. 38 One source reported that keywords such as “proxy” yield no search results on unencrypted search engines, 39 reflecting the government’s efforts to limit users’ access to proxy servers and other circumvention tools. Tor, a circumvention tool that enables users to browse anonymously, has been subject to restrictions since May 2012. 40


To filter the internet, specific internet protocol (IP) addresses or domain names are generally blocked at the level of the EthioTelecom-controlled international gateway. Deep packet inspection (DPI), which blocks websites based on a keyword in the content of a website or communication, is also employed. 41
There are no procedures for determining which websites are blocked or why, precluding any avenues for appeal. There are no published lists of blocked websites or publicly available criteria for how such decisions are made, and users are met with an error message when trying to access blocked content. The decision-making process does not appear to be controlled by a single entity, as various government bodies—including the Information Network Security Agency (INSA), EthioTelecom, and the ICT ministry—seem to be implementing their own lists, contributing to a phenomenon of inconsistent blocking. This lack of transparency is exacerbated by the fact that the government denies implementing censorship. Government officials flatly deny blocking websites or jamming international satellite operations, while also stating that the government has a legal and a moral responsibility to protect the Ethiopian public from extremist content.

**Content Removal**

Political content is often targeted for removal, often by way of threats from security officials who personally seek out users and bloggers to instruct them to take down certain content, particularly critical content on Facebook. The growing practice suggests that at least some voices within Ethiopia’s small online community are closely monitored. For instance, during antigovernment protests in Oromia, activists who wrote messages of solidarity for the protestors on Facebook were asked to delete their posts. 42

**Media, Diversity and Content Manipulation**

Increasing repression of journalists and bloggers has had a major chilling effect on expression online, particularly in response to the spate of blogger arrests in the past few years (see Prosecutions and Detentions for Online Activities). Many bloggers publish anonymously to avoid reprisals, 43 while fear of pervasive surveillance has also led to widespread self-censorship.

Self-censorship heightened during the state of emergency instituted in October 2016, which explicitly prohibited sharing information about protests through social media platforms, communicating with exiled dissident groups regarded as terrorists, organizing demonstrations, and displaying political gestures (see Legal Environment).
Lack of adequate funding is a significant challenge for independent online media in Ethiopia, as fear of government pressure dissuades local businesses from advertising with politically critical websites. A 2012 Advertising Proclamation also prohibits advertisements from firms “whose capital is shared by foreign nationals.” The process for launching a website on the local .et domain is expensive and demanding, requiring a business license from the Ministry of Trade and Industry and a permit from an authorized body. While the domestic blogosphere has been expanding, most blogs are hosted on international platforms or published by members of the diaspora.

Despite Ethiopia’s extremely low levels of internet access, the government employs an army of trolls to distort Ethiopia's online information landscape. Opposition groups, journalists, and dissidents use the mocking Amharic colloquial term kokas to describe the progovernment commentators. Observers say the kokas regularly discuss Ethiopia’s economic growth in favorable terms and post derogatory comments about Ethiopian journalists and opposition groups on Facebook and Twitter. In return, they are known to receive benefits such as money, land, and employment promotions. The government also manipulates online content through propaganda that aims to convince Ethiopians that social media is a dangerous tool co-opted by opposition groups to spread hate and violence.

**Digital Activism**

Online tools were essential for the mobilization of antigovernment protests throughout 2016, enabling activists to post information about the demonstrations and disseminate news about police brutality as the government cracked down on protesters. Digital activism was muted following the October 2016 state of emergency, which banned demonstrations and online mobilization. Repeated internet shutdowns and blocks on social media platforms also hindered mobilization efforts (see Blocking and Filtering and Restrictions on Connectivity).

**C. Violations of User Rights**
A state of emergency declared in October 2016 derogated fundamental rights and restricted certain online activities. The Computer Crime Proclamation enacted in June 2016 criminalizes defamation and incitement; observers say it could be invoked to suppress digital mobilization. The proclamation also strengthens the government’s surveillance capabilities by enabling real-time monitoring and interception of communications. Numerous individuals were arrested for online activities, particularly protests, while two people were sentenced to prison for several years each during the coverage period.

Legal Environment

The government imposed a six-month state of emergency in October 2016 and shut down the internet for several days to quell escalating antigovernment protests. Specific online activities were restricted under emergency rule. The authorities criminalized accessing or posting content related to the protests on social media, as well as efforts to communicate with “terrorist” groups, a category that includes exiled dissidents. Penalties included prison terms of three to five years. Emergency rule also undermined fundamental rights, banning unauthorized protests, and allowing the authorities to arbitrarily arrest and detain citizens without charge. More than 21,000 people were arrested before the state of emergency was lifted in August 2017, according to news reports.

Fundamental freedoms are guaranteed for Ethiopian internet users on paper, but the guarantees are routinely flouted in practice. The 1995 Ethiopian constitution provides for freedom of expression, freedom of the press, and access to information, while also prohibiting censorship. These constitutional guarantees are affirmed in the 2008 Mass Media and Freedom of Information Proclamation, known as the press law, which governs the print media. Nevertheless, the press law also includes problematic provisions that contradict constitutional protections and restrict free expression, such as complex registration processes for media outlets and heavy fines for defamation. The Criminal Code also penalizes defamation with a fine or up to one year in prison.

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In June 2016, the Ethiopian government passed a new Computer Crime Proclamation that criminalized an array of online activities. For example, content that “incites fear, violence, chaos or conflict among people” can be punished with up to three years in prison, which could be abused to suppress digital campaigns. Other problematic provisions ban the dissemination of defamatory content, which can be penalized with up to 10 years in prison, and the distribution of unsolicited messages to multiple emails (spam), which carries up to five years in prison. Civil society expressed concern that the law would be used to further crackdown on critical commentary, political opposition, and social unrest.

Prosecutions and Detentions for Online Activities

The authorities intensified their crackdown against bloggers, online journalists, and activists during the state of emergency in the past year. The antigovernment protest movement led to thousands of arrests, some for digital activities such as posting or “liking” social media content about the protests. Examples include the following:

- In October 2016, police arrested Seyoum Teshome, a well-known academic and blogger for the Ethiopian Think Tank Group, who had published an article about the Oromia protest movement in The New York Times. Teshome was held in prison for three months, during which he reported suffering severe torture (see Intimidation and Violence).
- In November 2016, political activists Anania Sorri and Daniel Shibeshi and journalist Elias Gebru were arrested for posting images of themselves on social
media displaying a gesture indicating support for the protest movement. Protest gestures and symbols were banned under emergency rule. 68

- In December 2016, seven musicians behind a popular YouTube music video were arrested and held without charge until June 2017, when they were charged with terrorism. The video was held to incite protests. 69

Two cases led to convictions and multi-year prison sentences during the coverage period:

- In May 2017, the prominent opposition activist Yonatan Tesfaye, was found guilty of terrorism based on Facebook posts that criticized the government’s handling of the Oromia protests. 70 He was sentenced to six and a half years in prison. 71 Tesfaye’s Twitter handle has been active since his detention, leading to suspicions that the officials were using his account to monitor other dissidents or encourage them to break the law. 72

- Also in May, Getachew Shiferaw, the editor-in-chief of the opposition outlet Negere Ethiopia, was sentenced to one and a half years in prison on subversion charges for Facebook comments were considered to “endorse” an exiled journalist. 73 He was released on time served.

Bloggers from the critical Zone 9 blogging collective were repeatedly persecuted during the coverage period, continuing several years of unabated legal troubles and harassment. The bloggers were first arrested in April 2014 and charged with terrorism under the harsh Anti-Terrorism Proclamation. 74 They were accused of intent to overthrow the government, an offense under the criminal code, by encrypting their communications to disseminate seditious writings. 75 Denied bail and brought to court dozens of times for sham trials, 76 the bloggers were eventually acquitted in late 2015, but the prosecutor appealed to the Supreme Court, and they were repeatedly summoned to appear throughout 2016. 77 In April 2017, the Supreme Court ruled that two of the Zone9 bloggers, Atnaf Berhane and Natnail Feleke, should be tried on charges of inciting violence through their writing. If convicted, they would face up to 10 years each in prison. 78

Other citizens were serving long prison sentences during the coverage period, including blogger Zelalem Workagenehu, who was found guilty of terrorism and
sentenced to over five years in prison in May 2016. 79 He was first arrested in July 2014 on charges of conspiring to overthrow the government after he facilitated a course on digital security. Well-known dissident journalist and blogger Eskinder Nega is serving an 18-year prison sentence handed down in July 2012 under the draconian anti-terrorism law for criticizing the law itself in an online article. 80

**Surveillance, Privacy, and Anonymity**

Government surveillance of online and mobile phone communications is pervasive in Ethiopia and was strengthened under the new Computer Crime Proclamation enacted in June 2016, which enables real-time monitoring or interception of communications authorized by the Minister of Justice and obliges service providers to store records of all communications and metadata for at least a year. 81

There are strong indications that the government has deployed a centralized monitoring system developed by the Chinese telecommunications firm ZTE to monitor mobile phone networks and the internet, according to a 2015 Human Rights Watch report. 82 Known for its use by repressive regimes in Libya and Iran, the monitoring system enables deep packet inspection (DPI) of internet traffic across the EthioTelecom network and has the ability to intercept emails and web chats.

A customer management database called ZSmart, also developed by ZTE, has been installed by EthioTelecom. The database provides the government with full access to user information and the ability to intercept SMS text messages and record phone conversations. 83 ZSmart also allows security officials to locate targeted individuals through real-time geolocation tracking of mobile phones. 84 While the extent to which the government has made use of the full range of ZTE’s sophisticated surveillance systems is unclear, the authorities frequently present intercepted emails and phone calls as evidence during trials against journalists and bloggers or during interrogations as a scare tactic. 85

Meanwhile, exiled dissidents have been targeted by surveillance malware. Citizen Lab research published in March 2015 said Remote Control System (RCS) spyware had been used against two employees of Ethiopian Satellite Television Service (ESAT) in November and December 2014. ESAT is a diaspora-run independent satellite
television, radio, and online news media outlet, based in Alexandria, Virginia. Made by the Italian company Hacking Team, RCS spyware is advertised as “offensive technology” sold exclusively to law enforcement and intelligence agencies, and has the ability to steal files and passwords and intercept Skype calls and chats.

While Hacking Team has said that the company does not deal with “repressive regimes,” the social engineering tactics used to bait the two ESAT employees made it clear that the attack was targeted. Moreover, analysis of the RCS attacks uncovered credible links to the Ethiopian government, with the spyware’s servers registered at an EthioTelecom address under the name “INSA-PC,” referring to the Information Network Security Agency (INSA), the body established in 2011 to preside over the security of the country’s critical communications infrastructure. INSA was already known to be using the commercial toolkit FinFisher to target dissidents and supposed national security threats. FinFisher can secretly monitor computers by turning on webcams, record everything a user types with a key logger, and intercept Skype calls.

Political commentators use VPNs and anonymizing tools to hide their identities when publishing online and to circumvent filtering, though the tools are also subject to blocking (see Blocking and Filtering).

Anonymity is further compromised by strict SIM card registration requirements. Upon purchase of a SIM card through EthioTelecom or an authorized reseller, individuals must provide their full name, address, government-issued identification number, and a passport photograph. EthioTelecom’s database of SIM registrants enables the government to terminate SIM cards and bar individuals from registering for new ones. Internet subscribers are also required to register their personal details, including their home address, with the government. During the antigovernment protests in 2016, state-owned ICT provider EthioTelecom announced plans to require mobile phones to be purchased from Ethiopian companies and to create a tracking system for all mobile devices in Ethiopia. Though no updates on the plans were reported in 2017, observers believe the plan aims to allow the government to track and identify all communications from subscribers on its network.

**Intimidation and Violence**
During escalating antigovernment protests throughout 2016, the authorities routinely harassed, detained, and abused people who used their mobile phones to record footage of demonstrations. Under emergency rule, the authorities reportedly arrested thousands of people, some for their online activities. Imprisoned bloggers reported being held in degrading conditions and tortured by prison guards seeking to extract false confessions. 92 In one case, blogger Seyoum Teshome, who was arrested after the publication of his critical New York Times op-ed, reported suffering severe torture while in detention from October to December 2016. 93

Government security agents frequently harass and intimidate bloggers, online journalists, and internet users. Independent bloggers are often summoned by the authorities to be warned against discussing certain topics online, while activists report that they are regularly threatened by state security agents. 94 Ethiopian journalists in the diaspora have also been targeted for harassment. 95

Technical Attacks

There were no reports of technical attacks against human rights defenders or dissidents during the coverage period, though incidents are likely underreported. Opposition critics have faced frequent technical attacks in the past, even abroad. Observers believe similar campaigns against activists persist undetected. Independent research has shown that Ethiopian authorities use sophisticated surveillance spyware to target exiled dissidents. 96

Footnotes


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Last June, Facebook locked the account of “Happy Addis”, an Ethiopian LGBT activist who runs Facebook groups for gay Ethiopians. The reason? His Facebook profile does not list his real name. But Happy Addis had good reason not to want his real name associated with his Facebook groups. For one thing, Ethiopia’s criminal code punishes consensual adult same-sex relations with up to 15 years in prison, not to mention public hostility from anti-gay groups.

Human Rights Watch joined a letter to Facebook this week calling on the company to correct the “authentic identity” (commonly known as “real name”) policy that caused the exclusion of Happy Addis and numerous other LGBT people, human rights activists, minority communities and journalists from using the site. Facebook allows users to create profiles with the names they use “in real life”, but requires users to submit proof of identification to access their account if another individual flags them as having a “fake name.”

This process is riddled with shortcomings: legal names on accepted IDs do not always match users’ real life names or protective pseudonyms; legal names may not meet Facebook’s standards for “real names”; and the process of submitting IDs is often conducted insecurely, without any knowledge of what Facebook does with ID data.

Facebook’s policy is also more likely to disproportionately harm those that are already under threat. The people most likely to be targeted by abusive flagging for real-name violations are at-risk minorities or activists criticizing powerful government actors, not users posting politically innocuous cat pictures under the name "Hello Kitty" or "Daffy Duck."

Under the real name policy, Facebook has prevented users from accessing their accounts, effectively cutting them off from communities and limiting their freedom of expression. Our proposed policy changes outline ways for Facebook to support the safety and expressive rights of users, and do not preclude a reporting system to treat malicious and criminal behavior.

Facebook has become a critical vehicle for individuals to associate and exchange ideas with others, particularly in countries with low levels of internet penetration, limited media freedom, or repressive laws. But it should live up to its promise of inclusion by doing more to accommodate its different populations, and fixing its real name policy is a crucial step to better protect its most vulnerable users. If you agree, please make your voice heard too by signing our petition.
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[12] https://act.eff.org/action/dear-facebook-authentic-names-are-authentically-dangerous-for-your-users

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Exhibit 15
In its 46th ordinary session, the African Commission on Human and Peoples’ Rights (ACHPR) recommended that the Government of the Federal Democratic Republic of Ethiopia review the Charities and Societies Proclamation and create an enabling environment for journalists. In its 51st ordinary Session, the ACHPR adopted Resolution 218 on the Human Rights Situation in Ethiopia. Resolution 218 condemned the arrest and prosecution of journalists and political opposition members for exercising their legitimate rights of freedom of expression and association, as well as the excessive restrictions placed on the work of human rights defenders (HRDs). The Commission called on the Ethiopian Government to amend the Charities and Civil Societies Proclamation Law, the 2008 Access to Information Proclamation and the 2009 Anti-Terrorism Proclamation to ensure they are compliant with the United Nations Declaration on Human Rights Defenders and other international human rights instruments.

The purpose of this paper is to highlight the situation for HRDs in Ethiopia since its last review by the ACHPR; the steps taken by Ethiopia to implement the ACHPR’s past recommendations; and key recommendations for the ACHPR to consider making to Ethiopia during its current review.

1. Risks facing human rights defenders
   - Ethiopia is characterised by the use of state legislation and policies to severely restrict freedom of expression and assembly, as well as independent human rights monitoring and promotion.1
   - HRDs documented that Ethiopia’s repressive laws provoke fear and self-censorship among HRDs and that HRDs frequently face threats, acts of intimidation, judicial harassment and arbitrary arrest.2 Examples include excessive use of force by security forces and military Special Forces against peaceful protestors, including live ammunition and hand grenades which have resulted in the death of peaceful protestors; mass arrests and arbitrary detentions of peaceful protestors and bystanders; and cases of torture in detention.3
   - The Observatory for the Protection of Human Rights Defenders documented surveillance and official restrictions on the movement of HRDs and, in October 2011, reported that ‘while several human rights defenders had no other options than to restrict their activities or to flee the country in 2009 and early 2010, the few who stayed continued to face constant threats’.4

2. Official restrictions on the space for human rights defenders
   - Two repressive laws were adopted in 2009; namely, the Charities and Societies Proclamation (CSP Law) and the Anti-Terrorism Proclamation (Anti-Terror Law). Both of these laws severely undermine civil society and independent media.
   - The CSP Law prohibits organisations that receive more than 10% of their funding from foreign sources from carrying out activities relating to human rights, the promotion of equality, conflict resolution and justice reform. Tight Government monitoring and modification of charity activities is used to restrict the reach of organisations. Further they may only spend 30% of their budget on ‘administrative costs’, broadly defined by the Government to encompass core activities. The ACHPR has called explicitly upon Ethiopia to review this law.5
   - According to the East and Horn of Africa Human Rights Defenders Project, since the adoption of the CSP Law three years ago, independent human rights activity has almost completely ceased in Ethiopia.6
   - The International Centre for Not-for-Profit Law has documented cases of the State Charities and Societies Agency (Charities Agency) creating obstacles for NGOs, denying some registration, and reforming the mandates of others.7 In October 2012 the Supreme Court upheld a decision of the...
Charities Agency to freeze US$1 million in assets of two respected human rights NGOs, the Human Rights Council and the Ethiopian Women Lawyers Association. In August 2012, the Charities Agency used the CSP Law to prohibit fundraising activities by the Human Rights Council, Ethiopia’s oldest human rights organisation. Further, in February 2013, it arbitrarily banned three other NGOs.⁸

- Amnesty International reported that, in 2012, the Charities Agency began enforcing a requirement in the CSP Law that NGO activities are overseen by a relevant government body. This has severely compromised NGO independence.⁹

- In February 2012, five United Nations Special Rapporteurs issued a joint communication expressing their concern about the persistent abuse of the Anti-Terror Law to curb freedom of expression in Ethiopia.¹⁰ The United Nations Special Rapporteur on the situation of HRDs has since confirmed this position in subsequent communications and expressed concern for the ‘overbroad definition of terrorism’ used.¹¹ The law criminalises any reporting deemed to ‘encourage’ or ‘provide moral support’ to causes labelled by the government as ‘terrorist’ causes.¹² Human Rights Watch highlighted the fact that few, if any, independent organisations are able to investigate sensitive human rights violations or speak critically on Ethiopia’s human rights record from within the country. HRW further documented that ‘thirty-four people, including 11 journalists and at least 4 opposition supporters, are known to have been sentenced under the [anti-terrorism] law since late 2011 in what appear to be politically motivated trials’.¹³

3. Human rights defenders facing particular risks

- Defenders of lesbian, gay, bisexual, transgender and intersex (LGBTI) rights in Ethiopia operate in a particularly hostile environment, with organised anti-homosexuality organisations calling upon the government to close spaces for the LGBTI rights movement and tighten ‘anti-gay’ legislation, punishing ‘homosexual acts’ with the death penalty.¹⁴ LGBTI organisations have been consistently accused of being Western proxies seeking to subvert Ethiopian cultural values. Many clerical leaders have made statements against sexual diversity in a country where ‘homosexual acts’ are punishable with one to fifteen years imprisonment pursuant to Articles 629 and 630 of Ethiopia’s Criminal Code.¹⁵

- Muslim activists are particularly vulnerable to harassment, assault and abuse of anti-terrorism legislation.¹⁶

4. The response of the State regarding the protection of human rights defenders

- Ethiopia has indicated, in its report currently being considered by the ACHPR, that it does not have any intention to amend or repeal the CSP Law. On the contrary, it considers the law to be in line with its constitutional obligations and with Article 10 of the African Charter of Human and Peoples’ Rights.

- During Ethiopia’s UPR at the 27th session of the Human Rights Council, Ethiopia declared that it would not amend the CSP Law because it was essential to ensuring accountability of NGOs, nor would it amend the Anti-Terror Law as its only purpose was to put an end to the terrorist threats in the country. Further, in Ethiopia’s last Universal Periodic Review (UPR), it did not accept the Netherlands and Canada’s recommendation to amend the CSP Law to make it compliant with international human rights standards. Nor did it accept Norway’s recommendation to ensure full observance of the Declaration on HRDs, or the Netherlands’ recommendation to amend the Anti-Terrorism Proclamation with a view to bringing it into conformity with international human rights standards and narrowing the definition of terrorism.¹⁷

- There is no evidence that the Government of Ethiopia has taken any further steps to guarantee the freedom and security of HRDs, nor to remove restrictions to freedom of expression. Journalists are continually accused of terrorist activities, prohibiting them from freely carrying out their activities.¹⁸

- In 2014 the United Nations Special Rapporteur on the situation of HRDs called for the release of all those detained arbitrarily under the pretext of counter-terrorism measures due to their peaceful and legitimate work as human rights defenders, political opponents, journalists and religious leaders. Particular reference was made to Ms. Reeyot Alemu who is detained on charges of “promotion or communication of a terrorist act” due to her work as a journalist.¹⁹
5. Recommendations to the Government of Ethiopia

- Repeal the Charities and Societies Proclamation and the Anti-Terrorism Law and develop legislation which gives full force and effect to the international Declaration on Human Rights Defenders at the national level. This includes guaranteeing freedom of speech and assembly, in accordance with the African Charter articles 9, 10 and 11, and promoting the existence of a vibrant, independent civil society.

- Combat impunity by ensuring the prompt, thorough and impartial investigation of all violations against HRDs, the prosecution of perpetrators, and access to effective remedies for victims.

- Make high-level statements and declarations recognising the importance of an independent civil society in Ethiopia, underlining the importance of the work of HRDs and committing to their protection, whatever their religion, ethnicity, gender or sexual orientation.

- Invite the SR on HRDs from the ACHPR to assess HRD situation in the country.

Just weeks before the 2015 Ethiopian elections, time is running out for the Government to demonstrate a commitment to human rights and freedom of expression. The CSP Law and Anti-Terrorism Law, together with restrictions upon independent civil society, are incompatible with a democratic future for Ethiopia.

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1 http://www.hrw.org/world-report/2014/country-chapters/ethiopia
2 http://www.frontlinedefenders.org/ethiopia
3 http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_63_Add_1_en.doc
6 http://www.defenddefenders.org/2012/09/ethiopia-amend-laws-that-repress-civil-society-and-media
7 http://www.icnl.org/research/monitor/ethiopia.html
8 http://www.defenddefenders.org/country-profiles/ethiopia/
12 http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_63_Add_1_en.doc
15 http://www.lgbtnet.dk/countries/africa/ethiopia
17 http://www.defenddefenders.org/country-profiles/ethiopia/
20 http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_63_Add_1_en.doc
LGBT Rights

Ethiopia’s criminal code punishes consensual adult same-sex relations with up to 15 years in prison. In March, Ethiopia’s lawmakers proposed legislation that would make same-sex conduct a non-pardonable offense, thereby ensuring that LGBT people convicted under the law could not be granted early leave from prison. However, in April the government dropped the proposed legislation.

Ethiopia came for Universal Periodic Review in May 2014, and they rejected all recommendations to decriminalize same-sex conduct and to take measures to combat discrimination based on sexual orientation.

Key International Actors

Ethiopia continues to enjoy unquestioned support from foreign donors and most of its regional neighbors, based on its role as host of the African Union (AU); its contribution to UN peacekeeping, security and aid partnerships with Western countries; and its stated progress on development indicators.

Its relations with Egypt are strained due to Ethiopia’s construction of the Grand Renaissance Dam, which will divert water from the Nile and is due to be completed in 2018. In 2014, Ethiopia negotiated between warring parties in South Sudan, and its troops maintained calm in the disputed Abyei Region. Ethiopia continues to deploy its troops inside Somalia; they were included in the AU mission as of January.

Ethiopia is one of the largest recipients of donor aid in Africa, receiving almost US$4 billion in 2014, which amounted to approximately 45 percent of its budget. Donors remain muted in their criticism of Ethiopia’s human rights record and took little meaningful action to investigate allegations of abuses. Donors, including the World Bank, have yet to take the necessary measures to ensure that their development aid does not contribute to or exacerbate human rights problems in Ethiopia.

Ethiopia rejected recommendations to amend the CSO law and the Anti-Terrorism Proclamation that several countries made during the examination of its rights record under the Universal Periodic Review in May.
Serawit B. Debele

Of Taming Carnal Desire
Imperial Roots of Legislating Sexual Practices in Contemporary Ethiopia

ABSTRACT Focusing on Ethiopia, an empire off-center, this article argues against dominant narratives that link the regulation of sexual practices to colonial (Western) imperial relations. Within this context, the paper investigates struggles over the past by contrasting two versions of history, discussing how different groups mobilize the past in contemporary Ethiopia. It begins by exploring the imperial, Christian roots of the country’s penal codes, interrogating how the state mobilizes such histories to criminalize same-sex desires and practices. The article then focuses its attention on those deemed “outlaws” by such legislation, exploring their search for histories silenced by empire, and their assertion as longstanding, integral parts of the country’s past.

KEYWORDS carnal desire, Ethiopia, subjectivity, zgä, penal code

Since 1991, Ethiopia has presented itself as a secular, multi-ethnic state that has broken ties with its imperial past. Yet, as this article argues, imperial Orthodox Christian pasts inform the legal management of carnal desire (fet-wät) in the country. Through multiple valences, imperial legacies—based on legal and discursive employments of historicist arguments—remain integral to the making of Ethiopia. This article focuses on the contemporary purchase of imperial legal history in the regulation of sexual practices, exploring the deployment of historical discourse as a tool to tackle social anxieties around sex and sexuality. By diagnosing the lasting legacy of the past and how it is experienced in the present, the paper traces continuities in the legislation of carnal desire between the Ethiopian Empire and the contemporary state.

While imperial Christian legacies have been officially disavowed in Ethiopia since the 1974 revolution, which brought to power the Marxist-Leninist military junta known as the Derg, most laws in the country remain signifi-
cantly influenced by a fifteenth-century document called the Feteha Negest (FN). This stems from the incorporation of legal provisions from the FN, including those regulating sex, in the Ethiopian penal codes of 1931, 1957, and 2005. Since 1991, the ruling party, Ethiopian Revolutionary Democratic Front (EPRDF), has led the Ethiopian state by manifesting an anti-imperial ideology, for example, in its commitment to the respect of cultural and religious rights of previously marginalized ethnic groups. Yet, as this article argues, the EPRDF’s current management of sexual practices remains marked by Orthodox Christian and imperial legacies. This means that imperial legal provisions have salience even after the collapse of Haile Selassie’s government and the Solomonic dynasty in 1974.

Situated within the debates on empires as formations and processes with a lasting resonance in the present (Stoler and McGranahan 5–10), this article emerges within a specific, off-center imperial context. To be sure, the article draws and extends works on sexual practices in non-Western historical contexts (Massad; Najmabadi, Women with Mustaches; Epprecht, Heterosexual Africa?; Zabus). Focusing on the Arab world, Iran, and Africa respectively, these works attribute the anxiety about legislating the sexual life of subjects to colonial/Western contacts. However, this article introduces an alternative reading from a place that is off-center, arguing that regulating sexual practices have been empire’s obsession long before the advent of Western imperialism. Foregrounding Ethiopia as an empire off-center, the paper contributes to conversations on empire and sexuality as constituted within contexts that are both non-Western and noncolonial.

While Orthodox Christianity has been tied to the state since its introduction to the Axumite Kingdom in the fourth century, imperial consolidation reached its climax at the turn of the twentieth century under Emperor Menelik (1889–1913), giving birth to the Ethiopian Empire. Scholars such as Donald Levine and Fouad Makki note that imperial expansion to the southern parts of present Ethiopia took place during the Scramble for Africa, an impulse for Menelik to strengthen his stronghold against the threatening presence of European powers in the region. Makki highlights: “The new empire incorporated a population and territory more than twice that of historic Abyssinia. . . . In a series of treaties signed with France, Britain and Italy between 1897 and 1908, the boundaries of the empire were delineated and, having secured international recognition, imperial rulers set out to consolidate control over the newly incorporated regions” (272).

Ethiopia’s imperial trajectories were characterized by ambivalence in the way the empire’s roles and positions are understood within the framework of European colonial expansions. As such, imperial Ethiopia was implicated
in colonial processes akin to other empires, such as the Ottoman, which itself had colonial involvements in North and Northeast Africa (Minawi). This was particularly the case with the Shoan kingdom’s internal expansion to the southern parts of present day Ethiopia, in response to the fierce competition and pressure from France, Great Britain and Italy in the East African region (Makki 272). In their seminal work, Donald Donham and Wendy James dubbed this imperial expansion (with Orthodox Christianity as its cultural core) the “southern marches of imperial Ethiopia” (Donham and James). With its involvement as a partaker in the scramble, Ethiopia was an empire off-center that received little attention within the broader discussions on empire that take the West as the main—if not the only—protagonist (Stoler and McGranahan). Certainly, Ethiopia was an empire which constituted its modernity in relation to a colonial framework (Giorgis). Yet to focus on Ethiopia as an empire off-center means not only to take into account the complex relationship of colonial competition in which its imperial state emerged but also to take into account its internal dynamics. Imperial Ethiopia was—and as this article argues, remains—an empire-state imbued with complex histories, discourses and practices of marginalizing subjects such as those it characterized as sexual deviants. Using the notion of duress, Ann Stoler captures the strong prevalence of imperial histories in the present by arguing that “imperial dispositions have tenacious presence in less obvious ways” (Duress 4). Focusing on the duress of an off-center empire, this article describes and analyzes how empire’s perpetuity is experienced in the present.

The article is based on archival and ethnographic research among people who refer to themselves as zega, conducted in Ethiopia’s capital, Addis Ababa, in 2017–18. Zega in its everyday Amharic usage means a citizen or a foreign national, but is also a constitutionally recognized legal category used to refer to Ethiopian nationals. Sometime in 2002, the word was adopted by the Addis same-sex sex-practicing community, when a circle of friends created a Yahoo Mail group to communicate in secret. As I gathered from some of my interlocutors, zega is used to assert one’s presence and belonging to a polity otherwise characterized by alienating discourses and practices. This appropriation of the term calls upon a larger history of the category zega as a claim to citizenship by those on the margins of power. Historically, zega has been used to define a status based on property ownership. In the eighteenth century, zega referred to landless people who worked on the farms of church leaders in central Ethiopia (Mengiste). In spite of claims of revolutionary novelty by the EPRDF regime, the notion of zega still remains tied to its historical meaning, which links the state to its imperial past. Throughout this
text, I avoid the term *homosexuality*—a category whose history and theorization mainly draws on the West—and use *zega* instead. In doing so, I take cue from Afsaneh Najmabadi’s caution about imposing foreign categories such as gay, noting the danger such categories entail in local contexts (Najmabadi, “Is Another” and *Women with Mustaches*). Moreover, my decision to stick to the term emanates from the fact that the people I spoke with identify themselves as *zega*.

The article begins with a description of how carnal desire is conceptualized and legislated in the FN, so as to tease out specific legal articulations and their appropriation in the penal codes that followed. I follow this discussion with a description of the history of sodomy laws in twentieth-century Ethiopia to show the continued relevance of this historical document. I then proceed to reflect on the experiences of *zegas* today and their desire for history. In doing so, I argue that *zegas* revisit the past to process their current experience of state oppression, as well as legal and public discourses that depict them as foreign to the land. In the concluding section, I stress how studying sexuality in off-center empires challenges assumptions about the management of same-sex practices and their ties to colonial histories.

“*Fetwät*”: Carnal Desire in the Feteha Negest

Carnal desire (*fetwät*) was introduced as a juridical category in the fifteenth century when the FN was adopted by the Ethiopian Empire. There are various theories about the origin of the document, but the general consensus is that it was brought to Christian Ethiopia during the reign of Emperor Zara Yacob (1434–68). According to Abba Paulos Tzadua, the FN was translated to the liturgical language Ge’ez in the sixteenth century from the Arabic document *Maḡmū al-qawānin*, first written in 1238 by the Christian Egyptian jurist Abū l-Fadā’īl Ibn al’Assāl as-Safi. In the following centuries, the document served as the basis of Ethiopian supreme law, and spiritual guidance of the Orthodox Tewahedo Church (Tzadua; Jembere; Muluken).

The document is divided into two overlapping parts. The first deals with religious matters in relation to the afterlife, while the second discusses worldly matters, instructing how subjects should conduct themselves. Carnal desire is defined and detailed in the second part. According to Kidane-wold Kifle, *fetwät* is a state and act of either loving, desiring, wanting, or wishing. Despite it being a form of attachment, for Kifle *fetwät* is the smoke of sin that untamed sexual desire bears (736). The FN regards *fetwät* as lust and unmitigated sexual temptation. It depicts *fetwät* as the mother of all sins: decadent, enfeebling, and polluting because it forces one to go out of his way for illicit sex. And so, one needs to self-restrain because, if not tamed, *fetwät*
is like a wildfire that “eats” one alive. Sexual fantasies (of any kind) subject one to dual death: exclusion from a respectable immaculate life and later from heaven. It is therefore a battle one has to fight because it breeds humiliation and suffering—here and in the afterlife.

The warnings have an explicit religious undertone, articulating a need to fulfill the Christian obligation to multiply through procreative sex. The empire in its turn acts as the guardian of these principles, not only as part of its Christian commitment but also for its own purposes of sustainment through the constant supply of subjects via procreation. Enforcing such Christian dogmas as the only truth enables the empire to construct its own outlaws, based on whether one’s sexual act fits into those discourses. The document also contains a list of punishments on those who trespass depending on the degree of the crime. For example, incest and the ensuing punishment are discussed in detail in article 48 of FN together with a number of fetwät committed before, within, and after marriage. Bestiality subjects one to an amputation of his genitals. Both men who engage in sodomy have to be killed, but if one of them is twelve years old or younger, he is pardoned due to his age (Feteha Negest: Nibabuna). The administration of such punishments was based on the act committed, and not a category of identity. As the Feteha Negest legislated individual acts of sin, sexual practices were not used as a foundation for constituting a legal identity.

Similar manuscripts were available in other off-center imperial contexts. In her work on early Qajar, Najmabadi highlights the availability of “literature of warning against gazing practices that might prompt a believer to engage in sinful acts. Warnings, and punishments of infractions, were directed equally against sexual acts with a woman not a man’s own wife as against having sex, in particular anal intercourse, with young men” (Women with Mustaches 18). However, as she points out, it is hazardous to make generalizations about whether any of the above concepts have anything to do with the actual sex life of the society. The same can be said about historic Ethiopia for which, to use Najmabadi’s own phrase, “we do not have social history” (Women with Mustaches 18). Historians like Haile Mulukken and Aberra Jembere remark that there was a limited circulation of FN, and thus doubt its strict enforcement in governing imperial subjects (Mulukken; Jembere). The document was confined to the imperial court and mainly in the hands of only those who were church educated. As the majority of the Ethiopian population was illiterate, the FN remained accessible to only a few church men. Whether FN has been enforced at all times across the board calls for further investigation. However, the document’s contemporary influence
clearly points to continuities in the fantasy of imperial power, whose consolidation is predicated on tamed sexual indulgence.

Taking a cue from Walter Benjamin, I approach the FN as a legal document from the past but as one that is of major relevance to the present. Historical documents are products and reflections of the dialectic relations with civilization and barbarism (Benjamin 256). As he stresses, every document of civilization is a document of barbarism at the same time, and the processes of transmission of such historical documents are violent in so far as they are carried along on the back of the oppressed. If FN embodies a history of civilization in which Ethiopians take pride, it is at the same time a document that justified the subordination of subjects whose lives do not tally with imperial expectations. Its transmission to generations of rulers also became necessary as a tool to perpetuate oppression. Thus, instead of praising the FN as an icon of Ethiopia’s “longstanding juristic tradition and an almost innate sense of law,” as does Abba Paulos Tzadua (xxviii) and reifying it as an epitome of Ethiopia’s glorious past, this essay reads FN as a document in which violent imperial legacies are inscribed. It is also a document that continues to justify the subordination and marginalization of certain sections of the society. The FN established conditions on which sex is permitted by introducing the divide between what is licit and illicit sexual act. Following Foucault’s notion of power as law (Foucault 82–83), we find at work here juridical power that employs law to define and prohibit sex. As I discuss below, provisions from the FN have remained part of Ethiopian legislation on sex both during the reign of Emperor Haile Selassie (1930–74) and the revolutionary republics that followed.

**Historicizing “Sodomy” Law in Ethiopia (1930–2005)**

With the introduction and expansion of modern bureaucracy in Ethiopia, Emperor Haile Sellasie introduced and enforced a new penal code. Articles from the FN that regulate sexual practices were incorporated in the first penal code of 1930 and in the revised code of 1957. Both penal codes of 1930 and 1957 had a stringent stance toward legislating sex as a necessary condition to protect the empire from degeneracy. In the former case, the article in question calls upon the document directly in the section “Concerning Crime Which Is Committed by Illicit Sexual Intercourse,” stating that “those who are forbidden by the Fetha Negest [and those who] have illicit sexual intercourse with their natural and spiritual relations, they should be imprisoned” (*Penal Code* 63). In the revised penal code of 1957, the same principle of historical law is retained in articles 600, “Unnatural Carnal Offen-
ces,” and 601, “Other Unnatural Acts,” which are specified in the section “Sexual Deviation.” The code defined non-normative sexual practices as immoral and punishable by law (Revised Penal Code 182–3). The emperor explicitly mentioned in the preface of both codes that the criminal codes mainly draw on FN, although there has been room to accommodate foreign sources and experiences in the codification process. For instance, in the revised penal code of 1957, he wrote, “We have ensured that their concepts adopted as point of departure the venerable and well established legal traditions of Our Empire as revealed in the Fetha Negest and other subsequent legislation and practice” (Revised Penal Code vii).

The preeminent position of FN as a source of legal and moral order in imperial Ethiopia continued to be emphasized throughout Haile Selassie’s reign. In 1968 the document was translated into English for the first time, under the auspices of the Faculty of Law at Haile Selassie (today’s Addis Ababa) University. The emperor praised the longstanding place of FN in Ethiopia’s legal history in the preface to the first edition, adding:

> Our people were at fist ruled by Mosaic law, but after the advent of Christianity to Ethiopia, they came later to be governed by the Fetha Nagast. . . . The Fetha Nagast has been venerated, supported, and applied by both the government of Our empire and by the Church. . . . By the Providence of the Almighty, this bulwark of the law was preserved for Our people. Venerated for many centuries, it provided for Our people an invaluable source of legal principles. (Tzadua v)

Commending the translation, the emperor also acknowledged the role of the faculty in disseminating knowledge about the FN. The translation was important for the emperor’s international image as it introduced the legal roots of his empire and strengthened Ethiopia’s position as an icon of civilization on the continent.

Under the rule of the EPRDF, the Penal Code was revised in 2005, and was renamed the Criminal Code. The stated rationale for the revision is a need to keep up with new local and global changes in the areas of human rights, women’s emancipation, and the recognition of previously marginalized ethnic and religious groups. The rigorous process of revision is described in the preface as follows: “Legal and medical professionals, psychiatrists, different institutions of higher education and professional associations have made significant contributions through the opinions they gave to the enactment of the law. Representatives of the people selected from different sectors and associations have forwarded important views in discussion forums on the draft laws conducted in Addis Ababa and the regions” (Criminal Code n.p.).
In spite of its calls on expert groups and use of modernizing language (or perhaps as an outcome of the consultations), the new legal code criminalized zegas in remarkably similar language to the FN. The document remained the major legal source on what is still termed “sexual deviation,” posited in the section that contained articles on “homosexuality and indecent sexual acts.” In the 2005 revision of the Penal Code, any attempt to excite indecent sexual desire, including sodomy and bestiality, remained a criminal act punishable by law.

Following decades of civil war (1974–91), Ethiopian state formation processes came to be defined through the critique of the old imperial regime, characterized by exploitation, subordination, and cultural assimilation of diverse groups under the banner of Orthodox Christian Ethiopianness. Yet, as I have argued, the inclusion of provisions from the FN in the country’s current penal codes demonstrates continuities with the colonial past. Nevertheless, this is not to suggest that Ethiopia has not been implicated in discourses and practices that emanate from the Western imperial and (post)colonial contexts. For instance, one striking extension of imperial legal discourses on sex is the introduction of the category of “homosexuality” in the revised law. What was known as an “unnatural carnal offence” in both the 1930 and 1957 Penal Codes has been referred to as “homosexuality” in the Criminal Code of 2005. The further inclusion of “lesbianism” as a legal identity offers another interesting point of intersection between the indigenous, imperial source of law and the so-called Western influence (yäEthiopia Fedäralawi Dimocrasiawi n.p.). The inclusion of homosexuality as a category in 2005 represented a significant shift beyond legislating acts to instituting a legal identity. Through defining a group of people as “homosexuals” certain sections of the population were inscribed as legal problems the state has to deal with. Given the increasing and vibrant discourses on sex and sexuality globally, it is not surprising that the current Ethiopian law is at the same time emerging as a site of hybridized legal discourses and practices.

While the current regime celebrates the rights and freedoms of individuals and claims to be determined to fight any form of discrimination, zega is reified as an oppressed group on the margins of the law. To be sure, the state hails secularist values and also claims to have removed Christianity from its historical role in the political life of societies in imperial Ethiopia. But in practice Ethiopia offers an example of “Christian secularism,” where Christian morality frames major legal discourses based on which sexual lives are regulated (Jakobsen and Pellegrini). As part of the longstanding complementarity of church and state in Ethiopia, managing sexual life of ordinary citizens emerges as one site of alliance between the two institutions (Tamrat).
The anxiety to manage the intimate and personal spheres of life is one of the multiple manifestations of the marriage between empire and its secular state successor. Law interacts with the church and its adherents to produce the life of zegas as one lived in constant fear and self-surveillance.

Religion, sexuality, and secularism constitute each other, as witnessed in the legal provisions based on Christian religious logic that cut across both imperial and contemporary periods of Ethiopian history. Lucinda Ramberg’s argument well captures these dynamics: “Forms of secularity and religiosity invest themselves in bodies and pleasure; they shape the possibilities we are given, or give ourselves. All rites and religions deploy sexuality: they mobilize and organize sexual economies, distributions of fertility, the limits and possibilities of public pleasures, and the shapes of our desires” (177). Moreover, what Joan Scott suggests regarding the relationship between the secular and religious illuminates the contemporary Ethiopian context in which the state claims to be secular while drawing on imperial, Christian pasts. As she argues, instead of conceptualizing the secular as an antithesis of the religious, it is more productive to see the two as mutually constitutive, or the secular as an extension of the religious in the way it manages sexual differences (Scott 24–25). As Scott further posits, the maintenance of state sovereignty presupposes Christian practices, and thus, contrary to claims of separation, “the discourse of secularism always already included Christianity” (20). Relatedly, Michael Warner remarks, sexuality produces the population, which is managed by legislation that draws on the religious. States that claim to be divorced from religion nevertheless draw upon religious documents to regulate the intimate life of their subjects. Population management through regulating fertility, procreation, and public morality remains critical for the state’s maintenance of sovereignty, and Christianity is central to this process. Hence, as an imperial production, FN represents not only the basis of law in the current state as an “ideal form,” but it does so precisely because of its status as an imperial Christian document.

This persistence of Ethiopian state power that manages sexuality across imperial and contemporary periods echoes Ann Stoler’s argument that matters of intimacy are matters of the state/empire. They are not subsidiary elements, but strategic sites of governance in their own right and hence one of the state’s major preoccupations (Stoler, “Matters”). As far as the state is concerned, “sexual corruption” compromises the subject’s commitment and loyalty to the state. Accordingly, what the state perceives as legitimate sex is reified as a standard vantage point from which what is regarded as illegitimate is undermined by law. Akin to Michel Foucault’s proposition,
the purpose of prohibition in this context is to produce subjects who orient themselves against it, rather than eliminate the prohibited behavior (Foucault). Employing law to (re)inscribe some sections of the society as a “social problem,” the state recognizes their existence as anomalous and in need of management.

The legacy of imperial Ethiopia is further visible in the unacknowledged alliance between anti-homosexual activists, nostalgic for the country’s imperial past, and the state’s determination to manage the carnality of its ordinary citizens through laws drawn from an imperial document. “Homosexuality” has remained a vice for both the state and religious institutions, as highly embedded in everyday life. Both criminalization and eternal damnation, as consequences of the vice, are thus complementary positions. The criminalization of same-sex intimacies gives license to religious institutions and their followers to act against zegas, from whom the state has withdrawn protection. Sexual desires beyond the heteronormative frame are defined as deviant, immoral, and unconventional, to be corrected through the collaboration of the state and religious institutions.

Certainly, church orientated anti-zega activism in tandem with state law suffuses the everyday life of zegas with its normative demands to which they have to adjust. This in turn subjects zegas to a life lived in a constant process of adjustment. Subjects have to actively orient their bodies in response to such normative demands by adjusting to the disciplining discourses, institutions, and apparatuses. In order to demonstrate how imperial history, law, and anti-zega activism manifest in the everyday life of zegas, I offer an ethnographic account that illustrates key processes of subjection and counterprocesses of reclaiming negated subjectivities. I do so by describing two extreme positions embodied by activists: those who advocate for the rights of zegas and those who oppose them.

**To live as Zega in Ethiopia**

Beki Aby is one of the most vocal activists fighting for legal protection for zega living in the country. He told me how alarming the legal situation has become in Ethiopia in recent times. In only one day in 2015, twelve young men were imprisoned due to allegations of violating article 629 of the criminal code, which states that homosexuality is punishable by law. The same year, Beki witnessed few individuals being fired from their jobs for their “homosexual tendencies,” which were regarded as a disciplinary problem. Escaping intimidation and threat, Beki moved to the United Kingdom in 2016, where he gave the following interview to Cheryl Overs:
Homosexuality is totally illegal in Ethiopia and it carries jail penalties. . . . Even outside of the arrests the law is a justification for anyone to abuse LGBT people as they want. . . . Of course, there is always the risk of being arrested and it is important to understand that this means entering a criminal justice system that is secretive and without the checks and balances of a democratic system. But in a way the more pervasive threat is being outed to family, employers, church, neighbours, etc. ("Interview with Beki Abi")

Ethiopian scholars who advocate for the decriminalization of "homosexuality" and the respect of basic human rights for sexual minorities share Beki’s concern. Selamawit Tsegaye, whose research challenges Ethiopia’s legal heteronormative regime, has remarked that “the dire situation in the country, which reinforced by the criminalization of the act, subsequently leads individuals who identify themselves as gay, lesbian, and bisexual to live in fear, shame, and isolation with no protection of the law” (Tsegaye, “Impact”). Similarly, Betelhem Ephrem and Aaronette White stress the constant fear in which “lesbians” live due to, among other reasons, the lack of legal protection owing to state-sanctioned homophobia. This is shared by Daniel Iddo Balcha, who emphasizes the role of religion in shaping legal regimes to ostracize homosexual groups in Ethiopia. What these authors and activists share is an understanding of how legal provisions, originating in the imperial document of FN, work beyond prohibition and punishment to produce zega subjectivity as lived in fear. At the center of their position is an appeal to law and universal human rights discourses.

The interaction between the law and other sociocultural and religious sentiments mobilized against zegas is clear if we pay attention to anti-zega activism. When asked his views on Ethiopian law concerning homosexuality, Dereje Negash, founder and leader of an Orthodox Christian association, stated that the law has to be stricter. He went on to explain that there is a significant difference between 2005, when the criminal code was revised, and the time of the interview in 2014. For Dereje, “sodomy” spreads through new mobile technologies and social media, which requires a new revision of the law and a scaling up of the punishment (Gidey). Dereje’s appeal is rooted in the commitment to carry what Walter Benjamin calls “cultural treasures” (256), artifacts of oppression that have their roots in Christian ideals of normality originating within the Ethiopian Empire.³

Such relationships between legal prohibition and anti-zega activism are by no means peculiar to Ethiopia. Based on his research in different countries in Africa, Cary Alan Johnson reports that statutes deployed to “criminalize consensual same-sex conduct uphold a system of discrimination in which an
individual’s sexual behavior is considered so criminally immoral that he or she is deemed unworthy of human rights protections. Even in countries where such laws are infrequently enforced, they criminally marginalize LGBTQ people so that the perpetrators of violence, discrimination, and abuse are free to operate with impunity” (Johnson 20).

In the 1990s, South African gays and lesbians were confronted with what Ryan Goodman calls the “social experience of sodomy laws” (671). The very existence of laws, whether enforced or not, was a site of fear and insecurity and resulted in self-disciplining (Goodman). In Kenya, Uganda, and Nigeria, the situation remains fraught for same-sex attracted people due to the criminalization of certain sexual practices (Macharia; Epprecht, Sexuality and Social Justice). From the perspective of scholars like Neville Hoad, the Ethiopian context is thus a reflection of how law is mobilized against or in favor of same-sex attracted people elsewhere on the continent (Hoad).

Yet what makes Ethiopia unique is its historical position as an “empire off-center,” that is, the historical specificity that is tied to its indigenous Christian tradition and its noncolonial imperial past, regarded as a pillar of pride for the public. Within such historicist conceptualizations of Ethiopian identity, zegas trigger an underlying anxiety that must be tackled by any means possible, lest it cause national shame, undermine established norms, and unsettle received hierarchies. This is embedded in the view that zegas threaten Ethiopia’s sacred imperial-Christian past and morally clean present, and endanger its hope for the future. Anti-zega advocates’ insistence on strict measures by the state thus work to make empire and its historical legacies respectable through sexual sanctions (Stoler, “Making”).

However, that imperial laws remain unchallenged in shaping contemporary subjectivities and disciplining sexual practices is not the whole story. The complex and contradictory ways in which legal regimes and history work in the present are laid bare the moment the same marginalized community looks back to history to find affirmation. In what follows, I discuss how zega position themselves vis-à-vis imperial legacies through the notion of the desire for history, a phrase I adopted from Allen Bérubé’s “Intellectual Desire.”

**A Desire for History**

The desire for history, according to Bérubé, is an escape route or strategy “to survive a difficult present by reminiscing about the past and dreaming about the future” (170). Just as much as fear and insecurity are prominent, contemporary discourses among the zega evidence this overwhelming desire for history: an act of looking for validation, affirmation, and liberatory options
from the past. The desire for history is a form of struggle by which *zegas* excavate relatable histories in which they find their traces. In so doing, they not only challenge their representation by anti-*zega* activists but also write themselves into existence as a part of history erased by empire. In the struggle for liberating the oppressed past, such acts complicate the continuity of oppressive heteronormative narratives.

In my first meeting with *zega* Addis Ababans, I came to learn more about same-sex intimacies in historic Ethiopia. Two stories in particular are in high circulation by *zegas* to confront the anomaly Ethiopia’s perpetual discourse of hetero-normalcy strives to make them. The first story was published in 1988, as part of Sergew Hable Sellasie’s *Amharic Church Dictionary*. In it, Hable Sellasie discusses two women (whom he calls whores) living together as a couple in eighteenth-century Ethiopia, as part of a brief biography of the judge involved in their case. In his effort to praise the wit of the local judge, Hable Sellasie recounts how the two women, who lived as husband and wife, had some disagreement related to childbirth. This conflict was resolved with the judge’s wise intervention. What is interesting in this story for the *zega* community is that the women were not frowned upon for having lived as husband (who is described as masculine) and wife, that the wife has never been with anyone else except her husband, and that they were able to live as a couple. This story is prominent in Addis Ababa as a site of wonder, pride, rootedness, but also frustration with the selective nature of Ethiopia’s public history (Hable Sellasie).

The second story revolves around the life of a seventeenth-century Ethiopian saint whose biography was translated from Ge’ez into English in 2015 by Wendy Belcher and Michael Kleiner. Wäläta Petros was a noblewoman who abandoned her husband and moved to a monastery to live the rest of her life as a nun. There she met her lifetime companion, a woman named Eheta Kristos, and the two lived together till death parted them. Wendy Belcher wrote a follow-up article in which she reads sexual intimacies not only between the two women but also other nuns within the monastery who were seen lusting after each other (Belcher and Kleiner; Belcher). Both the translated biography and the article had mixed reception because of the controversial expositions. However, in *zega* circles the book and the article are highly celebrated pieces. I have been told by many that Wäläta Petros is a new patron saint, who guards Addis Ababans against all forms of violence due to her assumed understanding of the challenges *zegas* face.

These stories generate hope among *zega* Addis Ababans, who enthusiastically look into the past to ground themselves against powerful discourses that alienate them. Such acts of recovering “lost” histories are at the same
time acts of defying widely held assumptions about the imperial past as pre-dominantly imbricated with Christian morality. By circulating such stories, zegas entertain a level of longing for their erased past that tackles their present dislocations by imperial law and history. As Allen Bérubé argues, such desire for history restores a sense of wholeness and mitigates the anxiety that living in a violent present induces (Bérubé). Law and history, the very tools of zegas’ subjugation, are mobilized through the desire for history to counter various forms of alienation. Beyond imperial prescriptions of legitimate sexual practices, zegas’ desire for history calls for a juxtaposition of various historical sources to read existing ones “against the grain.” Such engagements with the past not only offer fresh perspectives on sexuality but also operate to upset the meta-narratives of empire.

**Concluding Remarks**

Even after the 1974 and 1991 revolutions, each of which purported to do away with the Ethiopian Empire, imperial modes of subjection are in no way settled in the past. As the above discussions demonstrate, neither law nor history operates outside of broader sociopolitical and religious structures. Law is a site of knowledge, power and practice entangled with imperial histories and imaginations, articulated as the management of intimacies and heteronormative sociocultural, religious, and political values (Constable and Schafer).

The struggle for history thus remains a prominent element of the debates on sexual practices and experiences in contemporary Ethiopia. Here, I contrast two conceptions of history: its deployment to attack zegas in the country and its mobilization by zegas as an emancipatory option that imagines a redemptive moment, contingent on recovering a past obscured by empire. On the one hand, ardent opponents of zega use history to construct zegas as outlaws who disturb the hegemonic narratives of imperial past. For them, received logics of the Ethiopian state appear to be in what Benjamin calls “a moment of danger” because Ethiopia’s longstanding Christian morality is under threat (255). On the other, zegas themselves desire for alternative histories that restore their dignity and to liberate an oppressed past in which their experiences are inscribed. From the perspective of zega, what is at stake is their very survival.

To forget or deliberately ignore the imperial roots of regulating the sexual life of citizens in today’s Ethiopia posits same-sex sexual practices as a Western import, pitted against the country’s cultural sovereignty. Interrogating such received historical narratives invites a rethinking of the convenient scapegoat, that is the “Western” roots of homosexuality in Ethiopia, and Africa at large. It also complicates assumptions by scholars like Marc
Epprecht, who argues that it is not homosexuality that was a Western import but rather homophobia (Epprecht, *Heterosexual Africa? and Sexuality and Social Justice*). As this history of the FN and Ethiopia as an “empire off-center” demonstrates, neither was imported with colonialism. Beyond the rhetoric of colonial imports, we need to remember that same-sex practices abound, as did the urge to control them. Interrogating off-center empires like Ethiopia, whose relationship to colonialism differs from that of its neighboring states, challenges processes of knowledge production that posit non-normative sexualities within (post)colonial frameworks.

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NOTES

1. This is not to imply that there is a uniform acceptance of the word by all. For example, almost all the women I spoke to showed reservation due to its masculine overtones.

2. Paradoxically, such inclusion recognizes for the first time the existence of women with diverse sexual preferences. Nonetheless, while gender equality remains a stated goal of the EPRDF regime, the inclusion represents the limits of such discourses by reifying women’s subjectivities as criminals who disrupt heteronormative order.

3. “Cultural treasures” are, according to Walter Benjamin, “spoils” carried along by the triumphant on the back of those lying prostrate.

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

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

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

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

3. POLITICAL DISSENTERS

3.1. CIVIC AND POLITICAL SPACE

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

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


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

5. THE LGBT COMMUNITY

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

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

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


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

\textsuperscript{359} RIFT VALLEY INSTITUTE, \textit{Talking Peace in the Ogaden: The search for an end to conflict in the Somali Regional State in Ethiopia} 49 (2014), \url{http://riftvalley.net/publication/talking-peace-ogaden#._WhCydraZNE4}.


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

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

5.1. Institutionalized Persecution and Criminalization

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


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

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

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

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

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

and some have fled the country and one person who has lost everything is currently awaiting trial on false charges.\textsuperscript{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.\textsuperscript{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].”\textsuperscript{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.\textsuperscript{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.”\textsuperscript{379} One LGBT Ethiopian interviewed for the AAU Center for Human Rights’ study also reported that prison officials abuse gay men in custody.\textsuperscript{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).\textsuperscript{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

\textsuperscript{375} Id.
\textsuperscript{376} Interview of GT and LN (January 25, 2018).
\textsuperscript{377} Id.
\textsuperscript{378} Id.
following him for years.”

Mercy “attended another AIDS conference in Washington, D.C. a few months later,” and when he returned to Ethiopia, “he was arrested and tortured.”

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.”

Police regularly refuse to investigate violent crimes committed against LGBT Ethiopians. 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.”

5.2. Discrimination and Stigmatization

According to the 2007 Pew Global Attitudes Project, 97 percent of Ethiopians think that homosexuality should be rejected.

In 2014, SIDA reported that in Ethiopia, “homo- and transphobia is widespread[] in general society, politics as well as in religious settings.” 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.

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.”

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382 Id.

383 Id.


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.


Religious organizations have held a series of events to promote the message that homosexuality is a Western disease and perversion that must be eliminated in Ethiopia. In June 2012, Dr. Seyoum Antonius, president of the Ethiopian GTO United for Life, organized a conference in Addis Ababa called “Homosexuality and its Associated Social Disastrous Consequences.” Over 2,000 people reportedly attended, including Ethiopia’s main religious leaders, government officials, members of the Ethiopian parliament, leaders of political parties, youth organizations, and representatives from other civil society groups. At the conference, the Patriarch of the Ethiopian Orthodox Church reportedly “read a statement of an interfaith group of Ethiopia’s religious leaders condemning homosexuality as unnatural,” “call[ing] upon the Ethiopian government to punish ‘those who are found infested with sodomite activities,’” and “call[ing] for raising awareness [of] how to protect society from this ‘infestation.’” At least two other widely attended anti-homosexuality conferences were held in 2013. At one of those conferences, an anti-homosexuality documentary called *Sodomy in Ethiopia, the Satanic Work of 666* was screened, and later widely viewed in Ethiopia.

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

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

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

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393 Id.


397 Id.
homosexuality. I assure you that Ethiopia has no room for homosexuality and our country will be the graveyard of homosexuality.\textsuperscript{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.”\textsuperscript{399} A news article reported that, at that workshop, “police alleged ‘homosexual family members and neighbors’ have sexually abused 117 boys last year.”\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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.\textsuperscript{403} The article equated homosexuality with pedophilia, rape, and male sex work.\textsuperscript{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.\textsuperscript{405} One newspaper,

\textsuperscript{398} Dan Littauer, \textit{Ethiopia Leaders call for ‘Severe’ Penalties Against Gays at Hate Meet}, \textsc{Gay Star News} (June 13, 2012), https://www.gaystarnews.com/article/ethiopia-leaders-call-severe-penalties-against-gays-hate-meet130612/; see also \textit{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”).

\textsuperscript{399} Katie Baker, \textit{A Graveyard for Homosexuals}, \textsc{Newsweek} (December 12, 2013), http://www.newsweek.com/2013/12/13/graveyard-homosexuals-244926.html.

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


\textsuperscript{404} Id.

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

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

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

5.3. Internal Flight Alternatives

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

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409 Id.
410 Id.
412 Id.
Report, “[t]he AIDS Resource Center in Addis Ababa reported the majority of self-identified gay and lesbian callers, most of whom were male, requested assistance in changing their behavior to avoid discrimination. Many gay men reported anxiety, confusion, identity crises, depression, self-ostracism, religious conflict, and suicide attempts.” Gay men also face significant barriers to accessing LGBT-specific health services. 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.

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. 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. Similarly, individuals outing by the undercover cameraman for the 2013 anti-homosexuality documentary were forced into hiding.

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.” LGBT individuals have also reported government monitoring of their email and social media communications. 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.

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


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


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


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.”).


surveillance network of informants that reaches even the most remote villages.\textsuperscript{425} Moreover, LGBT Ethiopians report that anti-LGBT sentiment is even more pronounced outside the capital.\textsuperscript{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.\textsuperscript{427}

DANA started as an informal group of LGBT friends who connected over Facebook, generally using pseudonyms.\textsuperscript{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.”\textsuperscript{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


\textsuperscript{426} Interview of GT and LN (January 25, 2018).

\textsuperscript{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/.

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

Exhibit 19
Interview with Beki Abi of DANA Social Club, Ethiopia

Published on 24 June 2016

Beki Aby is a leader in the LGBT community in Ethiopia. In 2013 he co-founded DANA Social Club, an informal collective that advocates for LGBT rights and provides members with support and information. In an extremely difficult environment DANA has conducted online campaigns and publishes an online archive named the Ethiopian Gay Library. Beki is in London this summer to raise awareness of the situation in Ethiopia which has not been ‘on the radar’ of international organisations and activists. Here,
IDS’s Cheryl Overs, author of *Booshtie: Survival and Resilience in Ethiopia* interviews him.

**What is the legal status of homosexuality in Ethiopia?**

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. Even outside of the arrests the law is a justification for anyone to abuse LGBT people as they want.

**What are the dangers of LGBT organising?**

Of course there is always the risk of being arrested and it is important to understand that this means entering a criminal justice system that is secretive and without the checks and balances of a democratic system. But in a way the more pervasive threat is being outed to family, employers, church, neighbours, etc. This is a real danger for activists but it’s also a very real risk for every same-sex attracted person in the country, as well as bullying in school and discrimination where homosexuality is even suspected.

Ethiopia is a tough economic environment even by the standards of our region and only a tiny percentage of Ethiopians can maintain livelihoods and carry out the ordinary functions of life without the support of their family and local community. So being outed is social and economic death and it happens very quickly. Violence is
also a very real risk. There have been outings of DANA members and some have fled the country and one person who has lost everything is currently awaiting trial on false charges. We had a shared house but we have had to abandon that because things happened that made it clear that it was only a matter of time until it was raided.

Is there any prospect of law reform?

Ethiopia is a one-party state and expectations for protections against discrimination and abuse are far lower than amongst our neighbours. Legal challenges such as the constitutional challenge to anti-gay law underway in Kenya are unthinkable in Ethiopia, not only because of homophobia but because no group of citizens gets to court to challenge the government. We are at a much earlier stage. We are gathering our strength as a community, making links with other citizens groups and beginning to ‘massage’ public opinion. In 2014 we conducted an online campaign in response to calls for higher penalties for homosexuality, Stop Hate Spread Love. The calls were rejected which even if not due wholly to our campaign, certainly felt like a small victory.

Is Dana the first LGBT group in Ethiopia?

No it isn’t. There was a previous attempt that illustrates the problem. A few years back a guy started a group to work with the HIV agencies and he spoke openly at an International AIDS
Conference. Soon after he had to flee for his life. We are therefore very careful about how we work and we hope the timing is better because more and more Ethiopians have access to the internet. Our activism, information and support functions mainly happen online. These are complemented by small and very secret meetings, a bit like the ‘cells’ of an underground resistance movement. But still most queer lives are lived in complete isolation and there aren’t even small LGBT sub cultures you can find in other parts of East Africa.

**What happened around HIV after that? How are men who have sex with men affected by HIV in Ethiopia?**

Not much happened. There are still no services for us. DANA members have adapted information from MSM groups in other countries and we distribute that to the thousands of men who access us through social media. Members also distribute lube, which is hard to come by, especially in rural places. But obviously this is not enough because Ethiopia is a huge country, much of it rural with many languages and still most people are not online.

The fact is we don’t know the impact of HIV because there is no recognition so no research. But there’s no reason to believe it is lower than the very high rates in the rest of East Africa. How Ethiopia differs from our neighbours in this respect is that there is much less knowledge within the community about HIV. Even among my friends in Addis who are well informed and understand
the stigma issues, information about HIV status is never shared often. This is one of many aspects of LGBT life in Ethiopia that is undocumented and unknown and we are determined to start filling in those blanks.

**What are you hoping to achieve in Europe?**

First and foremost it’s raising awareness about the situation in Ethiopia. We need Ethiopia to be on the map for organisations in the Global North who are helping LGBT communities in the Global South to challenge the abuse of our rights. To date, we have had no official support, apart from the disastrous foray of international HIV agencies into Ethiopia. International organisations that have been very vocal about LGBT issues in Uganda, Nigeria, Malawi, Kenya and elsewhere have been silent about Ethiopia despite having a presence there. We understand that international support is risky given the ridiculous idea that same sex love is a foreign import, but without it we have great difficulty progressing and we have no back up for activists who are risking their lives.

Another aim is to learn. Thanks to the Human Dignity Trust and Stonewall I have many opportunities here to do that. I am meeting various organisations and government representative and people Eric Gitari from Kenya and Frank Mugisha from Uganda as well as diaspora activists like Bisi Alimi. Learning how to interact with international institutions to push the LGBT rights agenda is crucial
for DANA. I am also very keen to learn more about campaigns for trans and non-binary gender rights around the world.

Finally I am searching for practical support, both technical and financial. DANA does not need a lot of money but we need some to safely communicate, protect our members, document queer Ethiopia, get better access to health services and to conduct research in our own communities. We can’t register DANA as an NGO which is why we deliberately call it a social club. Nor can we bypass the system by using personal bank accounts even if donors were willing because every financial transaction is closely scrutinised. Even if we were an NGO we could not receive money from abroad as there is a law that prevents all NGOs advocating for human rights and receiving international funds.

**How do you like London’s LGBT scene?**

It’s certainly very different. Even though I knew European gay life from websites I was still amazed when I went to Soho and saw the gay book store for the first time. People living their lives without having to look over their shoulder and wearing what they want without fear of abuse was unimaginable to me. I am so used to suppression and self-censorship that I almost had a heart attack the first few times I heard the gay word used in public.

I am really looking forward to Pride in London. I will wear the Ethiopian flag, as will other queer Ethiopians at Pride marches
around the world. It’s such a great opportunity to make Ethiopia LGBT visible to the rest of the world. Although we must stay invisible to stay alive in Ethiopia, Pride marches in other countries are important to us. DANA members around the country mark the day with our own secret events, which as you can see from the photo, are much smaller!
Covid-19 and domestic violence: Caring states?  

Sohela Nazneen

1 May 2020

NEWS

IDS affirms partnerships for improved responses to humanitarian crises

28 April 2020

OPINION

Safety of sanitation workers should not be overlooked

Ruhil Iyer

28 April 2020

REPORT

Disability Stigma in the Inclusion Works Programme Countries: an Overview of the Evidence

Brigitte Rohwerder
18 November 2019
Exhibit 20
Sexuality, Poverty and Law Programme

LGBT Life, Rights and Health in Ethiopia

Stephen Wood in conversation with Cheryl Overs

As part of our current Sexuality, Poverty and Law programme here at the Institute of Development Studies (IDS), we have commissioned a number of case studies examining the complex intersections between sexuality, gender identity and poverty in a number of country contexts. In the last year, Cheryl Overs has worked with communities marginalised on account of their sexuality in Ethiopia to examine the particular challenges they face in obtaining employment, and get access to sexual health care; and she has documented some of the novel strategies they have employed to empower themselves and their communities.

Reading Cheryl’s fascinating report on same-sex communities in Addis Ababa, "BOOSHTEE! Survival and Resilience in Ethiopia", it struck me how fast-moving the political situation has been in the
country and how rare it is to take stock of the impact of our work. Research reports like these can reflect the moment, contribute to the shifting context and at times pose as many difficulties as they can be helpful. Consequently, to mark the International Day Against Homophobia, Transphobia and Biphobia (IDAHOT) last week, I took the time to sit down with Cheryl to ask her a few questions about the life of the report she produced and the impact it might have on her partners.

Stephen:
The report has been published for a little while now. How do you feel post-publication?

Cheryl:
Like any decent researcher my first concern is not to do harm, so it was a difficult decision to publish this case study. The decision had to be made together with the people in Addis who were kind enough to entrust us at IDS with information about their lives. The human rights situation in Ethiopia is fluid and it is hard even for locals to read.

In its attitude to homosexuality, the Ethiopian government is unengaged and ambivalent. It has insisted that homosexuality is a low priority in every sense (including law enforcement) and it has refused to engage on the issue in any way. True to its word, it has discouraged both LGBT rights discussions and anti-gay activism. Ethiopia is very different from its neighbours whose politicians have famously embraced and amplified homophobia. It has a strong geopolitical position which limits international influence generally and seems to make it immune on human rights issues. Everyone is keenly aware that a bad situation could very quickly become a terrible situation. So foreign governments, the many health and development agencies in the country, and the local LGBT community alike grapple with deciding if they should ‘wake sleeping dogs or let them lie.’

Stephen:
Making the decision to publish the report has brought the issues facing the communities that you work with to a wider audience. What sort of feedback have you had from your partners in Ethiopia?

Cheryl:
I think there is justified ambivalence. The community both want to expose the situation and fear the consequences of doing so. Of course no single study is not going to make or break efforts to
change societal attitudes and government policy on same sex relations, but there are fears about what could happen if the floodgates are opened to foreign academics and activists campaigning on their behalf. The local community know that well-intentioned external 'script writers' can cause damage. The Ethiopians are not alone in this of course, but they have had very little access to the LGBT and MSM groups in other countries that have faced similar issue or the networks that can link people up. We've tried and so far failed to get visas for Ethiopians to attend international LGBT events, but that's a crucial work in progress.

Stephen:
Do you get a sense of the ways in which the LGBT movement is moving forward in-country?

Cheryl:
The global trends are exactly that - global. Same-sex attracted people are less inclined to accept persecution everywhere and no country can hold that back. The same is true of women, indigenous people, religious and ethnic groups, informal workers, disabled people and many others. But homosexuality or gay rights is not necessarily what same sex attracted people want to organise around. Rather the question is how LGBT rights will be configured into the architecture and the narrative of broader resistances to oppression and persecution. In Ethiopia - and settings like it - navigating intersectionality is a real and ongoing experience for activists.

Although the community leaders there are keep abreast of international debates about issues such as the criminalisation of homosexuality and same-sex marriage they are forging a local agenda which centres on education, collective resilience, individual survival and making queer space(s?) in a very tough environment. These are actions of responsible citizens, not dissidents. The extent to which the human rights of those citizens need protection and can be protected will be a major determinant of how rapidly LGBT communities emerges throughout Ethiopia.

Stephen:
One of the most surprising and disturbing elements of the report is that there is no MSM (men who have sex with men) HIV programming. Is that going to change?

Cheryl:
Well I mentioned the difficult question of whether or not to wake up the sleeping dog (the dog metaphor doesn't work actually, it
really needs to be a lion when we are talking about Ethiopia! But when it comes to HIV there is no dilemma, it is time to wake up. There is an urgent need for sexual health education and treatment for MSM in one of the world’s largest HIV epidemics where up to a quarter of MSM may be living with HIV. In this context there is no getting away from the long-standing rallying cry in the HIV movement. ‘Silence = Death’ I was assured that ‘quiet diplomacy’ is underway to convince the Ethiopian government to allow HIV donors to support HIV programming for MSM but I am not sure that’s good enough. I don’t understand enough about the geopolitics that cause the Global Fund, the European Union, the United Nations and the US [EM2] government’s Pepfar [EM3] programme to take such a softly-softly approach with Ethiopia on this (they don’t with other governments) but in view of the rhetoric about evidence driven programming and respect for human rights that we hear from them it seems scandalous. I know those agencies are committed to eliminating HIV and they know that means getting services and medicines to every subpopulation in every epidemic so I am looking forward to good news.

Having said that, I saw evidence that lack of imagination works along with homophobia to form a barrier to HIV services for MSM. I was fascinated to hear from every HIV expert to whom I spoke that HIV prevention and care for MSM could never happen in Ethiopia because the public would never accept the lewd images and bold demands for rights that they see as integral to such programming. Despite, (or perhaps because of) attending many training sessions and international AIDS conferences the only models and strategies recognised were European or American. No-one seemed to have turned their mind to what effective and culturally appropriate programming might look like in Ethiopia and no lessons had been learned from other countries in the region who have experienced and overcome similar issues. I suspect an opportunity is being missed here. The optimist in me says that this problem could be at least partly solved by developing ideas about culturally appropriate, cost effective strategies and presenting them to Ethiopia’s famously pragmatic government.

Stephen:
You’ve also recently worked with IDS on a report examining sex work and economic empowerment in Ethiopia – do you see any connections between the challenges both groups face?

Cheryl:
Yes and, more importantly, those connections are increasingly being seen by sex workers, and LGBT communities who are
forming new and dynamic alliances (such as UHAI and Chouf) [CO4]. Manifestly heteronormative law and policy combined with the development industry’s wilful blindness to sexuality have been foundational in the social and economic exclusion of sex workers and other people of non-conforming sexualities and gender identities. For a long time it felt like the IDS Sexuality Programme was a lone voice on that but recently mainstream agencies are recognizing the importance of making development and humanitarian aid work for ‘sexual minorities’ and space is opening up to look at ways to do that. That is great news for sex workers and LGBT people and if it is done properly it will be great news for everybody else too.

Cheryl Overs is an activist and researcher. She has focussed on gender and sexuality issues in the context of HIV prevention and care programmes and worked in more than 20 developing countries since the 1980s. She is a Senior Research Fellow at the Michael Kirby Centre at Monash University in Melbourne and a Visiting Fellow at the Institute of Development Studies UK. She can be found on Twitter at: @CherylOvers

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To mark International Day Against Homophobia, Transphobia and Biphobia (IDAHOT), Stephen Wood interviews Cheryl Overs to discuss the post-publication implications of her report on Ethiopian MSM communities and responses to it’s findings in the community.

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Date published: 26/05/2015

Cheryl Overs
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View profile

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Country report for use in Canadian refugee claims based on persecution on the basis of sexual orientation or gender identity

Produced: May 2015

By: Sexual Orientation and Gender Identity Working Group

This document was prepared by law students and highlights information about publicly-accessible, English language country conditions available at the time it was prepared. It is not exhaustive, nor is it updated on a regular basis. The information provided herein is not a substitute for legal advice or legal assistance, and the International Human Rights Program at the University of Toronto, Faculty of Law cannot provide such advice or assistance.
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I. Introduction

In Ethiopia, homosexuality is illegal, carrying a maximum sentence of imprisonment for 15 years.

LGBTI Ethiopians are heavily stigmatized and fear for their lives. Consequently, they live in hiding and the issue is shrouded in silence. The general population is strongly opposed to LGBTI rights and recently there have been attempts to worsen the penalties for same-sex sexual activities.

Ethiopia also has an anti-advocacy law which bars charities and NGOs that receive more than 10% of their funding from abroad from participating in activities that advance human rights and the promotion of equality. This has been very successful in shutting out human rights work from reaching the LBGTI community. Hence, there is not little information coming out of the country on living conditions for the LBGTI community.

Ethiopia is not a designated country of origin (DCO) in terms of Canada’s refugee determination process.
II. Legislation

1. *Constitution of Ethiopia*, 1994:
   
   [http://www.africa.upenn.edu/Hornet/Ethiopian_Constitution.html](http://www.africa.upenn.edu/Hornet/Ethiopian_Constitution.html) (Unofficial English translation)

   - Article 7 provides that in interpreting the Constitution, provisions using masculine words are understood to extend to women.
   - Article 10 provides for the protection of human rights of peoples and citizens.
   - Article 14 protects the rights of life, liberty and security of the person of everyone.
   - Article 25 ensure equal protection of the law and lists enumerated grounds protected from discrimination; sexual orientation is not one of the enumerated grounds, but ‘other status’ is listed, indicating it is not an exhaustive list.
   - Article 34, the provision addressing marriage does not protect, address or account for same-sex marriage.

**Article 7 Gender**

In this Constitution, provisions enacted in the masculine gender shall be deemed to include the feminine gender.

**Article 10 Human and Democratic Rights**

1. Human rights and freedoms as inherent rights of man are inalienable and inviolable.
2. The human and democratic rights of peoples and citizens shall be protected.

**Article 14 The Right to Life, Liberty and the Security of the Person**

Everyone by virtue of being human, has the inalienable and inviolable right to life, liberty and security of person.

**Article 25 The Right to Equality**

All persons shall be equal before the law and shall be entitled to equal protection of the law without any discrimination whatsoever. All persons shall be entitled to equal and adequate guarantees without distinction of any kind such as race, nation, nationality, colour, sex, language, religion, political or social origin, property, birth or other status.

**Article 34 Rights Relating to Marriage, the Individual and the Family**

1. All men and women attaining the legal age of marriage, shall have, without any distinction as to race, nation, nationality or religion, the right to marry and found a family. They shall have equal rights in the process of contracting the marriage, its
duration and dissolution. Regulations shall be enacted to protect the rights and interests of children in the event of dissolution.

2. Marriage shall be based on the free and full consent of the intending spouses.

3. The family is the natural and fundamental basis of society and hence is entitled to protection from society and the state.

4. Particulars relating to the recognition of religious and customary marriages may be determined by law.

5. This Constitution shall not preclude the right of parties to voluntarily submit their dispute for adjudication in accordance with religious or customary laws. Particulars shall be determined by law.

2. Criminal Code of The Federal Democratic Republic of Ethiopia
   Proclamation No. 414/2004

- Homosexuality is a criminal offence in Book Five, Title IV Crimes Against Morals and The Family, Chapter 1 Crimes Against Morals, Section II Sexual Deviations, Article 629.
- Article 630 imposes a minimum sentence of one year simple imprisonment and, in grave cases, a maximum sentence of “rigorous” imprisonment for fifteen years for homosexuality or indecent acts. The maximum penalty is only available when there are aggravating circumstances. Examples include: use of violence, intimidation or coercion; fraud; taking advantage of the victim’s inability to offer resistance; subjecting the victim to acts of cruelty or sadism; transmission of a venereal disease; or driving the victim to commit suicide.
- Article 631 deals specifically with same-sex activity with minors; the sentences range from three years “rigorous” imprisonment to “rigorous” imprisonment for life.
- Article 106 and 108 explain the difference between simple and “rigorous” imprisonment, with the conditions of enforcement of rigorous imprisonment being more severe.

Article 629 Homosexuality and Other Indecent Acts
Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment.

Article 630 General Aggravation to the Crime
(1) The punishment shall be simple imprisonment for not less than one year, or, in grave cases, rigorous imprisonment not exceeding ten years, where the criminal:
   a) takes unfair advantage of the material or mental distress of another or of the authority he exercises over another by virtue of his position, office or capacity as guardian, tutor, protector, teacher, master or employer, or by virtue of any
other like relationship, to cause such other person to perform or to submit to such an act; or
b) makes a profession of such activities within the meaning of the law (Art. 92).

(2) The punishment shall be rigorous imprisonment from three years to fifteen years, where:
a) the criminal uses violence, intimidation or coercion, trickery or fraud, or takes unfair advantage of the victim's inability to offer resistance or to defend himself or of his feeble-mindedness or unconsciousness; or
b) the criminal subjects his victim to acts of cruelty or sadism, or transmits to him a venereal disease with which he knows himself to be infected; or
c) the victim is driven to suicide by distress, shame or despair.

**Article 631 Homosexual and Other Indecent Acts Performed on Minors**

(1) Whoever performs a homosexual act on a minor, is punishable:
a) with rigorous imprisonment from three years to fifteen years, where the victim is between the ages of thirteen and eighteen years; or
b) with rigorous imprisonment from fifteen years to twenty-five years, where the victim is below thirteen years of age.

(2) A woman who performs a homosexual act on a female minor, is punishable with rigorous imprisonment not exceeding ten years.

(3) Whoever performs any other indecent act on a minor of the same sex, is punishable with simple imprisonment.

(4) Where the victim is the pupil, apprentice, domestic servant or ward of the criminal, or a child entrusted to his custody or care, or in any other way directly dependant upon or subordinate to him:
   a) in the case of sub-article
      (1) the punishment to, be imposed upon such criminal shall be more severe than when the crime is committed by another person;
   b) in the case of sub-article
      (2) the punishment shall be rigorous imprisonment from three years to ten years;
   c) in the case of sub-article
      (3) the punishment shall be simple imprisonment for not less than six months.

(5) Where the sexual outrage has caused death or grave physical or mental injury upon the victim, or where the victim is driven to suicide by distress, shame or despair, the punishment shall be rigorous imprisonment for life.

**Article 106 Simple Imprisonment**

(1) Simple imprisonment is a sentence applicable to crimes of a not very serious nature committed by persons who are not a serious danger to society. Without prejudice to conditional release, simple imprisonment may extend for a period of from ten days to
three years. However, simple imprisonment may extend up to five years where, owing to the gravity of the crime, it is prescribed in the Special Part of this Code, or where there are concurrent crimes punishable with simple imprisonment, or where the criminal has been punished repeatedly. The Court shall fix the period of simple imprisonment in its judgment.

(2) The sentence of simple imprisonment shall be served in such prison or in such section thereof as is appointed for the purpose.

Article 108 Rigorous Imprisonment

(1) Rigorous imprisonment is a sentence applicable only to crimes of a very grave nature committed by criminals who are particularly dangerous to society. Besides providing for the punishment and for the rehabilitation the criminal, this sentence is intended also to provide for a strict confinement of the criminal and for special protection to society. Without prejudice to conditional release, the sentence of rigorous imprisonment is normally for a period of one to twenty-five years but where it is expressly so laid down by law it may be for life.

(2) The sentence of rigorous imprisonment shall be served in such prisons as are appointed for the purpose. The conditions of enforcement of rigorous imprisonment are more severe than those of simple imprisonment.

3. The Revised Family Code of Ethiopia
   Proclamation No. 213/2000
   Online: http://www.refworld.org/country,LEGAL,,,ETH,,4c0ccc052,0.html

   • While marriage or spouse in not defined, the Code only refers to marriage or a union as between a man and a woman.

Article 2 – Marriage Concluded before an Officer of Civil Status
Marriage shall be deemed to be concluded before an officer of vicil status when a man and a woman have appeared before an officer of civil status for the purpose of concluding marriage and the officer of civil status has accepted their respective consent.

Article 3 – Religious Marriage
Religious marriage shall take place when a man and a woman have performed such acts or rites as deemed to constitute a valid marriage by their religion or the religion of one of them.

Article 4 – Marriage According to Custom
Marriage according to custom shall take place when a man and a woman have performed such rites as deemed to constitute a valid marriage by the custom of the community in which they live or by the custom of the community to which the [sic] belong or to which one of them belongs.
4. Anti-advocacy and anti-terrorism laws in Ethiopia: these two laws were mentioned in a couple sources I found though I was not able to find the laws themselves which I assume indicates that there is no English translation currently available. The source that the others most often referred to was the article in Newsweek. Online: http://www.newsweek.com/graveyard-homosexuals-244926

- The anti-terrorism law allows the government to hand down 20-year sentences to anyone who "writes, edits, prints, publishes, publicizes, [or] disseminates" statements that the government considers terrorism.
- The police can search and arrest anyone they please, from reporters to activists, without a warrant.
- The anti-advocacy law bars charities and nongovernmental organizations that receive more than 10 percent of their funding from abroad from participating in activities that advance human rights and the promotion of equality.
- Both laws were adopted in 2009.

III. Canadian Jurisprudence

Immigration and Refugee Board of Canada Decisions

No cases regarding Ethiopians claiming refugee status on the basis of sexual orientation or gender identity.

Federal Court of Canada Decisions

1. Liban v. Canada (Minister of Citizenship and Immigration), 2008 FC 1252

**Holding:** The application for judicial review is allowed and a reassessment of the risk to the applicant should be conducted by another officer after a hearing.

- The applicant feared being subjected to mistreatment due to his bisexuality and alcohol addiction if removed to Ethiopia.
- The officer did not find the applicant to be a credible witness and also noted that a hearing was not required by law in the circumstances.
- The judge concluded that in the circumstances the officer was bound to hold a hearing.

Under the Immigration and Refugee Protection Act, a hearing should be held where certain factors prescribed by regulation are present. The factors are whether (a) there is evidence
raising a serious issue of the applicant's credibility; (b) the evidence is central to the application for protection; and (c) the evidence, if accepted, would justify allowing the application. The judge was persuaded by the officer seeming to accept that homosexuals and alcoholics would be subjected to mistreatment in Ethiopia. If the applicant's evidence had been accepted, the officer would likely have allowed the application. Therefore the judge took the officer's claim that there was "insufficient objective evidence" as really saying that the officer disbelieved the applicant. If the applicant was believed, the officer would likely have found the applicant was at risk.

2. *Talke v. Canada (Minister of Citizenship and Immigration)*, 2000 CarswellNat 1531

**Holding:** Applicant had not met the burden of satisfying the tribunal that he had a well-founded fear of persecution.

- The Court found that government was aware of his conduct during his years of service but still permitted him to pursue studies and obtain a passport.

The applicant, a citizen of Eritrea, is homosexual and maintains he was beaten, detained and removed from active military duty because of his homosexuality. Documentary evidence showed that the Ethiopian Criminal Code was being used by the Eritrean government until it could draft and ratify its own legislation. The applicant was caught engaging in homosexuality, but was not formally charged. He was serving his two years of compulsory service but because of the incident was committed to office work. During his service he was allowed to pursue studies and obtain a B.A. and was then granted a passport to study for an M.A. in the U.S.

### IV. Domestic Jurisprudence

No English language Ethiopian jurisprudence available.

### V. International Law

**UN Treaties**

<table>
<thead>
<tr>
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<td>N/A</td>
<td>1993</td>
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<tr>
<td>ICCPR – First OP</td>
<td>N/A</td>
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http://ihrp.law.utoronto.ca/
Human Rights Committee

1. “Consideration of reports submitted by States parties under article 40 of the Covenant, First Periodic report of States parties, Ethiopia” (July 28, 2009)
   Online:  

   Contains no information relevant to sexual orientation and gender identity.

Committee on Economic, Social and Cultural Rights

   Online:  

   Contains no information relevant to sexual orientation and gender identity.

*Note: The ‘List of Issues’ published in response to above state party report (found online:  
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fETH%2fQ%2f1-3&Lang=en) asks that the Committee be informed whether the Penal Code will be amended to decriminalise homosexuality pursuant to Article 2, paragraph 2 on Non-discrimination.

*Note: (Shadow Reports from Civil Society Organizations: I couldn’t read the report from African Rights Monitor, it said the file was invalid. The one from Advocates for Human Rights did not pertain to LGBT right.)

Committee Against Torture (if state has ratified CAT)

1. “Consideration of reports submitted by States parties under article 19 of the Convention, Initial reports of States parties due in 1995, Ethiopia” (February 16, 2010)
Contains no information relevant to sexual orientation and gender identity.

**Universal Periodic Review by the Human Rights Council**

1. “National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Ethiopia (January 30, 2014)
   Online: [http://www.ohchr.org/EN/HRBodies/UPR/Pages/ETSession19.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/ETSession19.aspx)

Contains no information relevant to sexual orientation and gender identity.

**Regional Treaties and Monitoring Bodies**


Contains no information relevant to sexual orientation and gender identity.

### VI. Government Reports

**Canada**


   - Same-sex sexual activity is criminalized and punishable by imprisonment.
   - A 2007 poll found that 97 percent of the Ethiopian public agreed that homosexuality should be outlawed.
   - There are no charities, health clinics or advocacy organizations serving the LGBT community in Ethiopia and many LGBT activists have been forced to flee the country.
   - In 2014, plans were announced to pass new legislation making homosexuality an “unpardonable offence.” Although these plans were later scrapped, Ethiopia remains very hostile to its LGBT citizens.
• In 2012 one government official proclaimed that the country would be “the graveyard of homosexuality.”

United States of America


• Consensual same-sex sexual activity is illegal and punishable by imprisonment under the law.
• There is no law prohibiting discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals.
• There were some reports of violence against LGBT individuals; reporting was limited due to fear of retribution, discrimination, or severe stigmatization.
• Activists in the LGBT community fear for their safety.
• There were periodic detentions of some in the LGBT community, combined with interrogation and alleged physical abuse.
• The 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 behaviour to avoid discrimination.
• Many gay men reported anxiety, confusion, identity crises, depression, self-ostracism, religious conflict, and suicide attempts.
• There is societal stigma and discrimination against persons living with or affected by HIV/AIDS.
• Persons living with or affected by HIV/AIDS reported difficulty accessing services.

Australia

   Online: http://www.refworld.org/docid/5146eff72.html

• There is evidence that homosexuality is viewed adversely and with considerable hostility by the broader community.
• Discrimination against homosexuals appears to be widespread and is not seen by the government to be a human rights issue.
• The threat of arrest for same-sex sexual activity and societal discrimination are sources of potential harm to LGBT individuals and activists.
• The United Nations Human Rights Committee responsible for reviewing the implementation of the ICCPR in Ethiopia has observed that that the
criminalization of same-sex sexual activity raised serious issues. In response, the Ethiopian delegation stated that homosexuality was a criminal act in Ethiopia, but that it did not know of anyone who had been prosecuted under this law and that there was “no possibility of changing the law on this subject at present.”

- According to a writer for Ezega.com, it’s natural for lawmakers to make homosexuality illegal given community attitudes and the influence of religious dogma, whereby it is seen as “something that is sin in the eyes of the almighty god and contrary to human nature.”
- A May 2009 article indicated that tight government restrictions and social stigma had driven homosexuals into virtual hiding.
- Religious figures including heads of Ethiopia’s Orthodox, Roman Catholic and Protestant churches adopted a resolution against homosexuality in December, 2008.
- ETHIOGLBTI is a gay rights organization in Ethiopia that aims to increase public awareness and understanding of LGBTI issues. A representative of the group reported that homosexuality is still perceived as non-existent and that “nothing is out in the open, it’s a hidden community.”

### VII. Reports from International Agencies and Non-Governmental Organizations

**Human Rights Watch**


   - Ethiopia’s criminal code punishes consensual adult same-sex relations with up to 15 years in prison.
   - In March, Ethiopia’s lawmakers proposed legislation that would make same-sex conduct a non-pardonable offence; however, in April, the government dropped the proposed legislation.
   - Ethiopia came under consideration for the Universal Periodic Review in May 2014, and they rejected all recommendations to decriminalize same-sex conduct and to take measures to combat discrimination based on sexual orientation.

**Behind the Mask**

1. “Homosexuality in Ethiopia,” 2009
• About 45% of the population is Muslim, 40% is Christian.
• A majority of Ethiopians think homosexuality is a white disease and an inexcusable sin.
• It is extremely difficult to live openly gay.
• If someone knows that you are gay they will not shake your hand.
• Many gays and lesbians face intimidation and harassment from state, religious, and tribal law so they cannot explore their sexual orientation freely and openly.
• Rush, a 26 years old gay Ethiopian man living in South Africa, said “They [meaning gays and lesbians] have so many problems, specially this state, tribal as well as religious law, as you know their sentence is death so our life is in disaster there.”
• Rush claimed to have known of two gays who were executed by the government.
• Rush said he used to think homosexuality was a disease or abnormality but after moving to South Africa realised it is natural.
• One lesbian is known to have been granted asylum in 1995 by the US.
• Ethiopia voted against ILGA having consultative status at the UN in January and on April 30, 2002. Berhane Meskel Abebe, the Ethiopian representative on the UN Committee on NGOs, said his country voted against ILGA because homosexuality is a crime punishable by imprisonment in Ethiopia and it “doesn’t go with our society’s belief and general culture and practice.”

VIII. Newspaper and Media Reports

1. “Surprise: Ethiopia’s Government Says ‘No’ to Anti-Gay Movement,” Steve Williams, Care2, April 21, 2014
   • The government prevented a religiously motivated anti-gay rally that had been planned for April 26.
   • The rally failed to get support from Orthodox church officials.
   • Possible reason: church officials said they had been “threatened” — which may mean human rights groups advocating on behalf of LGBT persons in the country had spoken out about possible cuts to Ethiopia’s aid.
   • The threat to Ethiopia’s LGBT population still remains.
   • The majority of Ethiopia’s population identifies as Orthodox Christian and the Church is very powerful.
In recent months religious leaders have moved toward emphasizing so-called rehabilitation for homosexuals.

A two-pronged attack: further stigmatizing gay people through pursuing discriminatory legislation while offering LGBT persons only one way out in the form of ‘rehabilitation.’

Ethiopia’s officials having backed off from further criminalization has been read as a small victory for LGBT rights.


Federal immigration officials in Boston are seeking to deport a gay man to Ethiopia.

Officials arrested the 19-year-old man in January, shortly after he lost his student visa.

“This is a very serious deal,” said the student’s uncle. “Back in his country, it will be like death.”

Ethiopia is among dozens of nations, 77 at last count, where it is a crime to be gay or lesbian, according to the United Nations.

In Ethiopia, according to the State Department, gay people have been jailed, interrogated, and allegedly abused, and many reported anxiety, depression, and suicide attempts.

In November, the student posted in an online forum that he was gay and was looking for support from the college community.

He seems to suffer emotional troubles and many are worried for his safety if forced to return to Ethiopia.

A mental health evaluation has been requested.

Online: http://archive.globalgayz.com/africa/ethiopia/a-graveyard-for-homosexuals/

Openly gay behaviour on the streets of Ethiopia’s capital could lead men to be expelled, beaten up, fired, disowned, or jailed.

According to the 2007 Pew Global Attitudes Project, 97 percent of Ethiopians think homosexuality should be outlawed.

Ethiopia’s anti-terrorism law allows the government to hand down 20-year sentences to anyone who “writes, edits, prints, publishes, publicises, [or]disseminates” statements that the government considers terrorism, so police can search and arrest reporters and activists without a warrant.
• Ethiopia’s anti-advocacy law bars charities and NGOs that receive more than 10% of their funding from abroad from participating in activities that advance human rights and the promotion of equality.

• As a result of these laws there are no health centres, charities, publications or nightclubs that serve the LGBT community.

• The few reputable organisations that once existed have been forced to remove any mention of human rights from their mandates.

• Ethiopia refuses to fund or permit any MSM (men who have sex with men) targeted HIV prevention, treatment or care programs.

• Most Ethiopians think that homosexuality is a Western disease.

• Ethiopia welcomes international religious groups that preach homophobia.

• Last June, a documentary called No Silence – About the 666 Satanic Act of Homosexuality in Ethiopia made national headlines with newspaper articles alleging that homosexuality was a contagious disease and the moral equivalent of child rape.

• In December 2011, the 16th International Conference on Aids and Sexually Transmitted Infections, hosted in Addis, led to widespread protests when religious leaders learned that African Men for Sexual Health and Rights planned to discuss LGBT-related issues.

• In 2012, Robel Hailu was the first Ethiopian and Black African to enter the international Mr. Gay World contest. Hailu moved to Cape Town after nonstop death threats, and believes he’d be arrested if he returned to Ethiopia.


• Rainbow-Ethiopia HIV and Social Support Services is Ethiopia’s one gay-friendly anti-AIDS agency.

• Anti-gay civil societies, religious groups and local government officials accused Rainbow-Ethiopia of spreading homosexuality and urged the government to take strong and restrictive legal measures against foreign agents like Rainbow-Ethiopia.

• Rainbow-Ethiopian is the only organization working in Ethiopia against HIV/AIDS among LGBT people.

• Dr. Seyoum Antonios, the head of United For Life Ethiopia, wants Ethiopia to impose the death penalty for homosexuality and has said that “Africa will become a graveyard for homosexuality!”

• The attacks against Rainbow-Ethiopia are part of a pattern of anti-homosexuality initiatives.
• The anti-gay community announced that they will establish a national civil society coalition to coordinate their anti-homosexuality campaign and to urge the government to pass a tough anti-gay bill like the one in Nigeria.
• A representative from the Ethiopian Inter-Religious Council Against Homosexuality (EICAH) said that passage of the death penalty for gay people “looks promising.”

Online: http://www.pinknews.co.uk/2012/06/21/ethiopia-newspaper-warns-of-gay-infestation/

• A popular Ethiopian daily newspaper alleged that the U.S. and Europe are plotting to export, spread and promote homosexuality in Ethiopia.
• The article published by Yenga daily, on June 18th, describes homosexuality as a rapidly-growing ‘infestation’ whose carriers are now ‘estimated’ to have reached 16,000.
• It also alleged that gays have an average of 75 sexual partners a year, and their ‘promiscuous’ nature propels some to have seven to nine sexual partners a day.
• It described how homosexuality is coming to Ethiopia through students who receive scholarships to study in the U.S. and Europe.
• It also lists the United Nations, Embassies of European and North American countries, and International NGOs as agents conspiring to spread homosexuality.
• It reported that the national anti-homosexual conference that was held in Addis Ababa demanded urgent measures be taken, including the death penalty.
• Ethiopian LGBT activists have reported increasing levels of homophobia since the anti-homosexuality conference, including death threats.

6. “Ethiopian Mr Gay World Contestant May Have Difficulty Returning Home After Show,” Behind The Mask, March 5, 2012
Online: http://ilga.org/ethiopian-mr-gay-world-contestant-may-have-difficulty-returning-home-after-show/

• There are reports that Ethiopia’s Mr Gay World contestant, Robel Hailu, may have difficulties returning home after receiving death threats.
• LGBT rights are not recognized in Ethiopia, all homosexual activity in Ethiopia is criminalized, and the public acknowledgement or promotion of homosexuality is overwhelmingly rejected by Ethiopian society.
• By coming out in such a public manner Hailu will have a hostile reception when he returns to Ethiopia.
• Kukkuk also said “I do not think LGBTI people in the West really have an idea what black LGBTI Africans have to deal with on a daily basis. That is why most of them still are, and will remain, closeted.”
• This competition is the most publicised gay contest in the world and uses the attention it garners to focus attention on the plight of LGBTI people worldwide, with 2012’s focus being on African LGBTIs specifically/

**IX. Scholarship**

No sources directly concerning Ethiopian LGBT rights could be found.
BOOSHTEE! Survival and Resilience in Ethiopia

Cheryl Overs

April 2015
The IDS programme on Strengthening Evidence-based Policy works across seven key themes. Each theme works with partner institutions to co-construct policy-relevant knowledge and engage in policy-influencing processes. This material has been developed under the Sexuality, Poverty and Law theme.

The material has been funded by UK aid from the UK Government, however the views expressed do not necessarily reflect the UK Government’s official policies.

AG Level 2 Output ID: 236
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## Abbreviations

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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>amfAR</td>
<td>The Foundation for AIDS Research</td>
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<td>AMSHeR</td>
<td>African Men for Sexual Health and Rights</td>
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<tr>
<td>CDC</td>
<td>Centers for Disease Control and Prevention</td>
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<td>FDRE</td>
<td>Federal Democratic Republic of Ethiopia</td>
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<tr>
<td>GDP</td>
<td>gross domestic product</td>
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<td>HIV</td>
<td>human immunodeficiency virus</td>
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<td>ICASA</td>
<td>International Conference on AIDS and STIs in Africa</td>
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<td>IDS</td>
<td>Institute of Development Studies</td>
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<tr>
<td>INGO</td>
<td>international non-governmental organisation</td>
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<tr>
<td>LGBT</td>
<td>lesbian, gay, bisexual and transgender</td>
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<td>MSM</td>
<td>men who have sex with men</td>
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<td>NGO</td>
<td>non-governmental organisation</td>
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<td>PEPFAR</td>
<td>US President’s Emergency Plan for AIDS Relief</td>
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<td>SOGIE</td>
<td>Sexual Orientation and Gender Identity and Expression</td>
</tr>
<tr>
<td>STI</td>
<td>sexually transmitted infection</td>
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<tr>
<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>USAID</td>
<td>US Agency for International Development</td>
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Executive summary

*Homosexuality is not that common in Addis, but it is there! It is rather risky to come out of the closet, but we even have a term for it – BOOSHTEE! – which is regarded as an insult. The risk of admitting being gay is DEATH! Which is pretty sad.*

Ethiopian blogger (BBC News 1999)

Although homosexuality is illegal in Ethiopia, same-sex behaviour is not prosecuted because the government of the Federal Democratic Republic of Ethiopia (FDRE) views homosexuality as a low law enforcement priority. While this may suggest at first glance that the situation for same-sex attracted men is better in Ethiopia than in other countries that retain laws against homosexuality, in reality the illegality of same-sex relations functions throughout Ethiopian society to drive and justify social and economic exclusion and human rights abuses of same-sex attracted people. There is a powerful synergy between church and state and sections of the church are occupied with promulgating extreme homophobia by associating homosexuality with taboo superstition, undesirable foreign influence, child abuse and prostitution. Moreover, Ethiopia’s strong economic growth and geopolitical situation has limited the influence of other countries, donors and agencies in respect of human rights and economic or social policy in the country.

Exclusion can take the form of dismissal from work, expulsion from education and housing, and lack of access to services such as health and education and resources such as credit and humanitarian aid. It also means that there are no programmes or policies to protect same-sex attracted people from economic hardship, crime, disease or human rights violations.

The structure of the Ethiopian economy and society means that dependence on family and place for livelihood, social and spiritual meaning is high, particularly in rural areas where the majority of the population live. Breaking away to live out same-sex orientation or rejection after being exposed as gay usually carries enormous social costs, including loss of family status and income. For the majority of Ethiopians lack of safety nets means that this quickly leads to destitution. This is particularly problematic for young and/or HIV-positive men but it also applies to middle-class gay men for whom the consequences of being exposed as gay would, in most cases, include loss of livelihood.

As in most Sexual Orientation and Gender Identity and Expression (SOGIE) communities throughout the world, there are a number of individual and collective strategies for social and economic survival. The high level of discrimination means that secrecy about same-sex attraction is the primary strategy for maintaining social and economic life and family relationships (whether or not those relationships are experienced as satisfactory or not). In some cases this secrecy is a kind of ‘networked secrecy’ through which gay-identified men can live social, sexual and economic lives, and even develop joint enterprises and economic subcultures. Moving around the country or abroad is another strategy, as is sex work, but both are usually difficult and risky.

Direct advocacy for major policy or legal change from within the SOGIE community or by international agencies and governments is unlikely to be successful in the current context and would almost certainly make things worse for both individual agitators and possibly for same-sex attracted people generally. These include laws that limit free speech and non-governmental organisation (NGO) activity generally and the fact that the Ethiopian government is able to ignore international pressure on such issues. A further complication in this context is that social and economic survival are directly threatened by deep and multifaceted contempt for homosexuality that functions powerfully at societal and familial level rather than directly by the state and its instruments.
Although the Ethiopian context is unique, the preliminary goals of building safer lives for same-sex attracted men in Addis Ababa are similar to those identified by SOGIE activists elsewhere – reducing stigma and discrimination; protecting human rights, including tackling violence; and ensuring that there are adequate health services for men who have sex with men (MSM).

Even though the international community ostensibly supports these aims (especially the reduction of HIV) few agencies or governments can make the long-term and careful investment needed to ensure that the rights of same-sex attracted people are embedded in agendas for social and economic justice agendas in Ethiopia, the region and globally.

Recommendations focus on ways that governments and international agencies can influence development programming and law and policy reform in ways that reduce the exclusionary impact of hatred of homosexuality and those who practise it. In particular, it urges international agencies to find ways to help strengthen the nascent SOGIE community by supporting research and information sharing and establishing links with international HIV and human rights organisations, diaspora communities and African and international lesbian, gay, bisexual and transgender (LGBT) rights movements.

Several prominent global watchdog organisations said Ethiopia wasn’t on their radar… the US, UK and other governments give huge amounts of aid to Ethiopia while remaining tight-lipped about the extensive violations of human rights happening throughout the country.

1 Introduction

As the only country in the region that was never fully colonised, Ethiopia has a unique religious, cultural and political history. Famously the site of historical conflicts and humanitarian crises, contemporary Ethiopia enjoys a strong geopolitical position as the base of the African Union and one of Africa’s most successful economies. It is against this background that powerful interests within the country sustain high levels of persecution and discrimination that force Ethiopian men who are sexually attracted to men (gay men)\(^1\) to make difficult choices to sustain themselves in extremely difficult circumstances.

Sections 2, 3, 4 and 5 draw on interviews and literature to describe these legal, political, social and economic factors and describe some of the responses or survival strategies of individual same-sex attracted men and the broader SOGIE community. Section 6 discusses these dynamics and potential ways forward. Section 7 considers the role of international development policies and programmes in addressing the social and economic impact of homophobia in Ethiopia and makes recommendations for a range of stakeholders.

\(^1\) Various terms for male homosexuality were used by interviewees in Amharic and English. ‘Gay’ and ‘homosexual’ were used by men to describe their own same-sex orientation and behaviour, and several used the acronym of Lesbian, Gay, Bisexual and Transgender (LGBT) when speaking about groups or communities of same-sex attracted people. However, it was not within the scope of this case study to explore the extent to which these terms are used or how they denote or delineate identity, preference and behaviour. Health service providers used ‘MSM’, the acronym for Men who have Sex with Men. International agencies, which are an important audience for this report, use SOGIE (the acronym for the term ‘Sexual Orientation and Gender Identity and Expression’). The terms are used throughout in ways that reflect the voices of those interviewed and the readership but clear meanings should not be read into them.
2 Research rationale and focus

This case study seeks to articulate the dynamics of social and economic marginalisation in the lives of gay men and to gain insight into strategies for surviving socioeconomic inequality, political repression and high prevalence of HIV. To do this, it describes the dynamics of legal, social and economic marginalisation in Ethiopia where strong opposition to homosexuality is formalised in law and policy and embedded across most public and private institutions. The study identifies some of the impacts of this exclusion and individual gay men and gay community responses, considers the influence of the international aid community and recommends ways to ensure that the benefits of rapid economic growth, development policy and advances in health sciences extend to all citizens of Ethiopia.

Ethiopia was chosen for the study because it occupies a unique economic and geopolitical position at a regional and international level. While international development policies and programmes are geared towards addressing the country’s persistent socioeconomic inequality, directly challenging entrenched forms of social and economic marginalisation among groups considered illegal and immoral by the state and society remains largely beyond the international community.

Other reasons for the choice were the lack of participation by lesbian, bisexual, gay and transgender Ethiopians in international and regional forums and that little attention has been paid to Ethiopia in the global and regional research or the literature on LGBT rights. Where the voices of gay men have been raised it has almost always been anonymously and/or by members of the diaspora who are able to write blogs and make comments on the internet without fear of state persecution.
3 Methodology

The research was conducted in July 2014. Given the risk of conducting primary research on this sensitive topic, advice about methodology was sought from two gay Ethiopians residing abroad and the managers of two local non-governmental organisations (NGOs) that work with marginalised people. Following consultations with these key stakeholders, it was agreed that the research would be informed by a three-tiered methodology.

3.1 Participant observation facilitated by local partners
The author spent individual and group time with local and expatriate gay men that included attending meetings where experiences and strategies were discussed, and observing some of the ‘gay nightlife’ of Addis Ababa. The observation included conversations with a market guide, a female sex worker, a condom seller and a taxi driver. All participants gave information anonymously and were not asked to disclose their own sexual identity or behaviour.

3.2 Consultations with key stakeholders, both in person and through electronic correspondence
These included: representatives of NGOs that provide HIV care and prevention services; representatives of the USA and Netherlands governments and two consultants with long-term experience in international development agencies working in Ethiopia. Each person consulted was fully informed of the purpose of the Evidence Report and where it would be published, and they were given the option of providing information anonymously. The option for anonymity was taken up by all gay men consulted for this study. A measure of the stigma associated with the issue is that those consulted in their professional capacity also requested anonymity lest their remarks be interpreted as supporting homosexuality.

The scope of fieldwork was limited to the capital city for both practical and ethical reasons. Through previous work the author had networks of contacts with people and organisations working in Addis Ababa with health and sexuality. Travelling beyond the capital without local guidance would have raised unacceptable risks that would have required considerable additional resources and sensitivity on best practices for methodology and partnerships. However, several of the individuals and organisations consulted are active in outreach to some of the smaller cities and rural areas or they emanate from other parts of the country themselves.

This case study is limited to same-sex orientated men although it is acknowledged that lesbians, transgendered people and bisexuals are also subject to social and economic marginalisation in Ethiopia.

3.3 Analysis of key national and international literature
This included published peer-reviewed studies; law and government policies; and relevant secondary and grey literature. The difficulty of gathering information about SOGIE issues in Ethiopia has been noted. There are very few published studies and almost no statements by the government about homosexuality. Thus the literature presented in the report relies to a greater extent than usual on blogs, reports in syndicated newspapers and reports from UN documents and humanitarian organisations. To maintain the integrity of the study, where these less reliable sources are cited or relied upon, their contents were, as far as possible, cross-checked with informants in Addis Ababa. Much of this information relates to attitudes, opinions and popular discourses that are inevitably better represented in ‘grey’ literature than traditional academic formats.
4  Key findings

4.1  Queer intimacy in a unique political, economic, religious and cultural landscape

4.1.1  Homosexuality and the Ethiopian state: dangerous ambivalence
Homosexuality is illegal in Ethiopia (see Annex 1). The current government adopted the existing anti-gay laws from the Penal Codes of its predecessors when it assumed power in 1991 and absorbed them into the revised Criminal Code of 2004. The Articles 629 and 630 of this Criminal Code under the section ‘Crimes Against Moral and the Family’ (subsection ‘Sexual Deviations’) stipulate that same-sex acts will be punished ‘with simple imprisonment of not less than a year’, or ‘in grave cases, rigorous imprisonment of up to 15 years’.

According to reports the law has rarely been put into effect (Salsawi 2014; Tekleberhan 2011). Human rights lawyer Abebe Hailu sees this as an indication that there is no time or appetite to prosecute homosexuality (Jobson 2014).

Although this consultation found evidence that discrimination and abuse is widespread, it is not entirely clear what the FDRE is thinking about SOGIE law and policy. Its apparent ambivalence distinguishes it from other governments in the region that maintain anti-homosexuality law in which politicians have publicly railed against homosexuality. Gay-identified Ethiopians provide strong anecdotal evidence that persecution, discrimination and hate alienates them from services and livelihoods, and they argue that this is driven, or justified, by the illegality of homosexuality. A gay Ethiopian professor at Cornell University in the USA, Dagmawi Woubshet, commented in an article in Newsweek:

There’s complete silence around LGBT experiences because there’s no forum for stories about the violence meted out by the state and family members on a day to day basis… My biggest fear is that these religious organizations are monopolizing the conversation and perpetuating a fear that’s becoming impossible to combat. (Baker 2013)

In 2011 Ethiopia hosted the International Conference on AIDS and STIs in Africa (ICASA) which included a meeting of Men who have Sex with Men. Anti-gay activists held a press conference to denounce the event and demanded that all involved be punished. But the demands were dropped at the suggestion of the Ministry of Health, which was apparently keen to avoid a display of homophobia at an international conference on HIV.

It was not until 2014 that anti-homosexuality activism demanded state attention. Organisations associated with the Church planned a mass demonstration in the capital to protest against homosexuality and to support a proposal to have it removed from the list of crimes for which clemency can be granted (Associated Press 2014). City authorities granted a permit for the rally but the national government intervened to revoke it, apparently with the support of central Church authorities. At the same time, the government rejected the proposal to make homosexuality unpardonable (Meseret 2014; Vaughan 2014).

This seems contradictory from a government that maintains a law against homosexuality and a church that strongly opposes it. But it is difficult to draw conclusions about law and policy about sexuality in a context in which all public gatherings and networked communications are banned or closely monitored by the FDRE, which systematically denies rights in order to quash dissent (Human Rights Watch 2013). In the wake of the rally’s cancellation, Communication Affairs Office Minister Redwan Hussein offered the clearest statement to date on the government’s position on homosexuality:
The anti-gay rally was on certain groups’ agenda, but not the government’s. It is not a serious crime. Plus, it is not as widespread as some people suggest. It is already a crime and a certain amount of punishment is prescribed for it. The government thinks the current jail term is enough. (Meseret 2014)

Although such a position appears to be less alarming than in other countries that criminalise homosexuality, it does nothing to protect citizens’ social and economic rights. During a discussion about the government’s attitude a gay blogger spoke about citizen journalists who have been jailed2 and said that while he is does not fear being arrested for homosexuality he is scared of being accused of a political crime – possibly even terrorism, which carries a very long prison sentence. This underlines that the space for any political organising, let alone around sexuality, must be carefully identified and managed.

4.1.2 Religion and culture: burning in the ever-lasting flame?

In June 2013, a faith group released a short film entitled No Silence About the 666 Satanic Act of Homosexuality in Ethiopia, which includes images of actors wearing women’s clothing pretending to be at a secret gay party. In a particularly ridiculous scene one of them reveals the numbers 666 – the sign of the devil – on his skin. The film was widely viewed throughout the country.

Elissa Jobson (2014)

The majority Ethiopian Orthodox Church, the Ethiopian Islamic Affairs Supreme Council and both the Catholic and Evangelical churches have all approached the government to lobby for harsher treatment of offenders to eliminate homosexuality. Although it is not specified, the focus is on same-sex orientated men although lesbians are occasionally mentioned for condemnation. These religious leaders deem homosexuality part of ‘cultural colonisation’ and a sign that the new generation is morally ‘loosening’. Their suggestions have included mandating anti-gay preaching in religious and other institutions, schools, and ‘societal out-casting’ as ways to ensure homosexuality does not spread (Globalgayz 2011).

The 2007 Pew Global Attitudes Project reported that 97 per cent of Ethiopian residents believe that homosexuality is a way of life that society should not accept. This was the second-highest rate of non-acceptance in the 45 countries surveyed (Itaborahy and Jingshu 2014).3 As one gay Ethiopian commented on a discussion board, ‘In Ethiopia, if someone is discovered or even suspected to be gay, no one will shake his hand; they want you to be burned in the ever-lasting flame’ (Anon. 2010).

In the public imagination homosexuality is conflated with sexual abuse, prostitution and foreignness (AmfAR 2012). Same-sex relations are conceptualised in relation to criminality so that ‘homosexuals are portrayed as sexually violent individuals who tend to promote prostitution with the intention of redirecting or bending other people’s sexual orientation through violence or monetary means, thus, they are generally viewed as deviants from societal norms and values’ (AmfAR 2012). These prejudicial attitudes are reinforced each time there is a discussion about homosexuality in Ethiopia on any kind of website or internet chatroom. Content analysis of 312 comments on one chatroom4 showed strong religious and nationalist themes. Homosexuality is associated with spiritual transgression (losing touch with Christian doctrine), supernatural intervention (being occupied by the devil), family breakdown and crisis in masculinity, child sexual abuse and coercion by foreigners.

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2 Nine journalists and bloggers have been detained since April 2013 and charged with terrorism (see www.bbc.com/news/world-africa-28366841).
3 The highest was Mali with 98 per cent.
Discussing the Pew survey, a gay man commented in a group discussion that much of this ‘public opinion’ originates in the Church. He said ‘Ethiopia is so religious that 97 per cent will support anything the Church says. Another amused the group by adding that the only surprise for them is that it’s not 99 per cent.’

Gebru (2014), a gay diaspora blogger, points out that both same-sex behaviours and societal disapproval of them (which he calls homosexuality and homophobia) predate the Abrahamic faiths that most Ethiopians vigorously defend, so the theological basis for persecution of homosexuality is thin. He attributes fanatical levels of homophobia within Ethiopia to deeper cultural fears about the loosening of legal and social grip on sexuality that would render Ethiopia or Ethiopians less religious. This holds great resonance for members of the Dana Social Club who follow Gebru’s blogs. For them his point that religiosity should not override human and civil rights has particular resonance: ‘No Ethiopian, no human should be discriminated upon – not only for race, gender, creed, religion, politics, ethnicity, etc., but also for sexual orientation’ (Gebru 2014).

In one analysis, people who are opposed to homosexuality are right to fear foreign influences because the idea that ‘foreign influence’ is itself corruption is in irreversible decline in the face of global discourses. In other words, urbanisation and globalisation will impact on Ethiopia and result in the same freeing up of attitudes to same-sex relations that can be seen in even the most homophobic countries because ‘youth are influenced by global discourses as access to media increases’ (Kagoro 2014).

**Box 4.1 Homosexuality in Ethiopia and Horn of Africa – it’s neither unEthiopian nor an import!**

In the 1950s anthropologist Simon Messing encountered males with alternative gender identities among the Coptic Amhara of Ethiopia. Viewed as ‘god’s mistakes’, they were generally well accepted. Such wandarwarad (literally, male–female), as they were termed, were believed to be physically defective. They live as individuals, not forming a society of their own, for they are tolerated. Only their kinfolk are ashamed of them, so they go to live in another province. Women tolerate a transvestite ‘like a brother’; men are not jealous of him even when he spends all his time with the womenfolk. Often the transvestite is an unusually sensitive person, quick to anger, but intense in his personal likings, sensitive to cultural diffusions from the outside world.

Will Roscoe and Stephen Murray (2014)

In various commentaries and Ethiopian internet chatrooms the idea that homosexuality is not innate but a learned behaviour resulting from association or socialisation is pervasive. For example, according to Dr Seyoum Antonios, Executive Director of the anti-gay organisation United for Life Ethiopia, homosexuality is a new phenomenon brought about by the increased exposure to globalising trends. His condemnation of consensual adult same-sex relations relies on conflating it with ‘preying on orphans who are at risk because they do not have proper family protection’ (Globalgayz 2011). Same-sex orientation can, based on this analysis, be overcome with treatment, punishment, spiritual awakening or a combination of them. In line with the trend of repackaging behaviours that have formerly been considered to be immoral and punishable as treatable illnesses, the idea that homosexuality is a curable illness appears frequently. An organiser of the proposed anti-gay rally, Dereje Negash puts forward a [pseudo] humanitarian analysis saying, ‘We believe the [sic] gay people should be supported to get out of their bad life. We have helped hundreds of people to abandon gay acts so far’ (Meseret 2014). Worryingly, this belief is not limited to religious institutions – it even extends to many same-sex attracted men who seek to be cured. Several of the non-Ethiopians consulted for this case study commented that they were not surprised that the broader public misunderstand same-sex orientation as a curable disorder but that they had been surprised to hear the same idea expressed by educated Ethiopians, including medical professionals.
Despite the efforts of the nascent anti-gay lobby, public discrimination and violence against gay Ethiopians has not broken out as it has in other countries where SOGIE-related rights claims have created a backlash. That may be due to Ethiopia’s tight law and order policy (crime and antisocial behaviour are comparatively rare) and/or to low awareness about the diversity of sexual orientations and gender identities. As an NGO director commented, ‘most people simply do not believe that homosexuality exists in Ethiopia, or that if it does, it involves foreigners and no more than a small handful of Ethiopians in the entire country’.

4.1.3 Costing discrimination: the economics of agriculture, kinship and stigmatised sexuality

The refusal of the Ethiopian government to address violence committed against LGBT people creates a culture of impunity where such abuses can continue and escalate unmitigated. Often, such abuses are committed by the state authorities themselves, with legal sanction.

Anon. (2010)

The consequences of SOGIE discrimination, and therefore potential responses to it, are occurring within the specific economic context of one of the poorest countries in the world that has recently achieved rapid economic growth. In 2012/13 the economy grew by 9.7 per cent, making Ethiopia one of Africa’s top performing economies (Zerihun, Kibret and Wakiaga 2014). Despite this impressive economic growth multiple forms of inequity and political and social repression persist in the country. Seventy-two per cent of the population lives on less than US$2 per day (UNDP 2011), which means that chronic, acute and widespread poverty persists and people who live just above the poverty line have few safeguards against becoming very poor very quickly as a result of economic shock.

In this context, the key development challenge is to ensure that the benefits of economic growth – stronger livelihoods, less poverty and improved education, housing and health – eventuate for all Ethiopians. The FDRE itself has stressed the importance of poverty reduction policies and programmes for the most vulnerable and marginalised populations that are coincidentally pro-family and pro-women. Gay-identified men are excluded, or at risk of exclusion, from economic life and the benefits of pro-poor policy and programmes. The manager of an NGO that provides income-generating activities suggested that it is only by marrying, or possibly by contracting HIV, that gay men would be likely to access economic empowerment programmes, including the 31 microfinance institutions that serve more than three million poor people across the country.

Secondly, regardless of overall growth, the characteristics of the Ethiopian economy are salient. Agriculture is the backbone of the Ethiopian economy, contributing more than 42 per cent to gross domestic product (GDP) and about 80 per cent of employment. Much of it is pastoral and subsistence level agriculture. This means that much of the population is spread across the country in small clusters of households upon which all members are totally economically dependent. In such an environment few people have adequate economic or social safety nets and social life is limited by geography as well as poverty and lack of access to technology, food and water, education and transport. This amplifies the cost of sexual or gender non-conformity and the attendant risk of discrimination and rejection considerably, even compared to other low-income countries where industry and agriculture are more diverse.

Tadele argues that powerful and dominating beliefs about heteronormativity and masculinity contribute to dependency on family on a ‘meal-to-meal’ basis so that ‘the expectations of parents, community and society at large are far more influential on decisions about sexuality than individual desire. In this sense the sexual bodies of gay men are seen as ‘belonging’ to parents, families and to society at large’ (Tadele 2011). Men who want to pursue
relationships with men make way for that by isolating themselves from family, neighbours and work colleagues, often by moving geographically. Importantly, for same-sex attracted Ethiopians, economic shock, which is usually understood to refer to events such as illness, famine or death of a breadwinner, is most likely to result from being discovered as engaging in same-sex behaviour. Some informants said this is likely to be ‘fatal’ in that all livelihood and resources can be lost.

Though it seems to be less feared than family rejection, institutional discrimination is also problematic both in its own right and because it leads to discovery by families. For example, in a university town two gay students were expelled when they refused to provide the university with names of other gay students or undertake a process to ‘cure’ them. An example of discrimination against a lesbian occurred earlier this year. A woman who was in Ethiopia to adopt a child was seen kissing her female partner on the balcony of a hotel. Police were called, the women were detained for a few days and the adoption cancelled. Ethiopia is one of the few countries that allow single women to adopt but soon after this incident a directive was issued suspending adoptions by single women pending upcoming regulatory changes, without mentioning or singling out lesbians.

Even economically independent professional men in Addis Ababa who self-identify as gay live in fear of being discovered by neighbours, landlords and others who they assume would beat or evict them with impunity. As one man commented, ‘Every gay man has a story of discrimination, if not directly, someone he knows. This serves as a reminder to everyone.’

4.1.4 International influence: inaction or quiet diplomacy?

Major international nongovernmental organisations and foreign governments including the United States have failed in pressuring the Government of Ethiopia to provide health and social welfare programs that are sensitive to the LGBT community. Although the Government of Ethiopia is quick to point out that technically anyone can get access to basic health services regardless of their sexual orientation, the reality of discrimination and outright hate of gays in Ethiopia trumps that statement.

Samuel M. Gebru (2014)

Human rights agencies and governments have noted that Ethiopia’s human rights record is poor and not improving despite its constitution that guarantees equal rights to all and its membership of the international community. Arbitrary detention, repression of free speech and religious freedom, violations of rights to trial, forced displacement and many other abuses are frequently alleged by activists and many of them have been confirmed by agencies such as Human Rights Watch and the US government. Several of those consulted bemoaned the limited influence of the international community on human rights and economic policy and, of those, some attributed the lack of pressure to its geopolitical placement and the strategic interests of the USA and its allies and the role of China in driving particular types of economic development and policy in the country (also expressed in AmfAR and Johns Hopkins Bloomberg School of Public Health 2012). This is consistent with Human Rights Watch which has attributed the FDRE’s ability to ignore international pressure to its strategic position, noting that as an important strategic and security ally and the biggest recipient of development aid in Africa, Western governments ‘do not appear to have been significantly affected by the deteriorating human rights situation in the country (Human Rights Watch 2013). Specifically, the FDRE has effectively closed off the country in terms of independent investigation and ‘eviscerated’ civil society with the Proclamation for the Registration and Regulation of Charities and Societies 2009 that prevents international institutions engaging around human rights. One of the few organisations that once

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This information was provided by a long-term resident who said she read about the incident in the Amharic Press. She said it was not reported in the English press.
researched human rights issues in Ethiopia, Human Rights Watch says it can no longer work in the country because it would need to sneak in undercover workers (Baker 2013). Certainly, the staff of international agencies consulted said that their continued presence depends on total compliance with directives from all levels of government.

Nevertheless, several governments, agencies and international advocates have recognised discrimination against SOGIE Ethiopians, albeit very cautiously. For example, the US Ambassador to Ethiopia, Patricia Haslach, vowed to make gay rights one of her priorities during her tenure telling the US Senate Committee on Foreign Relations, ‘I will be committed to promoting our efforts and policy approach on gender-based violence and discrimination against the LGBT community’. But according to all sources, including gay diaspora blogger ‘Addcafé’, nothing has happened since (Anon. 2014a).

Ambassador Hebberecht Chantal, Head of the European Union Mission to Ethiopia also affirmed EU policy of ‘respect of human rights of everyone including LGBT; without any kind of discrimination against minorities like LGBT’ (Ashenafi 2014) but again the EU Delegation to Ethiopia has not been proactive on that within its programming or policy advocacy.

In a 2014 speech in the Ethiopian capital, US Secretary of State, John Kerry, said: ‘Africa’s potential comes from the ability of its citizens to make a full contribution, no matter their ethnicity, no matter who they love, or what faith they practice’. A commentator pointed out that, given the lack of HIV services for gay men, the banner accompanying Kerry, which read, ‘Ethiopia and the United States of America investing in a healthy future together’, rang particularly hollow. Activists have criticised the USA for simply pasting the following paragraph about LGBT rights in Ethiopia into its US Human Rights Report each year under the heading ‘Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity’:

Ethiopia. Consensual same-sex sexual activity is illegal and punishable by imprisonment under the law. There were some reports of violence against lesbian, gay, bisexual, and transgender (LGBT) individuals; reporting was limited due to fear of retribution, discrimination, or stigmatization. Persons did not identify themselves as LGBT persons due to severe societal stigma and the illegality of consensual same-sex sexual activity. Activists in the LGBT community stated they were followed and at times feared for their safety. There were periodic detainments of some in the LGBT community, combined with interrogation and alleged physical abuse. (Rainbow-Ethiopia n.d.)

The United Nation’s Human Rights Committee probed the Ethiopian government about the protection of homosexuals (and possibly transsexuals) in 2010 when it considered the country’s performance report on the International Covenant on Civil and Political Rights. The exchange, which went as follows, confirms the impression that the government is unconcerned by questions from international actors on this matter:

‘Concerning homosexuality, the fact that homosexuals were not pursued by the law did not mean they were not discriminated against,’ probed an expert from the Committee, ‘There was a feeling that homosexuals preferred to hide. Could Ethiopia do something to protect these individuals?’ Ambassador Fisseha Yimer, Special Advisor to the Deputy Prime Minister and Minister of Foreign Affairs of Ethiopia simply replied that concerning sexual orientation there would be no response to the questions raised by the Committee. (Anon. 2014a)

Lavers (2014) comments that it was not immediately clear whether Kerry discussed Ethiopia’s LGBT rights record while in Addis. If it was discussed, no further information emerged and it is a matter of speculation whether Kerry’s visit may have contributed to the cancellation of the anti-gay rally discussed above.
The African Commission on Human and Peoples’ Rights has recently passed a resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity (see Annex 2). However, in practice there is no significant regional influence and it is unlikely to emerge through the African Union or any other government in the region.

Harsh new anti-LGBT laws were raised at the 2014 EU–Africa Summit in Brussels despite not being on the agenda. Photographer: © European Union, 2014 – European Parliament.

4.1.5 HIV/AIDS: ‘Reader has finished searching the document. No results found’

Homosexuality is unlikely to be decriminalized in the near future, although according to Kesetebirhan Admasu, the Ethiopian Minister of Health, any person ‘can access any type of services regardless of their sexual orientation’. More than two dozen gay and lesbian Ethiopians interviewed by Newsweek said that ‘s a sick joke; the community is terrified to seek care. Katie Baker (2013)

The omission of MSM from the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia is the clearest example of the impact of Ethiopia’s failures in respect of gay men as well as evidence that it is immune to international influence. There are many documents about MSM and HIV in Africa but few of them mention Ethiopia. There are many documents about HIV in Ethiopia but when they are searched for references to MSM the message ‘Reader has finished searching the document. No results found’ appears. Where Ethiopian MSM are mentioned, it is limited to one or two lines; for example, the Ethiopian 2014 Country Progress Report on the HIV Response provided by FDRE to UNAIDS, which states:

Currently, there are no specific programme interventions designed for men having sex with men; nor is the extent of this practice in Ethiopia well known as reliable data are not available. (FDRE 2014)
No Global Fund money has ever been allocated for MSM-targeted epidemiological research or for prevention, treatment, care, and support programmes for MSM in Ethiopia. According to Dereje Teferi of Rainbow-Ethiopia:

The government [has] refuse[d] several times to recognize, track or provide services to MSM; The our [sic] few partner organizations that work with MSM remain silent for fear of official persecution; and many MSM forego seeking medical care because of discrimination.
(Teferi 2012)

In this context there is no adequate access to health care, condoms or lubricants (although the social marketing company DKT has made some attempts at delivering commodities at subsidised prices). Buying lubricant is stigmatised so that it is embarrassing to buy it in pharmacies and there has been no education about the important role lubricant plays in making anal sex safe and comfortable and preventing condom breakage (Mekonnen 2012). According to two of the gay men consulted, any reputable attempts to provide HIV information and condoms to gay men have been shut down, or they have decided to close down. Others have made similar comments to explain why there are no services specifically targeting men who have sex with men:

If a volunteer dares to hand out lubricant to gay men he could face imprisonment and jeopardize his or her groups’ larger-scale work [so] organizations have decided it’s not worth the risk.
(Baker 2013)

Predictably, in this vacuum a 2010 study on Ethiopian MSM found serious misinformation about HIV, including the belief that it can only be transmitted through heterosexual sex (Tadele 2010). There is no HIV information published in Ethiopia’s main language, Amharic. Interestingly, attempts to locate such materials in Washington DC, which has a large diaspora community, with a view to importing it back to Ethiopia have not been successful.

The USAID Mission Director outlined successful HIV prevention efforts provided by the US President’s Emergency Plan for AIDS Relief (PEPFAR) for ‘most at risk populations’ but they are those named in the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia – ‘commercial sex workers, truck drivers and communities along major transportation routes’ (USAID 2014). Several people who work in the HIV field said ['strictly off the record'] that it’s generally accepted that the level of HIV among Ethiopian MSM is likely to exceed 20 per cent. According to Dereje Teferi, not only does government policy mean that HIV funds miss this important key population, US funds for HIV have been used to support anti-gay activities (Rainbow-Ethiopia 2013).

In many countries, inclusion of MSM in their strategic plans for HIV has enabled gay men to locate valuable ‘entry points’ through which they could access resources and structure community mobilisation. Its exclusion in Ethiopia means that this has not happened and there is no representation or involvement of Ethiopian men who have sex with men in HIV prevention programming.

This failure to prevent or adequately treat HIV in MSM undermines the impact of all other HIV prevention work in the country. It even contrasts with the notoriously anti-gay countries in the region that have included MSM in their national plans on HIV as a matter of public health, despite maintaining overtly anti-gay policies. Even in Uganda, the health ministry has admitted that specialised clinics for MSM have helped reduce HIV rates (Baker 2013).

The illegality of homosexuality was cited by staff members of more than one health agency as justification for inaction within their own programmes – including one that supports programmes for female sex workers whose activities are also illegal. Four agency staff said...
that as a statement of fact, homophobic attitudes made any kind of service provision to known gay men impossible but did not specify if they were a part of that consensus; on further questioning one said no, one said yes and two refused to answer. This calls into question the understanding of epidemiology, adequate service provision, medical ethics and non-discrimination in HIV organisations. This also calls into question whether the training and policies of their employers is fit for purpose.

Senior HIV experts who were consulted said that they ‘hope’ or ‘trust’ that MSM are receiving HIV services without disclosing their sexual activity. It was striking that statements by both local and expatriate HIV experts appeared to consider it possible to provide quality sexual health services to men who do not disclose same-sex behaviour to the physician. Equally striking was that only one of the seven NGO workers consulted about HIV services for MSM thought that resources should be directed to MSM programming. The others held this belief because they see HIV prevention for MSM as entailing graphic sexual images and bold assertions about gay pride associated with targeted programmes in the USA and Europe. Disappointingly, no evidence could be found of either Ethiopian or foreign HIV/AIDS experts developing ideas about how health services might be delivered to this crucial ‘key population’ in ways that are effective in public health terms and culturally appropriate.

Despite this bleak picture, there are rumours that pressure is being placed on the FDRE ‘behind the scenes’ and there are some indications that it could begin to be effective. One representative of an NGO that provides economic support to marginalised people said he is confident that MSM programming would come eventually, and confirmed that when this is allowed his NGO intends to take up the challenge that introducing MSM services will present.

Three health agency staff who were consulted mentioned that a government study of HIV prevalence and relevant behaviours across the whole population is under way and that it apparently includes a question, or some questions, about men having sex with men. Each expressed hope that the survey will actually reach MSM, that they will answer the questions about sexual behaviour honestly (which relies on anonymity) and that the government will analyse and publish the data. However, none were confident that these things would all happen.

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7 There was a suggestion that the Rainbow-Ethiopia website has contributed to this impression although examination of the site does not support that, beyond its use of the global symbol of the rainbow.
5 Four survival strategies

5.1 Secrecy: a recipe for stress and suicide
All those consulted said that to survive economically and socially, most same-sex attracted Ethiopians don’t disclose that to anyone to avoid discrimination and distressing or disadvantaging their families. Consequently, they endure ongoing stress and fear of loss of family and livelihood, violence, false accusations of sex with children or male rape. In many cases secrecy leads to gay men entering into unsatisfactory marriages with women. This possibility, often combined with being unable to come to terms with same-sex attraction, was described by a gay man as a ‘recipe for suicide’. The AIDS Resource Center in Addis Ababa reported that the majority of self-identified gay male callers requested assistance in changing their sexual orientation or resisting the temptation to act upon it to avoid discrimination, anxiety, confusion, identity crises, depression, self-ostacism, religious conflict and suicide attempts (Rainbow-Ethiopia 2014). Suicide is a very common topic in gay Ethiopian blogposts.

All informants said that in cities it is relatively easy to keep same-sex orientation a secret and that many, or most, men who have sex with other men can relatively easily maintain heterosexual identities and relationships. A gay informant commented that Ethiopians are, so far, ‘pretty much oblivious’ to outward signs of same-sex orientation so that lesbians and gay men are generally not recognised unless they are ‘caught in the act’. Ironically, his clothes, which he pointed out would mark him as gay in the USA or Europe, are of no consequence in Addis Ababa. However, he said that this is time-limited in the light of signifiers of western gay culture becoming more popular with the growth of internet use and recent anti-gay activism that has encouraged awareness of those signifiers. (This apparently went wrong when a rumour went around that skinny jeans, a newly arrived fashion from Europe and the USA, signified homosexuality.) His friend contrasted secrecy in Addis Ababa to life in diaspora communities where, he said, ‘Ethiopians learn what a gay looks like but they don’t become more tolerant… That’s a bad combination’. Yet another confounding matter is that it is common for men to hold hands, cuddle and show signs of intimacy that, in the words of a local guide, ‘makes foreigners think all Ethiopians are gay’. Paradoxically, a young gay man said, ‘Oh we never, ever touch each other when we are on a date’. Presumably this is because fear and extreme caution have become ingrained.

5.2 Building the community: a subculture in survivalist mode

A thriving LGBT social scene exists in Addis Ababa. Parties are generally unannounced and held in private homes or bars, with invitations distributed via word of mouth or text messaging… events are held at least on a weekly basis, with attendance of more than 50 people not unusual.

Wikileaks Cable 09ADDISABABA3027 (Berhane 2011)

In very poor countries where homophobic discrimination drives and sustains poverty, LGBT people frequently rely on each other (Jolly 2010). This makes sense for individuals who need to buffer the impact if ‘the worst happens’ and for communities working to sustain themselves in the face of external threats. Jolly describes this as ‘forming economic subcultures in survivalist mode’ (ibid.). This may begin with a network that can support those who lose homes and livelihoods as a result of discrimination but it can also develop into more durable economic subcultures. Such economic subcultures occur in rich and poor countries alike and

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* This case study did not explore meanings of sexual and gender identity, orientation, expression or behaviour in Ethiopia or seek to explain whether this secrecy represents suppression of ‘authentic’ [homo]sexuality or if it is determined by other factors.
while they include visible and stereotypical enterprises such as hairdressing, show business, fashion and sex work, they are not limited to those occupations.

The extent to which it is realistic to imagine that a gay subculture will emerge in Ethiopia that could advance the economic status of members is unknown. Dana Social Club members said that there is a process under way in Addis Ababa that is leading to community spaces in which the economic as well as social lives of its members could be advanced but that this must be seen in context – as a man familiar with gay life in the USA and UK joked: ‘This doesn’t mean we’ll soon have a Christopher Street or a pink pound here’. However, regardless of whether homosexuality in Ethiopia is a life-defining orientation, a pleasurable hobby for men who are stable within the heterosexual paradigm or something else, it is clear that gay-identified men will be at the forefront of challenging the discrimination that threatens the economic inclusion of all same-sex orientated men.

The emergence of an urban community of gay-identified men has been steady. In 2007 an ‘Ethiopian LGBT’ committee was established with the objective of demanding and safeguarding sexual freedom, although details are sketchy. An anonymous post on www.topix.com at the time claimed that it had 604 members. Its author wrote, ‘We are working day and night for the license and acknowledgment from the Ethiopian Government but their response was discouraging… As a steering committee we are responsible for generating a storm of publicity… But, there is no way to accomplish this…’ (Salsawi 2014).

This group faded away, as have most subsequent attempts to form gay or MSM organisations in Ethiopia, even in cyberspace. One organisation, Rainbow-Ethiopia, formed and made attempts to establish itself within the public health field but it ended when its leader Dereje Teferi fled the country after speaking about MSM issues at an international AIDS conference (see Box 5.1). Since that time Teferi has maintained a website and continued to represent Ethiopian MSM interests from the USA. A local activist distributes condoms to male sex workers in Addis Ababa and intends to expand into an organisation to provide them with wider support including counselling and shelter. However, at this point the potential to form organisations that can benefit same-sex attracted people across the board and throughout the country, or even to get appropriate health services for MSM in the capital, is severely restricted by constitutional bars on forming organisations to promote immorality and the Proclamation for the Registration and Regulation of Charities and Societies 2009 that severely limits the possibility of NGOs addressing human rights at all (AmfAR 2012).

Even without recognisable NGOs or lobby groups, queer history in Ethiopia includes both agitating for rights and providing support to community members. As noted by the US government above, ‘underground gay scenes’ have been growing rapidly throughout the country because the internet has made it much easier for gay men to meet and for many their first opportunity to make social and sexual contacts. In the capital and towns (particularly university towns where internet use is presumably highest) social groups have been slowly forming and morphing into groups that work to embed SOGIE issues in the agendas of other human rights and social movements. There are two popular gay Facebook groups, one of them with 5,000 members; the Ethiopia Gay Library which tracks media coverage; and Zega Matters, an LGBT discussion forum with more than 700 members (who call themselves the 'Facebookers'); as well as blogs, websites, Instagram and Twitter. Some of these come from the diaspora, which is valuable because it provides external inputs, although it can also raise challenges for activists working locally in an environment that is both fluid and dangerous.

Out of the ‘Facebookers’ social group a smaller group of young men who identify as gay has emerged that are committed to working slowly and carefully to challenge anti-gay stigma, law

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5 The famous area of New York City dominated by gay businesses and the expression that describes LGBT communities that form a significant sub-economy.
and policies and ensuring that gay men and others affected by Ethiopia's punitive and exclusionary attitudes around sexuality are not excluded from services and civil life. In 2012 the group named itself the 'Dana Social Club'. The group adopted a governance structure and strategic plan, set up an online library and chatroom, offered social support for cases of discrimination against members from within the community and began to distribute condoms, lubricants and ‘word-of-mouth’ HIV education. But in the wake of the planned anti-gay rally in early 2014 Dana members decided not to try to register as an NGO or seek grants to conduct activities but to continue as a social club that also questions the way LGBTs are thought of and treated while formulating longer term plans. These plans involve working on economic empowerment and health services with community resources through private enterprise, using film and internet discussions to challenge homophobic discrimination and violence; providing inputs into sexuality education and medical training; supporting people who have been discriminated against or abused; producing information for same-sex oriented Ethiopians, distributing condoms and lube and setting up gay friendly (but not exclusive) clinical services. As well as being seen as a reaction to the restrictive environment, this can be interpreted as a sign of genuine community commitment to achieving its goals through independent, self-sustaining activities. The recommendations in Section 7 take the need to strengthen and hasten this process as their starting point.

While recognising that networked communication provides a crucial opportunity for a gay rights movement to develop and expand, it also carries substantial threats in a setting in which homophobic oppression is disguised as fighting terrorism, anti-pornography efforts, anti-trafficking efforts and efforts against child sexual exploitation. Digital communications facilitate backlash and Ethiopian internet chatrooms, which are particularly colourful generally, explode when threads about homosexuality appear. As well as providing a forum for homophobic abuse and ‘stirring up’ homophobia generally, there is a possibility that social media could set off pressure that incentivises the government to increase scrutiny and censorship of social media platforms. Because the ability to network and to publish anonymously is critical, better cyber security is urgently needed as well as external monitoring to ensure that if any activists are harassed or abused for expressing their views they are defended. At the same time, it is important to keep the potential value of internet-based activism or support networks in proportion:

‘Facebook is the only thing that we have’, [Dana member] Beki explains, adding that there are no clubs or bars in Addis Ababa where gay men and women can congregate openly. It is through this network that Beki found his tight-knit group of friends. ‘Most Ethiopian gay people are not this lucky,’ he says, casting his eyes around the table. (Jobson 2014)

In a subsequent interview, Beki spoke about the limitations placed on the social and advocacy functions of Dana by the fact that less than 5 per cent of Ethiopians have internet access in the capital and even less in other parts of the country. He said that this is certain to change and in this context it is inevitable that the nascent ‘LGBT community’10 will expand. He is confident that although a ‘gay liberation’ paradigm is seen as ‘Western’, Ethiopian gay men and lesbians are capable of adapting its ideas and principles to the Ethiopian context. This, he says, has given rise to a desire to meet activists from other countries in Africa to learn more about how this has happened for them.

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10 This expression was used by Beki.
5.3 Sex work: the most marginalised of the marginalised

In my last visit to Ethiopia, I noticed a number of young male and female prostitutes in some neighbourhoods of Addis Ababa, many around affluent areas, including by hotels and Western embassies... There needs to be at least one organization that can implement robust programs to ensure that these sex workers are protected from diseases and infections.

Samuel M. Gebru (2014)

There have probably always been male sex workers in Addis Ababa and other Ethiopian cities. Observations were made about male sex work in the context of HIV in 2005 (Tadele 2005) and in recent years, there have been several reports of significantly increased male sex work in Addis Ababa (Rainbow-Ethiopia 2013; Littauer 2012).

This has been linked to migration and to youth poverty, both in urban and in rural areas. Young male sex workers in Ethiopia are described as ‘the most marginalized of the marginalized’ who suffer ‘a double burden of dealing with their stigmatized sex trade and sexual practices’ (AmfAR 2012).

Some of those consulted suggested that most of the young men selling sex are gay and that this has caused them to leave their homes in the capital or other parts of the country. Others said that they thought that homeless young heterosexual men were being preyed on by ‘real’ homosexuals. But this is speculation because there is no reliable information about male sex work and discussions about it are also distorted by conflation with homosexual rape, paedophilia and the discourse of modernity and foreignness. For example, when asked by a journalist why men have sex with men, a male sex worker responded, ‘Poverty, poverty and poverty. Some also have a foolish idea that it is modern and others just want to experiment because they can afford to’ (Tekleberhan 2011). Similarly, a study of homosexuality by the Ethiopian Public Health Association by Ato Seifu suggested that foreign travellers entice young Ethiopians into gay sex by offering ‘foreign currency’ so that they ‘easily join the ranks of male sex workers’ (ibid.).

Even those who support SOGIE rights are concerned about male sex work involving young men and foreign clients:
With the growing LGBT community in Addis, there is also a growing concern that has become a major headache for the general public: the growing sex industry and sexual exploitation of young boys (and girls), often by Westerners or foreigners who use their dollars as a buying power. And poverty is the primary reason for such prostitution. Before Ethiopia becomes the next “Thailand in Africa”, do you think it’s better for it to acknowledge the existence of the minority LGBT community and protect their civil and human rights, thereby averting or reducing crimes that happen in their names? For how long can Ethiopia ignore the existence of the elephant in the room while the problems that are related to it multiply each day? Can the government crackdown on illegal child prostitution without addressing the LGBT concern? What has the government done so far to aggressively fight the increasing exposure of boys and girls to prostitution and HIV/AIDS?

(Kiros 2012)

Some gay men recognise that Ethiopian men, often heterosexually identified and married, are the main clients of the young men that sell sex in the streets, not foreigners. A gay aid worker said he imagined that most Europeans and Americans would not seek paid sex in the streets due to the risks but that they would use gay websites where ‘hook-ups’ are arranged that may, or may not, turn into commercial exchanges. ‘This is something you must always be prepared for in such a country’, he said.

There is some condom and lubricant distribution to male sex workers although, again, those doing the work wish to maintain anonymity while hoping to secure funding to scale the work that meets a range of needs of young men who sell sex in the capital.11

There have been no mappings, sociological or behavioural studies of male sex work and it was not within the remit of this case study to try to enumerate or otherwise understand the dynamics of male sex work. Well planned, ethical ethnography is needed in the shorter term. More information about the extent and nature of male sex work in the capital is essential for the health or economic needs of male sex workers to be recognised or met.

Box 5.1 Mercy and Rainbow-Ethiopia

In December 2011, Addis Ababa hosted the 16th International Conference on HIV/AIDS and Sexually Transmitted Infections. Ethiopian religious leaders were enraged when they learned that African Men for Sexual Health and Rights (AMSHeR), planned to discuss LGBT-related issues, and quickly launched a text-messaging campaign that led to widespread protests and a meeting with Ministry of Health officials. As a volunteer for a few US-based NGOs focused on HIV prevention and the founder of Rainbow Ethiopia, the only LGBT organization in the country – it covertly distributed condoms and safe sex information to gay men – Mercy was invited to a preconference, and his photo appeared in the press. A week later, Mercy – the lone gay Ethiopian willing to out himself that weekend – was detained and told to lay off the activism by police who said they’d been following him for years. Instead, he attended another AIDS conference in Washington, D.C. a few months later. When he got back, he was arrested and tortured. Fearing for his life, Mercy quickly secured a visa and escaped to Washington, D.C., where, he believes, the Ethiopian government is still monitoring him. Mercy regularly updates Rainbow Ethiopia’s website and Facebook group and says his goal is to ‘spread news of what it’s really like to be gay in Ethiopia’ – but it’s hard to get U.S. organizations to listen. He’s had a rough time attracting attention in Ethiopia, too.

Elissa Jobson (2014)

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11 The group or individual that does this work is named Zega Redemption and declined to be interviewed. Others commented that it promotes the idea of curing or rescuing young men from homosexuality but this could not be confirmed.
5.4 Internal and international mobility: the flight response

The extent and nature of mobility and its meaning and impact on the lives of same-sex attracted Ethiopians are not known because all forms of mobility are common and there has been no study of SOGIE mobility in Ethiopia. Anecdotal evidence suggests that both gay-identified men and men who have been labelled as homosexual move from rural areas to cities and towns to avoid discrimination, cope with family issues or to live more authentically while surviving or even prospering economically. However, according to some of those consulted, young men in particular who move to cities or towns frequently lack the information and the resources needed to prevent sliding into extreme poverty. This is consistent with points made about the structure of the Ethiopian economy and country’s geographical and cultural characteristics.

Same-sex attracted people appear to use the same systems as others to migrate to neighbouring countries or to the global North as immigrant workers, documented migrants and to seek asylum. Several countries accept persecution of homosexuality as grounds for asylum and some accept that persecution of homosexual men in Ethiopia has constituted persecution for the purposes of claiming asylum. For example, the Australian government recognises that ‘Discrimination against homosexuals [in Ethiopia] appears to be widespread and is not seen by the government to be a human rights issue. While there is little detailed information specifically regarding the treatment of lesbians, the threat of arrest for homosexual conduct and societal discrimination are sources of potential harm’ (Australian Country Refugee Review Tribunal 2012).

Some insight into the international migration is available from bloggers writing about the experience of Ethiopian LGBT diaspora and looking back on their lives in the country. For example, Selam, who claimed asylum on political grounds not because of homophobic persecution, provides an account of his experience in a diaspora community:

> Word had spread [that I am gay] and I was a subject of malicious ridicule and hate. I was almost physically excluded from the church. The few friends I had made all became enemies in an instant, none wanted to have anything to do with me. Not even a good old handshake. Without a doubt, that was the lowest point of my entire existence. All of a sudden, my life back home seemed far better. At least back then I kept myself to myself and to my knowledge no one suspected anything. Even though I was young and no one would have expected me to get married at that age, maybe I should never have left. Maybe I should have just stayed and did what I thought was the right when the time came; to save my family from lifelong disgrace and stigma. Ending it had always seemed the only option but I never had the courage.
> (Canning 2010)
6 Discussion

The least economic disadvantage occurs where anti-gay law and cultural taboos have been eliminated or reduced and where law, policy and executive practice protects human rights. LGBT are most disadvantaged in environments where most economic exchanges depend on relationships of trust and status that are grounded in familial, tribal and religious connections and where there are few safety nets.

Susan Jolly (2010)

It has been illustrated that there is significant potential for same-sex attraction or expression to lead to, or exacerbate, poverty by driving economic exclusion that is likely to be immediate, catastrophic and irreversible. Moreover, this takes place in the context of widespread chronic poverty, economic dependence on family and local government in a repressive state where there is little or no protection against persecution by either state or non-state actors.

The community members and NGO staff that were consulted for this study identified the following factors that create social, political, physical and economic vulnerability:

- The Ethiopian government keeps a tighter rein on information sharing than most countries in the region and leaders of all social movements are vulnerable to prosecution, jail or other punishment.
- Economic dependence on family is pervasive in Ethiopia and it creates a strong structural barrier to sexual self-realisations and expressions.
- Policies that are pro-family or aimed at increasing women’s economic status limit the access of men and of single and young people to social protection and other poverty alleviation programmes.
- Links between Ethiopians engaged in social justice struggles with organisations that could support them are weak (compared to Uganda and Kenya, for example).
- International influence over Ethiopia is limited by its strong geopolitical position.
- Ultra-conservatives within the church have significant power within government.
- The legal challenges to homophobic law and hate crimes that have been a focus of SOGIE rights elsewhere are not as urgent as where law is actively enforced and are not in any case possible in Ethiopia’s current political and legal context.
- There have been few studies of same-sex attraction, desires and cultures in Ethiopia and of Ethiopians who do not conform to mainstream gender roles. (Two academics who have worked in the area have withdrawn, apparently to avoid discrimination).12,13

The following section focuses on ways that external forces can support local activists to advance sexuality justice in Ethiopia. Section 6.2 is arranged around a three-point framework for action that can reduce poverty among sexual minorities developed by Hawkins et al. (2014), preceded in Section 6.1 by an additional point that recognises the possibility that even well-intentioned efforts are likely to cause damage in the contemporary Ethiopian setting.

- Do no harm;
- Create networks and alliances to push for social, political, economic and cultural change;
- Target financial and other resources;
- Develop supportive public policy.

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12 Daniel Iddo Balcha, author (Balcha 2009).
13 Getnet Tadele, author (Tadele 2011).
6.1 Breaking the discrimination and poverty chain

6.1.1 Do no harm
As discussed above, an urban Ethiopian SOGIE community is emerging and gradually beginning to speak with a firmer voice as well as expanding social opportunities. But its meaning and potential for both positive and negative impacts should be considered in the light of contextual factors. Primary among the limitations is that because sexual orientation plays a defining role in the lives of relatively few same-sex attracted men, life within a ‘gay community’ is unlikely to be needed or wanted by most, so for the foreseeable future such groups will attract relatively small numbers of members and only a small proportion of those will be engaged with social and economic justice issues. On the basis of experience in other countries it had been hoped that public health would provide a protective paradigm for at least one type of SOGIE organising but the experience of Rainbow-Ethiopia illustrates that this is not the case (or was not in 2012).

Gay-identified men concerned about social exclusion are aware that if it is done badly, organising around SOGIE rights could be counterproductive by disrupting the official status of homosexuality as a non-issue. In a region where other governments have made homophobia a crusade, things could be worse in Ethiopia especially if some sections of government are keeping expressions of homophobic hatred at bay in a fragile and hidden process as some evidence suggests.

The risks to the personal safety for anyone within, or associated with a SOGIE group in the absence of the protection that open, democratic societies have around free speech and human rights are mentioned in relevant literature (e.g. Jobson 2014) and raised repeatedly by those consulted in Addis Ababa.

Many international health and development agencies, human rights organisations, UN and diplomatic missions in Ethiopia appear to have made a judgement call not to address SOGIE issues. While avoiding explicit recognition of SOGIE people and issues may be ethically justifiable in line with the ‘do no harm principle’, it is debatable whether this also applies to taking steps to ensure that their inputs benefit or do not harm same-sex attracted people.

6.2 Create networks and alliances to push for social, political, economic and cultural change
Whether a community that can support people to live the lives they choose, advocate for citizenship rights and support vulnerable members will emerge in Ethiopia is not the question according to local activists. The question is how and where sexuality is located within struggles for broader social, political, economic and cultural changes that are under way within the country.

The current lack of organisations cannot be dismissed as evidence that SOGIE rights do not apply in Ethiopia since, as discussed above, hundreds of gay-identified internet users have joined an organisation that can’t be registered (and that is from a base of 5 per cent internet coverage). Dana was created as a social club and most members use it as that but it seems inevitable that some conversations within the group turned from the personal to the collective and from the social to the political. Nevertheless, although this can look like a Northern gay organisational model, it is crucial to note that African SOGIE discourses are characterised by different goals and strategies to Northern gay agendas that focus on ‘coming out’, the right to marry, found a family and to enjoy equality of opportunity. Economic rights, beginning with the freedom from the stigma and discrimination that causes economic and social exclusion, emerge as Ethiopian priorities rather than building LGBT identity and visibility. Dana members stressed intersectionality and the need to work within a broader framework that
addresses the injustices and deprivation of economic and political rights that are occurring in the country. This, they point out, is reflected in the name of Dana’s internet discussion group, Zega Matters. (Zega is an Amharic term which means citizen and a code word used by Ethiopian gay men to identify themselves.)

The high degree of computer literacy within the group presents an opportunity to provide tools for basic community-level organising such as information sharing. The group explained that an important first step that is already under way is documenting the lives of same-sex attracted people, past and present in Ethiopia so that over time a queer epistemology evolves.

The barriers to formal organising and accessing money from health and welfare agencies, which can be seen as limiting, may also protect the authenticity of the community development process by allowing growth to take place away from the persuasive and pervasive influence of donors and free from the divisive influence of competition for contracts and grants.

6.2.1 Target financial and other resources
One of the clearest theses that emerged from interviews with development and health professionals is that there are strong structural, legal and cultural barriers to development agencies, the international LGBT community and foreign governments providing resources to support better SOGIE policy or inclusion of SOGIE issues in their respective programming in Ethiopia. For example, direct support through grants cannot be provided because same-sex attracted and gender non-conforming Ethiopians cannot form organisations.

This is an important challenge for agencies whose internal procedures and policies for awarding grants and contracts to government-approved NGOs are not suited to resourcing ‘underground’ movements. Some agencies have found ways to channel limited resources for HIV activities among same-sex attracted men and male sex workers through individuals; for example, to ensure that condoms and lubricant are available despite lack of recognition of MSM in the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia. An agency staff informant called this ‘quiet, unlabelled consultation and action’.

6.2.2 Develop supportive public policy
The most effective policy to ensure that same-sex attraction does not drive economic marginalisation would be an ideal scenario in which homosexuality is decriminalised and that recognises the rights of all citizens to economic, political and cultural rights. But these must be long-term goals because they require at the very least significant social change as well as political and constitutional reform. In the shorter term there is a strong case for support to strengthen social movements and embed human rights defenders while stepping up international pressure on the FDRE in respect of its human rights record, its adherence to the rule of law and its obligations under international law.

It may also be helpful to identify areas of public policy where shifts are possible and useful. One of these is to take steps to develop approaches that ensure that poverty alleviation programmes such as microfinance, social protection and health services are accessible to people who do not live in traditional configurations of family. Same-sex attracted people, whether gay-identified or not, would benefit from policy that drives more appropriate and accessible services for migrants, young people, single adults and people living with HIV, and prohibits discrimination and violations of their rights along with those of women, ethnic groups, disabled people and cultural dissenters.

As Ethiopia moves toward democracy over the coming decades and its rule of law will likely become stronger, human rights claims will increasingly be won through advocacy that activates political and legal mechanisms. Although it is clear that SOGIE rights will not be
near the front of that process, work should take place now that will enable same-sex attracted people to benefit from any improvements that emerge. This means that a goal is to embed sexuality issues in the agendas of the human rights and social movements that are advocating for better governance, law and policy. Shahira, an Egyptian woman, stresses the importance of the intersections of multiple citizenships and makes the important distinction between integrated or intersectional political strategies and the ‘identity politics’ that characterise Western LGBT discourse:

As a starting point to rally communities, we have to find something other than ‘We’re all gay,’ and that’s partly my issue with identity politics. Just looking at the realities of the region, LGBT individuals are not as visible as we think they are. But everyone in the region is suffering from the repression of morality – whether it comes from the state, from religion, from society – everybody. So why would I work on liberating a subgroup, for just a very small subset, when I can invest in doing the real work which needs to get done, which is a very long-term strategy when I was younger, I didn’t identify with L or B or G or T…I was just someone who was repressed because I was a woman. Injustice was on me not because I’m queer, but because I’m a woman – an Arab woman, a single woman.
(El Feki 2013)

What could/should foreign governments do?
There is little governmental action to support policy or programming on sexuality generally or SOGIE specifically in Ethiopia despite suggestions that undocumented ‘quiet diplomacy’ takes place in the course of intergovernmental discussions.

The Netherlands Mission to Ethiopia has provided constructive inputs to government health policy by cautiously opening conversations about sexuality and sexual minorities in the context of services and education.\(^\text{14}\) In 2010 it went a little further by working with local SOGIE advocates and HIV/AIDS advocates to hold a meeting with representatives from major multilateral agencies and HIV financing mechanisms, including UN agencies, the Global Fund, Centers for Disease Control and Prevention (CDC), and international non-governmental organisations (INGOs) such as Family Health International and Population Services International. The aim, which was not realised, was to create a task force to lobby the government to include MSM in the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia.

Since then, the Netherlands Mission has sponsored education and development programmes that recognise sexuality issues, including sexuality-related stigma, within discussions about less controversial issues such as gender-based violence, female genital mutilation or child protection. According to Bouwe-Jan Smeding, the First Secretary of Health, Embassy of the Kingdom of the Netherlands, improvements to policy and programmes around sexuality and sexual rights in general need not be SOGIE specific but can help to establish a momentum that in the long term will carry SOGIE issues ‘in the slipstream’. This was echoed by an Ethiopian gay man who said, ‘If sex education and sexual health care is improved for everybody we will certainly benefit from that, especially young gays’.

Although policy change has not been achieved, these efforts can still be considered an important first step and the experience gained by the stakeholders should be useful to other governments whose interactions with the FDRE present opportunities to encourage it to improve the policies and programmes that affect the country’s LGBT citizens (AmfAR 2012).

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\(^{14}\) It is possible that actions by other governments and government agencies have been missed because most interview requests were refused and such efforts were not discovered in the limited relevant literature.
Regional bodies, the EU and UN (discussed above) whose influence over Ethiopia is ostensibly weak could be strengthened by their member states exerting internal pressure on them to more actively engage with the FDRE on human rights, the rule of law and governance.

**What could/should international LGBT organisations do?**

*African human rights issues are many and varied, and go beyond the latest anti-gay laws passed in Uganda or Nigeria.*

Vanessa Urquhart (2014)

International LGBT organisations in particular are well placed to understand and support the informal or ‘underground’ mobilising that is happening in Ethiopia given experience in various dangerously homophobic settings around the world, supporting information-sharing, challenging laws, protecting community members or helping them to emigrate. However, how to do this *and* avoid causing harm, has been hotly debated. SOGIE activists in the South have sometimes said that their needs and contexts have not been fully considered by Northern activists – actions such as calling for boycotts, holding protests and trying to arrange asylum for lesbian and gay people having taken place without adequate consultation with local people or understanding of the broader legal, economic and cultural factors.

There is consensus among local activists that it is important to avoid importing US-style ‘gay liberation’, which would inevitably lead to a hostile reaction. The assumptions and paradigms of Northern gay culture and activism juxtapose personhood and nationhood in ways that are controversial even among gay-identified Ethiopians as this comment on a gay Ethiopian website illustrates:

> Abandoning our history and heritage and telling others ‘We’re Gays! We’re not Ethiopians!’ is not conducive to get the other side to listen. Identifying ourselves merely based on our sexual orientation makes homophobia easy. If we just focus on our sexuality and ignore our other identities, what kind of message are we sending? Who can blame straight people for thinking gay men are nothing more than sex-crazed perverts? Why are we blaming guys for telling us being gay is not Ethiopian if we abandon our heritage upon learning our attraction for the same gender? Are we not fulfilling prejudicial stereotypical assumptions? Is this not self-defeating? (Globalgayz 2009)

Some of the familiar mistakes from the worlds of humanitarian aid, development and charity apply in SOGIE activism too. Well-intentioned Northern organisations tend to overlook the importance of religion and loyalty to the church, the cultural meaning of shame or the role of family and kinship in economic and social life. They can create, but fail to sustain, generous economic support in the face of enormous demand and they are not immune to flawed assumptions as is sometimes assumed. For example, in a powerful blog on the subject of gay asylum seekers and refugees, Scott Long calls out the tendency to assume that every gay person wants to escape a stereotyped homophobic, poverty-stricken hell for an equally stereotypical Western gay heaven (Long 2014). This is particularly relevant for Ethiopia because some of what has been said and done from outside the country concerns local activists. This played out when a gay academic travelled extensively in Ethiopia with a local partner who was unaware that he was collecting and publishing explicit and potentially dangerous material about gay life in the country.

Another disconnect may be that those who live in the more orderly countries are more optimistic about the potential of law, the state and NGOs to safeguard citizens or deliver health and welfare services to them on an equal basis than those in countries where the rule of law is weak (Walderman and Overs 2013).
Urquhart suggests that what Northern communities may be missing is the importance of the profound economic and social changes in the Western democracies that occurred in the lead-up to gay liberation in the 1960s, changes that have still not occurred in many middle- and low-income countries. She concludes:

If what’s needed is to change African hearts and minds, we must shift our approach away from a scolding, punitive, paternalistic one and reach instead for something more engaged, more connected to actual Africans, and more focused on the communities where the necessary cultural shifts must happen. We need to fight back against African prejudices and misperceptions about gays, lesbians, and transgendered people. We must create a generous, humble, compassionate face for the LGBTQ movement, one that seeks the advancement of all humanity along with our own people. To that end, Western LGBTQ organizations should seek to decouple the issue of aid from local attitudes toward sexual minorities. In addition, LGBTQ individuals and advocacy groups alike should give directly to African causes, particularly those that dovetail with the needs of sexual minorities. (Urquhart 2014)

Perhaps the most useful relationships for Ethiopian SOGIE activists are to be established with the many LGBT organisations throughout Africa that deal with similar issues in similar settings.¹⁵ Facilitating better links with other African countries is perhaps the most concrete and productive support that could be provided by the international LGBT community at this point.

What could/should faith communities do?

Fanatics do not always drive the church. After all, like any other conventional bodies, the Ethiopian Orthodox church must have its very own moderates.
Addcafé, anonymous Ethiopian gay blogger (Anon. 2014b)

Changing religious attitudes is central to advancing SOGIE rights and attitudes to sexuality generally. Although it is difficult to identify promising strategies to change attitudes or to limit the negative influence of the church, there are signs of Ethiopian gay men thinking about that. Unsurprisingly, there is little appetite for outright ‘war’ – partly because most gay men are religious, including those that feel abandoned by the formal church. A popular diaspora gay blogger, ‘Addcafé’, tells a moving tale about seeking out an Ethiopian Orthodox church to celebrate Easter while reflecting on the paradox of the Church having opposed the anti-gay rally and the Patriarch condemning homosexuals in his Easter speech. The blogger recognises this and makes a choice to focus on the church’s flexible and receptive sides (Anon. 2014b).

This search for ‘moderates’ within the Ethiopian faith community is echoed by SOGIE activists in the USA committed to supporting LGBT rights in Africa:

Many of us are church and temple goers, members of faith communities that have made welcoming LGBTQ individuals a priority. Now we need to speak with our church leaders and our congregations about the ways our institutions can support tolerance and acceptance abroad, as well as at home, as part of their charitable mission. (Urquhart 2014)

Finding moderates and helping them to bear influence on the rest of the church is a task that could be undertaken and/or supported by international faith organisations and UN agencies. UNAIDS has conducted several activities with faith leaders in the country that have produced

¹⁵ See, for example, Pan Africa ILGA (http://africa.ilga.org/media_library/struct/search_bar_top_menu/africa__1).
statements about the role of churches in the country but homosexuality does not appear to have been discussed. At best it may also have been a matter of ‘quiet diplomacy’.

International faith organisations should actively help Ethiopian LGBT to search out such moderates and by equipping SOGIE rights activists to challenge theologies that support discrimination and persecution and improve practices in the areas of theological and pastoral training, human and civil rights, and HIV/AIDS prevention and care.\textsuperscript{16}

\textbf{What could/should the development sector do?}

\textit{Where employment opportunities and therefore material assets are constrained, social protection policies and programmes become an important safety net because they enable people to manage employment and financial risks ... The right to social protection has been recognised in the Universal Declaration on Human Rights and this applies regardless of sexual orientation or gender identity.}


In contemporary development practice, listening to communities and building their capacity are central to effective programming. This has particular resonance for SOGIE rights activists in Addis Ababa who currently have no voice within development agencies. But development agencies should plan programming and policy advocacy that is inclusive of sexual and gender minorities even without them being visibly represented within the agencies.

While the need for extreme caution in approaching most issues around SOGIE rights has been stressed, the area where international agencies have a clear moral imperative and the necessary evidence to push the FDRE on issues around same-sex orientation is the exclusion of men who have sex with men from the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia. Because MSM are not considered in HIV statistics, the picture of Ethiopia’s epidemic is certainly inaccurate and the efficacy of its response is undermined. This should not be tolerated by the international community generally or by the government and non-government donors that fund Ethiopia’s HIV response because it drives a significant failure in public health programming.

While no one is suggesting that there should be ‘out and proud’ targeted HIV interventions (although as discussed above, many AIDS experts in Addis Ababa behave as if that is exactly what is being suggested when HIV and MSM are mentioned), development agencies and international health advisors should recognise that their claim that gay men can access HIV services that are blind to sexual orientation is a dangerous fiction.\textsuperscript{17} Agencies that operate health and education programmes should ensure that health-care providers dealing with HIV are fully trained in providing care for MSM.

There are indications that training of medical professionals has led to better and more respectful services for stigmatised people living with HIV, such as sex workers. This can be achieved despite religious beliefs and conservatism of the medical practitioners. Training can be designed to encourage and equip services to be effective for people of all sexualities. This should be accompanied by clear internal guidelines about what is expected of staff. In the case of clinical services this is particularly urgent given the role of rectal health in HIV and sexually transmitted infection (STI) prevention and care. In view of the positive results that have emerged where health programmes follow principles of human rights and non-discrimination, there is a strong case for a renewed effort in this type of training supported by internal policy that prohibits all discrimination for health service providers.

\textsuperscript{16} See, for example, Other Sheep (www.othersheepexcsite.com/About_Other_Sheep.html).

\textsuperscript{17} To provide effective sexual health services it is necessary to know what kinds of sexual activity the patient has had. The assumption that male patients only have sex with women has been associated with oral and anal health being neglected and inadequate information for disease prevention being provided.
They should also design and implement HIV programmes that distribute appropriate information, condoms, lubricant and offer support and clinical services to everyone that needs them. This need not mean providing services ‘to MSM’ but in ways that include MSM.

Development agencies should find ways to support SOGIE activism and develop policy that addresses SOGIE inclusion in economic, health and social programming. Although homophobic discrimination seems pervasive and economic subcultures seem remote, there is significant potential for economic strategies that are more organic and efficient than subsidised and mediated NGO poverty relief programmes. In this sense the possibility that small enterprise has the potential to be a significant tool for resistance and resilience should not be dismissed, especially in the neoliberal setting of contemporary Ethiopia.
7 Recommendations

7.1 Research

- Research should be conducted by SOGIE communities and individuals in partnership with trained ethnographers to explore same-sex experiences, beliefs, practices and history.
- Data about men who have sex with men in rural and urban settings should be taken from a national survey of social, economic and epidemiological study of HIV and STIs for analysis and publication by independent researchers.
- Studies (mapping; ethnographies; behavioural surveillance) should be conducted that increase understanding of male sex work and mobility/migration in the context of sexual minorities.

7.2 Better policy

- Add 'Men Who Have Sex with Men' to the Strategic Plan for Intensifying Multisectoral HIV and AIDS response in Ethiopia.
- Decriminalise homosexuality.
- Expand programmes and increase political pressure on Ethiopia’s process of strengthening the rule of law and complying with international human rights and labour law.
- Direct police to recognise and act upon crimes against people with non-conforming gender or sexuality.
- Offer police more training and issue clear guidelines about gender/sexuality, HIV and hate crimes.
- Repeal the law that prevents foreign organisations funding social and economic rights advocacy.
- Expand sexuality education and broaden curricula to include non-normative genders and sexualities.
- Provide resources to organisations and individuals engaged in monitoring SOGIE human rights and health.

7.3 Better programming

- Develop strategies for including migrants, same-sex attracted, disabled and other marginalised people into sex, health and sexuality programme planning and implementation within current constraints on NGO registration and lack of recognition of LGBT in health policy. This could include, for example, initiating men’s health projects.
- Introduce sexuality issues to training on gender and HIV across the NGO sector.
- Resource and incentivise ethical, non-discriminatory service provision for all by developing clear guidelines on providing services to sexual minorities.
- Include treatment and impact on LGBT persons, single women, sex workers and other sexual minorities in programme planning and evaluation.
- Review livelihood strengthening and social protection programmes and where possible adapt them to ensure that they benefit people who live outside of traditional families. This should be done in partnership with NGOs and charities that have a strong track record in providing health and welfare services to marginalised populations such as sex workers.
Investigate and resource innovative and effective community-level harm reduction approaches that could benefit street youth, sex workers and drug users in (at least) Addis Ababa without labelling them as homosexual or as sex workers.

7.4 Amplification of SOGIE community voices

- Each agency should find ways within its remit and capacities to support individuals and organisations that are working to embed SOGIE rights in the agenda of other human rights and social movements or helping members to claim social, health and economic rights.
- Provide resources for networked technologies for information sharing and advocacy on HIV and human rights and support social activities and enterprises in the community.
- International human rights and LGBT rights groups should make proactive efforts to include Ethiopia in international activities and support SOGIE activists to build links with LGBT and human rights groups that are working in similarly constrained environments.
8 Last word

This case study has stressed throughout that homophobic stigma and discrimination marginalises same-sex attracted Ethiopian men and severely limits the opportunities for foreign governments, donors and human rights and development agencies to take steps that could improve the lives of queer and same-sex attracted Ethiopians. Negative attitudes to SOGIE are so pervasive and entrenched, and the human rights record of the country so poor that many people from all walks of life consider any moves to advance the interests of gays unthinkable. This is rejected. Rather, there is a final recommendation to all concerned: to adopt the attitude of Bouwe-Jan Smeding, who said that if 95 per cent of doors are closed in Ethiopia because of extreme homophobia, it makes working effectively with the 5 per cent that are open all the more important and urgent.
Annex 1

The Law

The Criminal Code of the Federal Democratic Republic of Ethiopia 2004 at Articles 629 to 631 which read as follows:

Article 629 – Homosexual and other Indecent Acts

Whoever performs with another person of the same sex a homosexual act, or any other indecent act, is punishable with simple imprisonment.

Article 630 – General Aggravation to the Crime

(1) The punishment shall be simple imprisonment for not less than one year, or, in grave cases, rigorous imprisonment not exceeding ten years, where the criminal:
   a) takes unfair advantage of the material or mental distress of another or of the authority he exercises over another by virtue of his position or capacity as guardian, tutor, protector, teacher, master or employer, or by virtue of any other like relationship, to cause such other person to perform or to submit to such an act; or
   b) makes a profession of such activities within the meaning of the law (Art. 92).

(2) The punishment shall be rigorous imprisonment from three years to 15 years, where:
   a) the criminal uses violence, intimidation or coercion, trickery or fraud, or takes unfair advantage of the victim's inability to offer resistance or to defend himself or of his feeble-mindedness or unconsciousness; or
   b) the criminal subjects his victim to acts of cruelty or sadism, or transmits to him a venereal disease with which he knows himself to be infected; or
   c) the victim is driven to suicide by distress, shame or despair.

Article 631 – Homosexual and Other Indecent Acts Performed on Minors

(1) Whoever performs a homosexual act on a minor is punishable:
   a) with rigorous imprisonment from three years to 15 years, where the victim is between the ages of 13 and 18; or
   b) with rigorous imprisonment from 15 years to 25 years, where the victim is below 13 years of age.

(2) A woman who performs a homosexual act on a female minor, is punishable with rigorous imprisonment not exceeding ten years.

(3) Whoever performs any other indecent act on a minor of the same sex, is punishable with simple imprisonment.

(4) Where the victim is the pupil, apprentice, domestic servant or ward of the criminal, or a child entrusted to his custody or care, or in any other way directly dependent upon or subordinate to him:
   a) in the case of sub-article (1) the punishment to, [sic.] be imposed upon such criminal shall be more severe than when the crime is committed by another person;
   b) in the case of sub-article (2) the punishment shall be rigorous imprisonment from three years to ten years;
   c) in the case of sub-article (3) the punishment shall be simple imprisonment for not less than six months.

(5) Where the sexual outrage has caused death or grave physical or mental injury upon the victim, or where the victim is driven to suicide by distress, shame or despair, the punishment shall be rigorous imprisonment for life.
Annex 2
Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 55th Ordinary Session held in Luanda, Angola, from 28 April to 12 May 2014:

Recalling that Article 2 of the African Charter on Human and Peoples’ Rights (the African Charter) prohibits discrimination of the individual on the basis of distinctions of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status;

Further recalling that Article 3 of the African Charter entitles every individual to equal protection of the law;

Noting that Articles 4 and 5 of the African Charter entitle every individual to respect of their life and the integrity of their person, and prohibit torture and other cruel, inhuman and degrading treatment or punishment;

Alarmed that acts of violence, discrimination and other human rights violations continue to be committed on individuals in many parts of Africa because of their actual or imputed sexual orientation or gender identity;

Noting that such violence includes ‘corrective’ rape, physical assaults, torture, murder, arbitrary arrests, detentions, extra-judicial killings and executions, forced disappearances, extortion and blackmail;

Further alarmed at the incidence of violence and human rights violations and abuses by State and non-State actors targeting human rights defenders and civil society organisations working on issues of sexual orientation or gender identity in Africa;

Deeply disturbed by the failure of law enforcement agencies to diligently investigate and prosecute perpetrators of violence and other human rights violations targeting persons on the basis of their imputed or real sexual orientation or gender identity;

1 Condemns the increasing incidence of violence and other human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecution of persons on the basis of their imputed or real sexual orientation or gender identity;
2 Specifically condemns the situation of systematic attacks by State and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity;
3 Calls on State Parties to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities; and
4 Strongly urges States to end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.
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Exhibit 23
ADDIS ABABA, Ethiopia (AP) — A group affiliated with Ethiopia’s Orthodox Church is condemning what it calls the government’s silence on homosexuality in the country.

Speaking at a conference Sunday in Addis Ababa, the capital, Dereje Negash of the Orthodox Church group dedicated to an Ethiopian saint, said the government’s indifference on the issue is helping the LGBT movement in the East African country.
“We are witnessing foreign elements that are trying to spread homosexuality in Ethiopia using aid, politics and technology. To this end, they are spending millions of dollars,” Dereje said in his presentation to hundreds of people inside a conference hall. “People of same sexes are secretly marrying here in Ethiopia. This should stop, and stop now.”

He urged authorities to enact strong laws against same-sex relations.

An event planned in 2014 to publicly denounce the LGBT community in Ethiopia was cancelled at the last minute for unknown reasons. Organizers of that event told The Associated Press at the time they feared aid groups and the international community influenced government officials.

A local LGBT activist, who spoke on condition of anonymity told AP he fears for his safety, citing widespread misconceptions such as the belief that gays are rapists.

Ethiopia has a deeply religious society, with Christianity and Islam having many followers.

Under Ethiopian law, homosexual acts are punishable with jail terms of up to 15 years.

Same-sex relations are criminalized in many countries in sub-Saharan Africa, where many regard homosexuality as imported from the West.
ETHIOPIAN CHURCH LEADERS PUSH GAY 'CONVERSION THERAPY'

It is part of a broader effort to pressure the government of Prime Minister Abiy Ahmed to take a harder line against sexual minorities.

ADDIS ABABA - Religious leaders in Ethiopia are forming a new association to promote so-called conversion therapy to change gay people's sexual orientation.

Led by Dereje Negash, an Orthodox Christian priest who has spent more than a decade warning about the spread of homosexuality in Ethiopia, the lead intend to introduce the association at an event in the capital, Addis Ababa, on Sunday.

It is part of a broader effort to pressure the government of Prime Minister Abiy Ahmed to take a harder line against sexual minorities.

"The reason we're holding this event now is because the problem is escalating. Homosexuality is affecting a lot of children and expanding," Dereje told A

"Our goal is not to attack and destroy homosexuals, but to teach them and lead them to the truth."

Conversion therapy, also known as reparative therapy, has been broadly denounced as pseudoscientific and ineffective.

But it is widely practised in parts of Africa, often fuelled by religion and "family and cultural pressures", according to a report released last month by OutRight Action International, an LGBTI human rights organisation based in New York.

The report provided little information specific to Ethiopia, though it noted that forms of conversion therapy elsewhere on the continent include beatings and "exorcisms".

For official information about COVID-19 from the Department of Health, please visit https://sacoronavirus.co.za
Dereje told AFP he had successfully used his own form of conversion therapy - which involves fasting and visits to Ethiopian monasteries - to compel some people to abandon same-sex sexual acts.

One of them, a 44-year-old man who gave his name as Eliana, said he had identified as a gay man for more than two decades before meeting Dereje several years ago.

"What I've experienced in the past doesn't make me feel good, so I don't consider myself as a normal male. But God saved me from all those sins," he said.

Another of Dereje's purported success stories, a woman who declined to give her name, said she had Dereje to thank for turning her life around.

"I really wanted to leave this life because it's one of the ugliest lives on earth," she said. "You are apart from God. So you feel very wrong and you isolate yourself from the community."

'A LAME STANCE'

Sexual minorities are viewed with hostility by many in Ethiopia.

A 2007 Pew Research Center poll found that 97% of Ethiopians said society should not accept homosexuality. The US State Department's Human Rights Report for 2018 said sexual minorities face "severe societal stigma".

It is therefore not surprising that people would report having been "cured" via conversion therapy, said Dagmawi Woubshet, an Ethiopian literature professor at the University of Pennsylvania.

"Conversion therapy has been totally debunked. There are no legitimate international health or academic institutions that support it anymore," he said.

"And for people saying, 'Yes, it's worked for me' - that has to be taken in a context where the very idea of conversion is being promoted exclusively by people working hard to deny the existence and welfare of gay Ethiopians."

The country's penal code calls for up to 15 years in prison for same-sex sexual acts, though arrests and prosecutions have been very rare.

Dereje told AFP he wants the law to be toughened, saying "25 years of jail or lifetime imprisonment" could be sensible punishments for at least some offenders.

At a press conference this week, Dereje and seven other religious leaders appeared beneath a banner that said, "We won't be silent about Ethiopia. Let's save this generation from homosexuals."

Dereje told journalists the government has been insufficiently vigilant in targeting sexual minorities, something he said the new association could help change.

"The government has a lame stance," he said.

Prime Minister Abiy's office did not respond to a request for comment.

Though Dereje said the association would welcome members of all faiths, six of the seven religious leaders who appeared alongside him at the press conference were from the Ethiopian Orthodox church.

The seventh, evangelical preacher Daniel Tesfay, reiterated Dereje's claim that the new association did not have ill will toward sexual minorities.

"We don't have hate against homosexuals," he said.

"In one way or another they are our family. However, the goal of this association is to help them quit these acts."

Woubshet warned that political tensions ahead of general elections planned for May 2020 could make the climate more hostile.

"Given the present politics in Ethiopia, where tensions are high, sexual minorities become an easy target," he said.

"It's a way of masking ethnic, religious, and political divisions the country is reckoning with now and instead trying to establish a common enemy in sexual minorities. That's my concern as we move toward the election."
Ethiopia holidays

LGBT tour operator faces death threats over Ethiopia trip

Religious groups in Ethiopia are urging authorities to ban a trip organised by US-based travel company that caters to gay men and lesbians

Antonia Wilson
Thu 6 Jun 2019 07.21 EDT
An LGBT tour operator has received death threats and hate messages on social media after launching a holiday to Ethiopia. Chicago-based Toto Tours’ 16-day trip to Ethiopia is due to take place at the end of October and includes religious sites such as the Debre Berhan Selassie in Gondar and the ancient cave monasteries in the mountains of Lalibela.

But religious groups in the country are urging the Ethiopian government to ban the company from visiting religious sites, warning that gay travellers could face violence.

Ethiopia has strict anti-gay laws, with homosexual acts punishable by up to 15 years in prison. According to Article 629 of the Ethiopian Criminal Code, this applies to both nationals and foreigners.

Speaking at a press conference on Monday, Dereje Negash, vice chairman of Sileste Mihret United Association, an Ethiopian Orthodox Church organisation, said that gay travellers with Toto Tours, “will be damaged, they could even die”, if they visit Ethiopia. “Toto Tours are wrong to plan to conduct tours in our religious and historical places,” he said.

Tagay Tadele of the Inter-Religious Council of Ethiopia told news agency AFP, which has seven Islamic and Christian denominations as members, said: “[LGBT] tour programmes and dating programmes that try to use our historical sites and heritage should be immediately stopped by the Ethiopian government.”
Toto Tours, which has been organising trips around the world for LGBT travellers and their friends and families since 1990, describes itself as “dedicated to creating exciting travel opportunities that enable our community to explore the wonders of the world in comfort and safety while having the time of our lives”. It has also run tours to Uganda and Tanzania, both of which currently criminalise homosexual acts.

In an email to AFP, Toto Tours president Dan Ware said the company had been “terribly misunderstood”, and called for protection for the tour group from both the US State Department and the Ethiopian tourism ministry.

“We come with only the greatest respect and humility,” Ware said. “Our company is not aimed at spreading values contrary to local cultures when we travel around the world. We are simply an organisation where like-minded people can travel comfortably together to experience the world’s most precious wonders.

“This is terrible discrimination, and when the word of this spreads internationally, as it is most likely to do, it will have a negative impact on the important tourism industry in Ethiopia.”

John Tanzella, CEO of the International Gay and Lesbian Travel Association (IGLTA), said the situation showed how much work there was still to be done to achieve equality, and that the travel industry could play an important role in facilitating change.

*Our company is not aimed at spreading values contrary to local cultures when we travel around the world. We are simply an organisation where like-minded people can travel comfortably together to experience the world’s most precious wonders”*

“We are believers in the long-term power of tourism as a positive force. IGLTA has member businesses in more than 80 countries, and not all of them are located in places with favourable laws for LGBTQ+ people. Our policy is to support their commitment to providing safe and welcoming LGBTQ+ travel experiences,” he said.

“Where to travel is a personal choice, but the key is to be an informed traveller who understands the laws, culture and associated risks of the places you’ve
chosen to visit.”

Anti-gay laws are widespread across Africa, with homosexuality punishable by death in Mauritania, Sudan, northern Nigeria and southern Somalia. Earlier this year it was decriminalised in Angola, joining 21 other African countries (according to Amnesty International) including Burkina Faso, Republic of the Congo and Mali, where homosexuality has never been against the law.
The bill proposed by the Council of Ministers in March 2014, and rejected a week later by the parliament due to condemnation of the international community, is a very good example of the hostility towards LGBTQ people in this second most populous African nation.

The short-lived bill was intended to significantly change the country’s Pardon and Amnesty Law and tighten the already harsh anti-LGBTQ law to make it impossible for sexual minorities to exercise their fundamental human rights. The bill put the homosexual act on the list of offences considered “non-pardonable,” along with terrorism and other serious crimes.

In Ethiopia, homosexuality is illegal, carrying a maximum sentence of imprisonment up to 25 years: lesbians, bisexuals, gays, and transgendered citizens are often stigmatised, discriminated against, and subjected to numerous human rights violations and attacks.

According to the Pew Global Attitudes Project (2007), attitudes toward homosexual members of the community are overwhelmingly negative in this country. According to this organisation, 97 percent of Ethiopians believe that homosexuality is a very harmful way of life, which society should not accept and that people who are engaged in such relationships should be punished.

Ethiopian government officials have been well-known for denouncing homosexual acts and LGBTQ communities for many years. The government has made it clear to the nation that there is no place for these members in society, stating that their options are either to change who they are or suffer in prison.

The Ethiopian society is known for its conservative values, is deeply religious, very traditional and highly collectivistic. Its two primary religions (Orthodox Christianity and Islam) have a strong control over the population and have established moral standards for millions. The teachings of these two religions are incongruent with such modern ways of life as personal freedom and adaptability to societal change.
The Ethiopian Orthodox church (a conservative form of Christianity) teaches that the homosexual act is a sin, immoral, an illness, repulsive, strictly forbidden and must be legally punished. It goes without saying that this belief has been inflicting fear for years.

The 2012 pro-gay conference that was scheduled to take place in the capital Addis Ababa by a human rights group was the first attempt to stir open conversation in a society that is at odds with its LGBTQ community members. However, the effort failed due to the outcry of different religious groups. As the date of the conference approached, these religious organisations set their differences aside and protested together against the conference, calling the organisers “missionaries of evil”. Their protest resulted in the cancelation of the conference, which could have brought so much good.

It was during this time that Abune Paulos, former Patriarch of the Ethiopian Orthodox Tewahedo Church—who once termed homosexuality as “the pinnacle of immorality”—said that, “People who act in this manner have to be dumb, stupid like animals. We strongly condemn this behaviour. They have to be disciplined and their acts discriminated against. They have to be given a lesson.” (Reuters, 2012)

Denial, silence and frustration

Ethiopians deny the fact that there are gays, lesbians, and transgendered human beings in their society, believing that it is a western way of life. Millions still think homosexuality is a result of sickness and demonic possession. Although research has demonstrated that there are a growing number of LGBTQ community members, many still dismiss these revelations, consider LGBTQ rights as a non-issue, and see their narrative as a western conspiracy.

The hostility towards the LGBTQ community is extreme and very concerning. Because of this, many are forced to live by hiding their sexual orientation or fleeing the country. Even talking about having a same sex relationship is very dangerous.

The silence in this society is overwhelming. People do not talk about homosexuality. The media has no appetite to cover such issues or discuss about the subject, let alone ordinary citizens. The issue is pushed aside even by Ethiopian human right defenders, political activists, and human rights groups. Very few agree that the rights of these community members should be respected, and even they are afraid to talk about it in public.

The consequences of the hostility, silence, criminalisation and discrimination are far-reaching, and go far beyond frustration in the LGBTQ community. The mainstream narratives of religious groups and the government have caused many members to believe they are sick and mentally disturbed.

Rush, 26, is one of the very few Ethiopian gays who bravely came out and shared his story with the world. He left his country and started a new life in South Africa during the final months of 1998. In his recent interview with Global Gayz, he stated that many are brainwashed in Ethiopia. He said “Yes, when I came to South Africa, I thought homosexuality was a disease or abnormality, but now I understand that it is natural, so we all must come to understand this.” (Global Gayz, 2002)
The Ethiopian Constitution guarantees the right to equality and recognises the importance of protecting people's human rights. It clearly states that all persons shall be equal before the law and shall be entitled to equal protection under the law, without distinction of any kind related to race, nation, nationality, colour, sex, language, religion, political or social origin, property, birth or any other status.

However, other articles of the constitution, including Article 34, open the door to other laws, which redefine and violate this fundamental right. As a result, discrimination against LGBTQ members of the community on the basis of sexual orientation still occurs in Ethiopian society.

Ethiopia’s criminal code defines marriage as a legal contract entered or engagement between a man and woman and sees other forms of relationships as illegal. According to this law, homosexual acts are punishable by up to 15 years in prison, or 25 years if an offender “uses violence, intimidation or coercion, trickery or fraud, or takes unfair advantage of the victim’s inability to offer resistance.” (Huffington Post, 2013)

Ethiopia is also a member of several treaties and conventions, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Committee on the Elimination of Discrimination Against Women. These treaties enshrine the rights of all people to non-discrimination and equality before the law. As a member of the United Nations and human rights treaties, Ethiopia has the obligation to respect and protect these rights. However, the country has proven that it does not have the wish to uphold these standards.

* Betre Yacob Getahun is an activist of sexual minority rights.

References


Tags: Sexual minority rights
Ethiopia is a rising star among anti-gay countries in Africa as it continues to push for new legislation to further crackdown on the LGBTQ community. The country is a place where homophobia thrives and discrimination against sexual minorities is state-sponsored.

**Category:**
- Gender & Minorities [11]

**Country:**
- Ethiopia [12]

**Source URL:** https://www.pambazuka.org/node/99215

**Links**
[7] https://www.huffingtonpost.co.uk/2013/05/03/ethiopian-evangelists-death-penalty-homosexuals_n_3208972.html
[10] https://www.pambazuka.org/article-issue/867
[12] https://www.pambazuka.org/taxonomy/term/3292
Exhibit 27
Requests for LGBT emergency funds highlight persecution worldwide

Support fund backed by Elton John for LGBT communities at high risk of stigma and violence receives 235 requests since October launch

A rapid response fund backed by Sir Elton John that provides emergency support to LGBT
Requests for LGBT emergency funds highlight persecution worldwide | Global health | The Guardian

Elton John pledges millions to support LGBT people in Africa

The money is funding safe houses, legal fees and medical support in 29 countries, according to a report on its work to support HIV services, published ahead of World Aids Day on Thursday.

Elton John pledges millions to support LGBT people in Africa

Elton John said each request for help made it “horribly clear just how much LGBT human rights abuses serve as a barrier to ending Aids. Now more than ever it's time for government leaders and philanthropists to join efforts to overcome the anti-LGBT stigma, discrimination and violence that is making the HIV epidemic worse.”

Among the fund's beneficiaries is an Ethiopian HIV advocacy group working with LGBT people and men who have sex with men (MSM). One of its members who says that he fled to London following persecution told the Guardian that the situation for gay people in Ethiopia had deteriorated in the past few years as civil society came under pressure from the authorities.

“The starting point is that Ethiopian government officials say, ‘There are no gay people in our country’, but there have also been continual crackdowns by the authorities on those of us who are attempting to organise in civil society,” said the man, who has chosen to remain anonymous.

“We started to organise in a very low - under the radar - way and have been distributing condoms and lubricants and doing sexual health training. Because the government refused to
accept that we exist, the result is that MSM people are not recognised as a community within the HIV national strategy. So, at the end of the day, while the funding we have received allowed us to continue with some of our projects, it is also just about our very survival.”

Ethiopian authorities deny that LGBT people have been subject to a crackdown and insist all are treated according to their needs when it comes to HIV and Aids policies.

Elsewhere, an organisation providing one of the only confidential sexual health services to the MSM community in the Democratic Republic of the Congo was able to fend off closure as a result of a grant from the fund that enabled it to replenish its stocks and continue with HIV testing and treatment services.

In Uganda, a transgender woman who was named in media coverage of a police raid on a Gay Pride event was helped to find secure and safe accommodation and have her HIV medication reinstated. In Kingston, Jamaica, emergency shelter, medical packages and food were provided to dozens of homeless LGBT people whose belongings and homes had been destroyed by Hurricane Matthew.

Shaun Mellors, director for knowledge and influence at the International HIV/AIDS Alliance, said that while the report, published on Wednesday, highlighted the needs of many who were being persecuted, there had also been a greater realisation and understanding of LGBT people, who were becoming more vocal about their rights.

“We also know that if we are ever going to get close to the rhetoric of ending Aids that we do need to ensure that those who are affected by HIV are able to access services without being stigmatised,” he said.

“What they are being confronted with and challenged by is, in many cases, a political agenda strongly influenced by and with funding sources from the global north, particularly when it comes to some of the more fundamentalist religious organisations that are engaging with Africa.”

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*Van Badham*

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The gay Ethiopian health worker forced to flee to Kenya

To escape homophobia and persecution, Efi moved to Nairobi, where life remains far from easy.

Efi and one of his flatmates prepare coffee in their Nairobi flat in the hour-long traditional Ethiopian manner © Adriane Ohanesian

Efi compares his move to Nairobi to Lady Gaga’s song “Mary Jane Holland”, although his life is drug-free and he is certainly not as “rich as piss”. The resonance is more about the song’s first verse: not being a “slave... the culture of the popular”, and being able to “fly under radar tonight/make deals with every devil in sight”. For this Ethiopian public health worker, in embracing his gay identity, made a deal with one of his country’s most abhorred cultural “devils”.

“When I was in Addis Ababa the Orthodox Church published this VCD [video compact disc] about homosexuality in Ethiopia,” the 25-year-old explains in the one-bedroom flat he shares with two friends in east Nairobi. “We were having coffee and a lot of relatives were in the house. When they saw it my aunt made a comment like, ‘If I find one of them, I will kill them’. I shrugged. Everyone said these are like western imported devils. If they know who I am, they will not accept me.”
Yet it was more than just family and cultural pressures that prompted Efi (not his real name) to flee Ethiopia for the Kenyan capital together with three gay friends in April last year.

As in many African countries, homosexuality is a criminal offence in Ethiopia. However, in contrast to places such as Kenya, where gay sex is yet to be decriminalised but the law is very rarely enforced, the Ethiopian government — one of the continent’s most authoritarian — uses antiterrorism legislation to imprison homosexuals for up to 20 years. In early 2015, in the run-up to Ethiopia’s general election in May, the government was cracking down on potential subversives.

Efi’s underground group of gay friends, who called themselves the House of LaFab, had just learnt that the authorities had been monitoring them for some time — including covert meetings they had had at the US, UK and Dutch embassies to garner support for gay rights. Efi feared that in the run-up to the election, in which the ruling coalition won 100 per cent of the seats, he might not be safe. “I was not ready to be outed at my age,” he says. “First of all, I’m not financially stable — I still live with my parents. If the government outs me, where will I go, where will I work? So we thought let’s go to Nairobi, take shelter and if things get better we can go back to our country.”

His family knows he went to Nairobi though not why — hence his refusal to be identified — or where he is now and why he has not returned.

Efi in his flat © Adriane Ohanesian
Efi and his friends, who arrived with one small suitcase each, first stayed with a friend but quickly claimed asylum at the department of refugee affairs and UNHCR, the UN refugee agency. They expected to be processed within a few months but the UN, citing inadequate resources, did not interview Efi until last month. He is due to learn in January whether he will be given formal refugee status or possibly sent back to Ethiopia. The young men therefore realised they had no choice but to make a life for themselves in Nairobi.

Friends pointed them to Hias, a US-based refugee protection organisation, which gave them each Ks6,000 ($59) a month, although that allowance has recently been cut to Ks4,500. While many lesbian, gay, bisexual and transgender refugees end up in one of Nairobi’s many sprawling slums, Efi and his friends decided to spend more of their allowance on accommodation, “even if it meant eating only once a day”, he says, although quickly stressing they do eat more often than that but do not really go out much.

Their flat is just a few miles from where most expats live in Nairobi but is in a different world. The 40 sq metre home is in an anonymous dirty white block on a potholed street in a featureless neighbourhood near the city’s Eastleigh district, which is known for its Somali traders.

The mattress that Efi shares with a friend © Adriane Ohanesian
The entrance hall doubles as the bedroom, with mattresses but no beds; the only other rooms are a small kitchen, a smaller bathroom and a sitting room, again with mattresses rather than more formal furniture. There are no wall decorations apart from a mirror and a tiny Ethiopian Orthodox picture of the Virgin Mary holding the baby Jesus.

By way of entertainment during our interview, Efi plays Ethiopian music on his laptop via YouTube and makes coffee. This is not a two-minute process but an hour-long traditional ceremony complete with two stoves, two types of incense and popcorn. The eventual result is a sensationally smooth drink — totally at odds with the surroundings.

“I’m a traditionalist,” Efi says by way of explanation for the drink and the music. “I value my culture and my roots and I think Ethiopia has much more to offer the world than many people realise.” While he has cut himself off from his family, he says he “cannot blame them for having that homophobic attitude”. “It’s their culture, their religion.”
Making coffee — Efi and his housemates usually do it on Sundays — is one of his favourite ways to relax. Occupational therapy has otherwise proved quite challenging. One problem, Efi says, has been his skin colour. He is lighter than most Kenyans and looks Somali, which to many Kenyans, particularly the police, means he must be a member of al-Shabaab, the Somalia-based Islamist terror group linked to al-Qaeda.

“When they see a Somali they see a terrorist and cannot differentiate between a Somali and an Ethiopian. I’ve been arrested so many times.” At first Efi bribed his way out of trouble but then, once he’d received papers from UNHCR, he adopted a more confrontational attitude. “I said to them, ‘I will not give you money, I will not bribe you. I will call someone from UNHCR and you can deal with them.’ When you say that they just cave in. They know they don’t have legal grounds to detain us. We’re still being harassed but we’re being firm.”

The UN has a policy that refugees have to engage in livelihood programmes, so Efi and his friends opened a street kiosk selling snacks and drinks. Yet because of their appearance and lack of documentation — despite UN promises to provide them with papers — they have had to employ a Kenyan to run it and usually have to shut a couple of times a week when they spot city council inspectors on the prowl.
Efi says his most satisfying work is volunteering for two organisations. Cessi (the Community Empowerment and Self-Support Initiative) helps LGBT refugees in Nairobi and is a registered non-governmental organisation. It has 171 members and provides people with jobs, grants and advice. Efi excitedly describes how it has just secured its first major donation — $20,000 from a Nairobi-based organisation.

The other is a more casual set-up he runs with friends to counsel LGBT people in Ethiopia, mostly via Facebook, who do not have access to sexual and reproductive health advice. “We’re taking this opportunity to learn from the Kenyan activists on how we can do our job better for our community back in Ethiopia,” he says, adding that the current anti-government protest movement sweeping the country has given him a feeling that “it’s the beginning of the end for the government”.

Until the situation does change Efi has no idea what his future holds. Even if his application for refugee status is successful, life will still be uncertain. “I really want to continue my education but don’t have the luxury of choosing a country.”
Gay rights in Africa are among the most restricted in the world. In 34 of the 54 African nations, people committing homosexual acts risk imprisonment or worse, according to data from the International Lesbian, Gay, Bisexual, Trans and Intersex Association. In Sudan, Mauritania and some northern Nigerian states, it can carry the death penalty.

Morality laws that limit freedom of association and expression for gays, lesbians and bisexuals also exist in some countries, particularly in north Africa. US-based Human Rights Watch reported this year it had evidence of the authorities in Cameroon, Egypt, Kenya, Tunisia, Uganda and Zambia using forced anal examinations to “prove” homosexual activity.
South Africa, whose constitution was the first in the world to ban discrimination based on sexuality, is the only African country to recognise same-sex marriage. Gays are also allowed to serve openly in the military and have equal access to in-vitro fertilisation and surrogacy services. However, even in countries like South Africa, homophobia remains strong in traditional, religious rural communities.

*John Aglionby is the FT’s east Africa correspondent*

*Photographs by Adriane Ohanesian*
Anti-Gay Ethiopians Freak Out as Rainbow Welcomes President Obama

Commentators perceived it as a good sign, just a very heterosexual one.

BY JAMES MCDONALD

JULY 29 2015 12:40 PM EDT
President Barack Obama has been using his time in Africa to advocate for the rights and dignity of LGBT people. Currently, only 21 of the 56 countries on the continent have decriminalized homosexuality, and only South Africa has legal recognition for trans people.

Obama first arrived in Kenya, where, despite warnings not to discuss LGBT issues, he said in no uncertain terms that LGBT rights are human rights. Aware of his policy of spreading acceptance and protections abroad, many anti-gay Africans have been on their guard. So when a rainbow was seen in the sky as Air Force One landed in Addis Ababa on Sunday, a number of Ethiopian commentators had meltdowns.

The above photo, posted by Ethiopia's Foreign Minister Tedros Adhanom Ghebreyesus, was captioned:

"President Barack Obama just landed in #AddisAbaba #Ethiopia for his three days official visit. Stunning #Rainbow on the skies of Addis as he landed."

Comments quickly turned heated, however, as people lashed out at the LGBT community. Below are a number of comments rounded up by Gay Star News:

"This rainbow is sign of God's protection from every evil activities like obama's government allow homosexual not sign of well come."

"So be careful mr obama to your agendas and activities for this 2 days cuz this is Ethiopia not American or Kenya."

"Don't forget ! In Our motherland Ethiopia , the rainbow symbolizes God’s promise for mankind, not homosexuality!"

"No dirty gay marriage in our continent Africa."

"Please keep your homosexual agenda in Air Force One before u step on the holy land. Thanks."

In Ethiopia, homosexuality is illegal and punishable by up to 15 years in prison. Over the years, President Obama’s administration has embraced the promotion of LGBT rights and equality abroad as a cornerstone of foreign policy. Speaking alongside Kenyan President Uhuru Kenyatta last week, Obama said:

“I believe in the principle of treating people equally under the law, that they are deserving of equal protection under the law, that the state should not discriminate against people based on their sexual orientation.”

(H/T Gay Star News [http://www.gaystarnews.com/article/homophobes-outraged-that-a-rainbow-welcomes-president-obama-to-ethiopia/])

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Anti-Gay Ethiopians Freak Out as Rainbow Welcomes President Obama
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An Ethiopian LGBT activist and leader who runs multiple Facebook groups for gay Ethiopians has had his account blocked by Facebook for not using his real name.

The activist, who goes by the pseudonym HappyAddis, used the social network to create and administrate some of the most popular groups for gay Ethiopians, including Zega Matters, which has more than 1,000 members. The East African country considers homosexuality a crime and those convicted of same-sex relations can face 15 years in prison. For that reason, many LGBT citizens use an alias to interact with others online in order to avoid punishment from the authorities and anti-gay violence.

On Friday morning, HappyAddis discovered his account had been blocked due to a Facebook policy that requires users to go by their real names on the site. The activist says he was told to upload documents confirming his pseudonym was his legal name or he would not be able to use the site. It appears as though anti-gay Facebook users may have reported HappyAddis's account as a false name in order to make Facebook take it offline.

This is not the first time Facebook’s real name policy has affected more vulnerable members of the company’s user base. Multiple groups, including LGBT users, Native Americans, and transgender individuals, have had their accounts blocked for having names that don’t conform to traditional standards.
Earlier this month, Facebook CEO Mark Zuckerberg attempted to clarify the policy, saying “Your real name is whatever you go by and what your friends call you. If your friends all call you by a nickname and you want to use that name on Facebook, you should be able to do that.”

However, even this more lenient policy is no help to those who have to separate their online name from their everyday identity for safety reasons. A spokesperson for Facebook says the company still requires users to use the name they go by in everyday life. HappyAddis’s account remained blocked as of Saturday morning.

The Facebook representative, who could not speak about HappyAddis’s situation since the company does not comment on specific accounts, said that users who require anonymity can either use a secret Facebook group or a different platform that allows anonymity.

But HappyAddis says neither of those options would work in his situation. Secret groups still require users’ real names, a non-starter for those who fear physical violence if their identity is revealed. Using a real name is “like outing yourself,” he told Money. “People will go and attack you. Even other gay people, you don’t trust them. How can you find out whether they’re real gay people using their real account?”

Using less popular platforms—even Facebook’s own Rooms app, which allows anonymity—would also be a poor replacement for the world’s most trafficked social network. “If Facebook kicks us out we have no other option,” HappyAddis said. “Facebook is the most popular thing. Google+ and other things are not popular and people don’t use them much. We can’t find people there because nobody uses those.”

The desire to hide one’s real name on social media is not just an Ethiopian phenomenon. Though HappyAddis is currently in the U.S. as a student, he is still afraid to reveal his real name. Like many in the LGBT community, his
parents do not know he is gay and he says connecting his online identity with his authentic one could cause serious problems.

Now that HappyAddis has been blocked for using a pseudonym, the activist worries other LGBT individuals will be blocked as well. A number of his friends have also received warnings about their identity, and if the policy begins to be enforced more strictly it could mean an end to one of the few ways gay Ethiopians can communicate with one another. “If they have to use their real names then everyone will go underground,” HappyAddis said.

And for many, the service HappyAddis’s groups provide may be irreplaceable. “I made this group 5 years ago. That’s where people come to seek information, seek advice, seek counseling from other people,” he added. “There’s not free press, even political activists have a hard time connecting to each other. For the gay community [Facebook] is much more important. We can’t meet publicly and there’s no [other] way to get in touch with other gay people in Ethiopia.”

**UPDATE—July 16:**

HappyAddis reports his account has been restored. In Facebook post Thursday afternoon, he writes:

> Thank you Facebook for restoring my account. Thanks to everyone who helped get it back. For LGBT Ethiopians and other marginalized groups, social media is a life line, a window to escape a harsh world.

> I hope Facebook takes this into account and make accommodation for us in its real identity policy. If the world was a different place, at least our side of it, we would have used our legal names but till then, we are forced to use aliases. We shall not stay always in the shadows. Working for change to come, for tolerance, acceptance and compassion, we remain optimistic together.
I received tremendous support and cooperation from people near and far. Your efforts give us hope that things will get better.

Thank you all!
Justice

Guns, knives and rape: The plight of a gay Ethiopian refugee in Kenya

GlobalPost
June 29, 2015 · 3:15 PM UTC
By Jacob Kushner

Vincent Kidaha, President of Kenya’s Republican Liberty Party, holds a copy of a newspaper headlined "Top gays, lesbians list in Kenya," that was published in May of this year. His organization contacted the people named inside with offers to rehabilitate them.

Credit: Jake Naughton
NAIROBI, Kenya — Ibrahim became aware of his homosexuality in high school, living in the city of Adama, 50 miles south of Ethiopia’s capital. He said he felt attracted to boys, but nearly always kept those attractions secret.

“I was told that I am mutant or something, and I couldn’t do anything to express who I am because it might be dangerous,” he said.

Ethiopian society has long been staunchly homophobic, but in the 2000s, anti-gay leaders drove the subject into the public spotlight. In 2007, the Pew Global Attitudes Project reported that 97 percent of Ethiopians said homosexuality is unacceptable — the second-highest rate of non-acceptance in all of the 45 countries surveyed at the time.

What was responsible for all this homophobia?

“Religion,” according to Ibrahim. “As you know it’s also one country that follows the [Ethiopian] Orthodox [Tewahedo] Church. It is so conservative on religion. It completely rejects our identity. It’s preached by the church
and everywhere, even the government,” he said. “It was so harshly spoken of by the church I was not even open (out) at that time.”

And it only got worse as Ibrahim entered adulthood. In 2008, many of the nation’s foremost religious leaders, including both the Catholic and Anglican archbishops, denounced homosexuality in a letter and called on lawmakers to ban it outright in the nation’s constitution.

“For people to act in this manner they have to be dumb, stupid like animals,” Abune Paulos, patriarch of the Ethiopian Orthodox Church, was quoted as saying. “We strongly condemn this behavior. They have to be disciplined and their acts discriminated, they have to be given a lesson.”

Last year Dereje Negash, chairman of a religious group affiliated with the same Orthodox Church, told The Guardian he wanted Ethiopia’s government to criminalize homosexuality further still.

“I believe I have been given a task by God to do this,” he said.

The church of Negash and Paulos is the same church to which Ibrahim’s family belonged. Perhaps that is why, when some of Ibrahim’s coworkers spotted him socializing at a club known to be a gathering for gays, they told his father the news.

His father then called Ibrahim and asked if it was true.

“He told me, ‘If so you’ll get the consequence — I’ll kill you or I’ll send somebody. You can’t adulterate my family, my name and my religion.’” Then and there, he disowned Ibrahim completely and forever.

The abuse carried over into Ibrahim’s workplace.

“When I go the next morning to my job, the face of the whole office, the boss, the managers, they were offensive, even disgusted. Some of them
challenged me directly — that I am bushdi, in our language.”

Ibrahim left his job, but that’s when the abuse turned into violence. On at least two occasions, he said, men came to threaten him, telling him to leave his Addis Ababa neighborhood.

Then, on the evening of April 20, 2014, “Guys came to me having a gun and putting the mouth of the gun on my head,” said Ibrahim. “Then they told me ‘This is the last time to run — otherwise we will kill you.’”

The next day Ibrahim packed some of his things and hid in a hotel. Within a week he was at the airport trying to buy a one-way ticket out of his homeland. He thought about fleeing to Somalia, and considered other countries as well, but the only place he could go without having to apply for a visa in advance was Kenya. And so, he booked a flight to Nairobi where he hoped to apply for asylum to leave this part of the world forever.

But his timing was unfortunate. In an attempt to appear to be doing something in the wake of a bungled response to a terrorist attack on Kenya’s Westgate Shopping Mall, Kenya’s government had recently ordered all refugees to leave the cities and return to the primary refugee camps in Kenya’s north: Dadaab and Kakuma.

At the advice of an official at the UN Refugee Agency, Ibrahim boarded a bus with other refugees to Kakuma, unaware that he’d soon face homophobia rivaling the very horrors he had fled Ethiopia to escape.

**The camp**

Home to more than 180,000 refugees from South Sudan, Somalia, Ethiopia and elsewhere, Kakuma wasn’t a melting pot but a pressure cooker — steaming with tension from different groups of desperate people who didn’t get along.
Perhaps no group was regarded with more disdain by the others than the gay, lesbian and transgender population, many of whom had arrived recently after fleeing homophobic fervor in Uganda. Some of them say they faced far worse discrimination in Kakuma than they had back home, where a new law momentarily prescribed life imprisonment for those who engaged in homosexual activity on a “serial” basis.

Other refugees would speak ill of Ibrahim and the other LGBTs there. He said the worst were the Somalis and the Sudanese.

Ibrahim recalls a fight last summer in which another camp resident attacked a Ugandan transgender.

“While the Ugandans went to report it to the police, I was alone in my tent,” said Ibrahim.

That’s when the violence came to him.

“The Somalis ... learned that I was gay. They came with (a) sharpened thing and put it on my leg and they cut me here,” he said, pointing to a spot below his knee. “And they told me in the next round they would cut my penis.”

“I had no option,” Ibrahim said. “I sold some trousers with which I came from my place, then I paid transport to come back to Nairobi.”

For the second time, three months after he arrived in Kakuma, Ibrahim was fleeing for his life. And just like the first time, instead of safety, what he found was even more chilling than before.

“I used to (hear) that people are raped, but I never thought I would face in my life to be raped,” begins Ibrahim about the night he was chased out by his Kenyan landlord from the apartment he rented in Nairobi.
“The landlord came to know that I was gay because of the people coming to visit me there. It was midnight and he chased me away,” Ibrahim said.

He became instantly vulnerable as people in the neighborhood saw that he was homeless and alone.

As Ibrahim left the building with some of his things that night, two men approached him.

“They told me just to go, follow them, otherwise they will kill me if I shout. They harassed me, assaulted me,” he said. The night was January 25.

Ibrahim describes how the two men took turns raping him in a room in Eastleigh. “It was so heartbreaking…the scars are so hard. I can’t speak it out in words. They were bigger in size than me and they were stronger” he said. “I tried to struggle. I lost my strength after that.”

“It was heartbreaking,” he said. “My heart bleeds. My heart bleeds and I couldn’t tell anybody.”

When they finished, the two men let Ibrahim go with a warning to keep silent. The next day he told a friend who brought him to a medical clinic where doctors examined him. Ibrahim thought about seeking justice against his assailants, but didn’t know how he could safely approach the police.

Soon, however, the police would come for him.

**Persecution in Kenya**

On a sunny morning in February, Ibrahim was on his way to meet a GroundTruth reporter at a Nairobi café when he was arrested by police and locked in a small security hut outside a strip mall.
The charge? Dressing like a woman. He’d been doing so to disguise himself, Ibrahim said.

Outside the hut a policewoman stood guard with a rifle. After about 20 minutes a senior officer arrived, refusing to identify himself. When asked why Ibrahim was detained, the officer responded in a serious tone.

“We have to follow the law,” said the officer. “Don’t try to wear a lady’s attire while you are a man in Kenya,” he told Ibrahim. “It is illegal.”

It isn’t, of course. But in Kenya, a gay man dressed as a woman stood out markedly.

As the minutes of his detention ticked by, Ibrahim became increasingly worried about what the police would do with him.

“I’m scared,” he said. He reflected on the long, tragic history that brought him to this moment — an LGBT refugee in a foreign country whose language he does not speak, whose laws he does not know.

“I have been chased away from my home place in coming here. I have been chased away from the camp called Kakuma, being threatened for dead. Here I’ve been raped and given a death threat.”

After an hour police brought Ibrahim to a nearby jail. There he waited while the UN Refugee Agency worked to confirm his identity. He was released that evening, about 10 hours after his arrest.

In the following days, Ibrahim rarely ventured out of the home he shared with a transgender friend of his.

He said people in the new neighborhood came to realize he’s gay.

“Some of them ignore us, just spit on us.” he said. “We keep our urine here with some package like that because in the daytime it’s hard, you see. The
eyes of people also, they’re punishing us. Some of them speak the word out loud: *shoga* (Kenyan Swahili for gay).

In early April, Ibrahim finally received a bit of good news: he learned his request for asylum had been approved. Pending security and background checks, he would soon be resettled in the United States. But the resettlement process is long, and unable to venture safely about in the city much less find a job, he can do little else but wait and reflect.

“I thought that when I run away from my place that I would survive, at least,” said Ibrahim of his flight from Ethiopia to Kenya. “But similar things have happened here also. People are pushing me, insulting me and giving me death threats. I was thinking of, what you call it — suicide.”

He said he hopes the US will offer him something he’s only ever dreamed of. “A place with LGBT groups, where I can practice my freedom as a gay person,” he said. “Also to have my own partner and continue my previous life again. That’s my wish. Without identity, you’re almost dead.”

“I feel a loneliness, you see? I am missing my father, even my brother, sister and mama, they totally stopped calling me. Like saying, ‘Happy birthday,’” said Ibrahim. “They are ashamed by me. The only one calling me was my dad and as I told you, rather than love, he usually threatens me.”

After everything, Ibrahim said the most haunting is being unable to practice his faith.

The morning he was arrested by police, Ibrahim had stopped at an Orthodox church across the street to pray. “One of them knew that I am gay from Kakuma,” he said. “They chased me away from the gate. I couldn’t pray even.”

*This story is the third in a series on LGBT rights in East Africa, produced with support from the Galloway Family Foundation. Read the first story, "Anti-LGBT*
groups are making inroads across East Africa," and the second story, "Inside the nightmares of Africa's LGBT refugees."

This story is presented by The GroundTruth Project.

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