



## **Ethiopia's Compliance with The International Covenant on Civil and Political Rights**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

**136<sup>th</sup> Session Human Rights Committee  
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**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact-finding, direct legal representation, education and training, and publications. The Advocates is also the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States and numerous survivors of human rights abuses in Ethiopia have requested legal assistance from The Advocates. First-hand information from asylum-seekers about the human rights violations that they experienced in Ethiopia since the last review of Ethiopia in 2011 has been used with their permission in this submission. The Advocates has worked extensively in collaboration with members of the Ethiopian diaspora, both for purposes of documenting human rights conditions in Ethiopia and in the context of asylum and other immigration proceedings.

## **Ethiopia fails to uphold its obligations under the International Covenant on Civil and Political Rights.**

### **I. States of emergency (List of Issues, para. 3)**

1. In its List of Issues, the Human Rights Committee (The Committee) required Ethiopia to describe the main restrictions to rights within the states of emergency in 2016, 2018, and 2020.<sup>1</sup> In response, Ethiopia asserted these states of emergency were decreed in accordance with the Covenants.<sup>2</sup>
2. The Ethiopian legal framework facilitates these systemic practices of arbitrary arrest and detention. The Constitution allows the suspension of civil and political rights such as habeas corpus under a state of emergency.<sup>3</sup> By September 2022, Ethiopia is not under a state of emergency status. However, interviewees by The Advocates have recalled that the State is currently in a *de facto state of emergency*.<sup>4</sup> Our informants asserted, “the reality on the field is very different, many regions are still under military control, but it has not been officially declared.”<sup>5</sup> Interviewees with the Advocates reported that in the Tigray region, the military continues to block routes to the region for food and medicine provision by humanitarian organizations.<sup>6</sup>

### **II. Right to Life and Prohibition of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (List of Issues, para. 8-11)**

3. The Committee inquired Ethiopia about “the status and outcomes of criminal investigations conducted into the past human rights violations committed by the law enforcement and security forces in the Somali Region, including at the “Jail Ogaden.”<sup>7</sup> The Committee requested information on any forms of redress provided to victims.<sup>8</sup>
4. In practice, the State continues to obtain coerced confessions by torturing its detainees. A client of The Advocates was arrested after being accused of being part of the Tigray People’s Liberation. In detention, our client was tortured by hitting and constantly pouring cold water on him to cause deliberate sleep deprivation. The agents threatened him with murder or imprisoned him if he did not sign a document -allegedly with a confession-.<sup>9</sup>

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<sup>1</sup> Human Rights Committee, *List of issues in relation to the second periodic report of Ethiopia*, U.N. Doc. CCPR/C/ETH/Q/2, (Jan. 19, 2021), ¶ 3.

<sup>2</sup> Human Rights Committee, *Replies of Ethiopia to the list of issues in relation to its second periodic report*, U.N. Doc. CCPR/C/ETH/Q/2, (Nov. 3, 2021), ¶ 10.

<sup>3</sup> 1994 CONSTITUTION [Federal Democratic Republic of Ethiopia] art. 20.5, available online at <http://www.wipo.int/edocs/lexdocs/laws/en/et/et007en.pdf>.

<sup>4</sup> Interviews conducted by The Advocates (2022).

<sup>5</sup> Interviews conducted by The Advocates (2022).

<sup>6</sup> Interviews conducted by the Advocates (2022), BBC News, “Ethiopia’s Tigray crisis: Why it’s hard getting aid into the region,” accessed June 9, 2022, <https://www.bbc.com/news/57929853>.

<sup>7</sup> Human Rights Committee, *List of issues in relation to the second periodic report of Ethiopia*, U.N. Doc. CCPR/C/ETH/Q/2, (Jan. 19, 2021), ¶ 8.

<sup>8</sup> Human Rights Committee, *List of issues in relation to the second periodic report of Ethiopia*, U.N. Doc. CCPR/C/ETH/Q/2, (Jan. 19, 2021), ¶ 9.

<sup>9</sup> Interviews conducted by The Advocates (2014-2022).

5. Individuals also have been targeted for expressing their opinions about human rights abuses and other issues. One of The Advocates' clients, a doctor, was targeted after stating that prisoners required adequate care. Officers later interrogated and accused him of opposing the government. He heard that those who denied accusations were often tortured and killed, so to prevent further harm to himself, the client signed documents stating that he was involved in various opposition groups.<sup>10</sup>
6. At the detention centers, individuals were held in dark rooms, either in solitude or overcrowded conditions, and experienced regular beatings from guards. Clients report not having adequate food, such as bread and water or rooting food, sleeping, or bathroom facilities.<sup>11</sup> A client reported being forced to perform uncompensated labor in a detention center.<sup>12</sup>In the same matter, Human Rights Watch has reported that “thousands of other adult and adolescent men and women remained in detention facilities, facing life-threatening torture, starvation, and denial of medical care in overcrowded sites.”<sup>13</sup>

### ***Extrajudicial killings and enforced disappearances (para. 38)***

7. **Human rights organizations continue to document excessive and lethal use of force by State actors.**<sup>14</sup> Various clients interviewed by The Advocates reported that people were injured and killed after security forces fired into crowds in the Oromo cultural-religious festival of Irreechaa.<sup>15</sup> Amnesty International documented at least 39 extrajudicial executions in the Oromia region in 2019 and 2020.<sup>16</sup> Ethiopian security forces have allegedly carried out arbitrary arrests and enforced disappearances of Tigrayans in the last year.<sup>17</sup>
8. Organizations have reported the practice of using drones to perpetrate extrajudicial killings. Human Rights Watch reported that “an apparent armed drone dropped three bombs on the compound in the town of Dedebit, killing at least 57 civilians and wounding more than 42 others [...]no evidence of military targets.”<sup>18</sup>. Amnesty International also documented that “an

<sup>10</sup> Interviews conducted by The Advocates (2015-2022).

<sup>11</sup> Interviews conducted by The Advocates (2014-2018); Office of the High Commissioner for Human Rights, “Tigray conflict: Report calls for accountability for violations and abuses by all parties,” accessed June 10, 2022, <https://www.ohchr.org/en/2021/11/tigray-conflict-report-calls-accountability-violations-and-abuses-all-parties>.

<sup>12</sup> Ibid.

<sup>13</sup> Human Rights Watch, “*We will Erase you from this Land Crimes against Humanity and Ethnic Cleaning in Ethiopia’s Western Tigray Zone*,” (6 Apr. 2022), accessed June 10, 2022, <https://www.hrw.org/report/2022/04/06/we-will-erase-you-land/crimes-against-humanity-and-ethnic-cleansing-ethiopias>.

<sup>14</sup> UK Home Office, Country Policy and Information Note Ethiopia: Oromos, the Oromo Liberation Front and the Oromo Liberation Army (March 2022):

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1061342/ETH\\_CP\\_IN\\_Oromos\\_\\_OLF\\_and\\_OLA.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061342/ETH_CP_IN_Oromos__OLF_and_OLA.pdf).

<sup>15</sup> Interviews conducted by The Advocates (2014-2022).

<sup>16</sup> Amnesty International, *Beyond Law Enforcement: Human Rights Violations by Ethiopian Security Forces in Amhara and Oromia*, (2020), 17, <https://www.amnesty.org/download/Documents/AFR2523582020ENGLISH.PDF>, p. 18,19.

<sup>17</sup> Human Rights Watch, “Ethiopia: Ethnic Tigrayans Forcibly Disappeared: Discriminatory Arrests, Detentions, Business Closures in Addis Ababa,” accessed June 10, 2022, <https://www.hrw.org/news/2021/08/18/ethiopia-ethnic-tigrayans-forcibly-disappeared>.<https://www.hrw.org/news/2021/08/18/ethiopia-ethnic-tigrayans-forcibly-disappeared>.

<sup>18</sup> Human Rights Watch, “Ethiopia: Airstrike on Camp for Displaced Likely War Crime,” accessed June 10, 2022, <https://www.hrw.org/news/2022/03/24/ethiopia-airstrike-camp-displaced-likely-war-crime>.

airstrike on the Edaga Selus village market in Tigray killed more than 50 and wounded many others among the civilian population. there was no known military target nearby.”<sup>19</sup>

9. The Ethiopian Human Rights Commission (EHRC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) found that “Ethiopian and Eritrean soldiers prohibited relatives of victims of summary execution from collecting the bodies and burying them, aggravating the severe suffering of surviving family members who had suffered the loss of their close relatives.”<sup>20</sup>

### III. Liberty and security of person (List of Issues, para. 12-15)

10. The Committee required to provide information “on the steps taken to ensure that all allegations of arbitrary arrest and detention are promptly and effectively investigated and that perpetrators are brought to justice.”<sup>21</sup> The Committee also requested statistical data in the matter.<sup>22</sup>
11. Many of The Advocates’ clients report having been detained by the Ethiopian authorities without formal charges and with little or no opportunity to contact their families. Instead of a fair trial, the individuals were detained, beaten, tortured, raped, and some were killed. Interrogations often involved an Ethiopian guard accusing the detained person of supporting an opposition party while subjecting the person to beatings or other forms of torture. As a condition of release, individuals were forced to sign confessions or agreements not to participate in certain political activities.<sup>23</sup>
12. Government forces came to another client’s office, accused him of organizing a protest against the government, and arrested him. According to the client, security officers arrested Tigray employees who worked with Tigray directors.<sup>24</sup> Many detainees reportedly are held in detention without formal charge for months or years.<sup>25</sup>
13. Human rights organizations have documented torture and cruel, inhuman, and degrading treatment by Ethiopian Defense Force soldiers in detention.<sup>26</sup> The Advocates has also received firsthand information from individual clients who have been forced to flee torture and human rights violations in Ethiopia and seek asylum in the United States. Many Tigrayan clients of The Advocates have denounced the systemic practices of torture they have suffered by state forces.<sup>27</sup> Clients have reported being subject to beatings, isolation, sleep deprivation, and

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19 Amnesty International, “Ethiopia 2021,” accessed June 9, 2022, <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/ethiopia/report-ethiopia>.

<sup>20</sup> Ethiopian Human Rights Commission (EHRC) & Office of the United Nations High Commissioner for Human Rights, *Report about Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region, of the Federal Democratic Republic of Ethiopia*. ¶134, <https://www.ohchr.org/sites/default/files/2021-11/OHCHR-EHRC-Tigray-Report.pdf>

<sup>21</sup> Human Rights Committee, *List of issues in relation to the second periodic report of Ethiopia*, U.N. Doc. CCPR/C/ETH/Q/2, (Jan. 19, 2021), ¶ 12.

<sup>22</sup> *Ibid*/

<sup>23</sup> Interviews conducted by The Advocates (2014-2022).

<sup>24</sup> Interviews conducted by The Advocates (2015-2022)

<sup>25</sup> Interviews conducted by The Advocates (2022).

<sup>26</sup> Amnesty International, *Beyond Law Enforcement: Human Rights Violations by Ethiopian Security Forces in Amhara and Oromia*, AFR 25/2358/2020, 26–27, May 29, 2020.

<sup>27</sup> Interview by the Advocates (2022).

threats by State agents while interrogating them.<sup>28</sup> In most cases, the State agents reportedly sought to get information or connect the clients to the Tigray People's Liberation group. Clients' relatives living outside of the Tigray region asserted having a constant fear of being attacked when leaving their houses.<sup>29</sup>

14. One client reported that State authorities interrogated him about his job and his boss. During these interrogations, officers beat the client on his head and legs with nightsticks. The detention lasted for one week. After the officers released the client, three men who were not in uniform came to his house, broke down the door, and began to beat him. According to the client, the authorities accused him of organizing Tigrayans to protest against the government. Authorities detained him without food or water and beat him every day until he was released after three days.<sup>30</sup>
15. Human rights organizations have also documented that women are victims of rape and sexual violence in detention.<sup>31</sup> One client reported that police arrested her and her husband at a protest and detained them without charge. Authorities accused the client of not supporting the government, supporting opposition parties, and instigating opposition to the government. According to the client, guards repeatedly interrogated and abused her, shaved her head to cause self-hatred, and raped and beat women of all ages.<sup>32</sup>

#### **Access to justice, the independence of the judiciary and the right to a fair trial (List of Issues para. 8)**

16. In its list of Issues, The Committee requested information about the measures taken for “the full independence and impartiality of judges and prosecutors and describe the current procedures and criteria for the selection, appointment, suspension and removal of judges and prosecutors.”<sup>33</sup> The Committee also inquired regarding reports of political influence on the judiciary, particularly in the criminal courts.<sup>34</sup>
17. Ethiopia reported “the release of thousands of prisoners of political related offenses. In furtherance to this, the Government, with its reform initiative to bring institutional reforms, has managed to strengthen human rights watch dogs like the EHRC to be able to monitor and challenge any government misconduct and violation including unlawful detentions.”<sup>35</sup> The State Party Report, however, fails to provide information about investigations, sanctions, and

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Interviews conducted by The Advocates (2015-2022). The case information mentioned throughout this report has been taken from client intake and interviews conducted by The Advocates for Human Rights between the time periods of January 2015 and June 2022. The case information, documented by asylum-seekers from Ethiopia, is anonymous and confidential. As such, some information has been removed from this submission in order to protect the identities of the individuals and their families.

<sup>31</sup> Amnesty International, *Beyond Law Enforcement: Human Rights Violations by Ethiopian Security Forces in Amhara and Oromia*, AFR 25/2358/2020, 26–27, May 29, 2020.

<sup>32</sup> Interviews conducted by The Advocates (2015-2022).

<sup>33</sup> Human Rights Committee, *List of issues in relation to the second periodic report of Ethiopia*, U.N. Doc. CCPR/C/ETH/Q/2, (Jan. 19, 2021), ¶ 18.

<sup>34</sup> Ibid.

<sup>35</sup> Human Rights Committee, *Replies of Ethiopia to the list of issues in relation to its second periodic report*, U.N. Doc. CCPR/C/ETH/Q/2, (Nov. 3, 2021), ¶ 66.

specific measures repair and provide justice to individuals who were imprisoned without a fair trial.

18. Ethiopia issued the Defense Forces Proclamation No. 1100/2019, which gives the military jurisdiction power to determine if military personnel may have committed torture.<sup>36</sup> In Ethiopia, it is up to the case prosecutor to determine whether the military is subject to civil jurisdiction in case of human rights violations.<sup>37</sup> Consequently, Ethiopia's legal framework lacks guarantees of judicial remedy as the competence of military judicial organs should be limited to infractions within military environments.<sup>38</sup>

### *Arbitrary arrests and detention*

19. Multiple clients of The Advocates **have been detained for their association with a political organization, participation in a protest, or for speaking out against policy or government actions.** A client was detained after speaking out about the government's lack of support for workers at a meeting on improving working conditions.<sup>39</sup>
20. The State party fails to provide guarantees of legal representation to the detainees. The Ethiopian Constitution places the burden on the defendant to persuade the court that a miscarriage of justice will occur if a public defender is not appointed in their case<sup>40</sup>. As a result, many defendants receive sentences without legal counsel.<sup>41</sup> Detainees are also imprisoned for months without formally being charged by state authorities.<sup>42</sup> Reports of arbitrary arrest and detention remain widespread, particularly arrests of journalists and those who are or are perceived to support opposition groups.<sup>43</sup>
21. The Ethiopian legal framework facilitates these systemic practices of arbitrary arrest and detention. The Constitution allows the suspension of civil and political rights such as the habeas corpus under a state of emergency.<sup>44</sup> By June 2022, Ethiopia is not under a state of emergency status. However, interviewees by The Advocates have recalled that the State is currently in a *de facto state of emergency*.<sup>45</sup> Our informants asserted, "the reality on the field is very different, many regions are still under military control, but it has not been officially declared."<sup>46</sup>

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<sup>36</sup> Committee against Torture, *Second periodic report submitted by Ethiopia under article 19 of the Convention, due in 2014*, U.N. Doc. CCPR/C/ETH/2, ¶¶15–16; Defense Forces Proclamation, Proclamation No.1100 §28-40 (2019), <https://chilot.me/wp-content/uploads/2019/08/Proclamation-No.-1100-2019-Defense-Forces-Proclamation.pdf>

<sup>37</sup> Interview by The Advocates 2022.

<sup>38</sup> General Assembly, *Civil and political rights, including the questions of independence of the judiciary, administration of justice, impunity*, (Sep. 12, 2006), UN. Doc. A/61/384 (transmission of the report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy).

<sup>39</sup> Interviewed with a human rights defender by the Advocates (2014-2022).

<sup>40</sup> 1994 CONSTITUTION [Federal Democratic Republic of Ethiopia] art. 20.5, <http://www.wipo.int/edocs/lexdocs/laws/en/et/et007en.pdf>. t.

<sup>41</sup> Interviewed with a human rights defender by the Advocates (2022).

<sup>42</sup> Interviewed with a human rights defender by the Advocates (2022).

<sup>43</sup> Human Rights Watch, "World Report 2020: Ethiopia: Events of 2019," accessed June 9, 2022, <https://www.hrw.org/world-report/2020/country-chapters/ethiopia>.

<sup>44</sup> 1994 CONSTITUTION [Federal Democratic Republic of Ethiopia] art. 20.5, available online at <http://www.wipo.int/edocs/lexdocs/laws/en/et/et007en.pdf>. t.

<sup>45</sup> Interviews conducted by The Advocates (2022).

<sup>46</sup> Interviews conducted by The Advocates (2022).

22. Many of The Advocates’ clients report having been detained by the Ethiopian authorities without formal charges and with little or no opportunity to contact their families. Instead of a fair trial, the individuals were detained, beaten, tortured, raped, and some were killed. Interrogations often involved an Ethiopian guard accusing the detained person of supporting an opposition party while subjecting the person to beatings or other forms of torture. As a condition of release, individuals were forced to sign confessions or agreements not to participate in certain political activities.<sup>47</sup>
23. Government forces came to another client’s office, accused him of organizing a protest against the government, and arrested him. According to the client, security officers arrested Tigray employees who worked with Tigray directors.<sup>48</sup> Many detainees reportedly are held in detention without formal charge for months or years.<sup>49</sup>

### **Freedom of Expression (para. 19) Freedom of Peaceful Assembly (para. 20)**

24. The Committee inquired Ethiopia to respond “about concerns about [...] harassment, intimidation, arbitrary arrests and prolonged detention of, and threats with criminal charges of terrorism and/or disinformation against, political opponents, activists and journalists who are critical of the Government”<sup>50</sup>
25. **In spite of some positive measures and reforms, government forces continue to arbitrarily arrest and detain journalists and other individuals who express opinions critical of the government.**<sup>51</sup> On 2019, the editor-in-chief of a television station and newspaper was arrested and charged under the Anti-Terrorism Proclamation.<sup>52</sup> In 2022, news reports denounced that Ethiopia holds journalists in detention centers without pressing charge.<sup>53</sup>

### ***Surveillance and harassment***

26. In addition, many of The Advocates’ clients who were activists in Ethiopia reported that the government uses social media for surveillance and threats. The Ethiopian Government allegedly also promotes surveillance among their population, rewarding the information about political dissenters and human rights defenders.
27. Several clients interviewed have shared acts of harassment their families have endured as reprisal for our clients’ opposition to the government. When authorities were unable to find one client who had fled the country, they went to his mother’s shop. The officers threw his mother to the ground, beat his brother, and detained them for one to two days. During the

<sup>47</sup> Interviews conducted by The Advocates (2014-2022).

<sup>48</sup> Interviews conducted by The Advocates (2015-2022)

<sup>49</sup> Interviews conducted by The Advocates (2022).

<sup>50</sup> Human Rights Committee, *List of issues in relation to the second periodic report of Ethiopia*, U.N. Doc. CCPR/C/ETH/Q/2, (Jan. 19, 2021), ¶ 19

<sup>51</sup> Freedom House, “Ethiopia: Freedom in the World 2022 Country Report,” accessed June 9, 2022, <https://freedomhouse.org/country/ethiopia/freedom-world/2022>.

<sup>52</sup> Amnesty International, “Ethiopia: New Journalist Arrests put Press Freedom Gains at Risk,” accessed June 10, 2022, <https://www.amnesty.org/en/latest/news/2019/07/ethiopia-new-journalist-arrests-put-press-freedom-gains-at-risk>.

<sup>53</sup> Halima Athumani, “Ethiopia Holding Journalists in Detention Centers Without Charge.” Online video clip. *Voice of America*. Voice of America, June 07, 2022. Accessed June 10, 2022, <https://www.voanews.com/a/ethiopia-holding-journalists-in-detention-centers-without-charge/6607108.html>.

detention, officials beat the client's brother. After the client's mother and brother were released, officers returned to the shop again, harassed and intimidated them, and informed the client's brother that he needed to tell the client to return to Ethiopia.<sup>54</sup>

28. A client shared with The Advocates that members of his family have been detained and forcibly disappeared because they helped the client to escape after he was released from detention and tortured. The client's brother was also arrested and tortured by government agents after telling the agents that the client left the country.<sup>55</sup> Another client reported that police officers came to their parent's house, searched all the rooms, and destroyed their belongings while questioning the family about the client's whereabouts. The government police have also offered to reward people in their neighborhood for information about our client and his family.<sup>56</sup> Other human rights groups also have reported multiple cases of security forces arresting, detaining, and assaulting family members, including children, in place of the individuals they sought to arrest but could not find.<sup>57</sup>

### **I. The State party fails to protect women and LGBTIQ+ individuals from violence and harmful traditional practices**

#### ***Ethiopia fails to protect women within its jurisdiction***

29. The Advocates has received numerous **firsthand reports of sexual and gender-based violence against women, including torture, ill-treatment, beating, and rape enacted by government security forces in places of detention.** Clients did not have access to reporting mechanisms, and abusers acted with impunity.<sup>58</sup> Multiple clients report cruel, inhuman, and degrading treatment as well as the systemic application of torture by security forces and in detention centers. Clients reported being beaten,<sup>59</sup> threatened with violence by police forces,<sup>60</sup> and having their homes invaded<sup>61</sup> during their arrest. Multiple clients reported being tortured<sup>62</sup>— one of whom was beaten while pregnant.<sup>63</sup> Two clients reported being deprived of food and water while detained in unsanitary conditions;<sup>64</sup> one did not have access to a restroom.<sup>65</sup>
30. Women are subject to different modalities of torture. One client interviewed reported that she was arbitrarily detained several times by Ethiopian Police Forces and tortured physically and physiologically while in custody and on other occasions. She detailed being beaten until she got unconscious, and the police threatened her with killing her as the state forces did with her husband, causing not only physical but emotional distress. She was detained before the funeral

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<sup>54</sup> Interviews conducted by The Advocates (2015-2020).

<sup>55</sup> Interviews conducted by the Advocates (2009-2022).

<sup>56</sup> Interviews conducted by The Advocates (2022).

<sup>57</sup> Amnesty International, *Beyond Law Enforcement: Human Rights Violations by Ethiopian Security Forces in Amhara and Oromia*, (2020), 20. <https://www.amnesty.org/download/Documents/AFR2523582020ENGLISH.PDF>.

<sup>58</sup> Interviews conducted by The Advocates (2017-2022).

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.



of her husband and banned to attend the funeral or organizing any following memorial. The client recalled she has also harassed and surveillance in her house after her release from detention.<sup>66</sup>

31. Multiple clients denounced that state agents -military and police-threaten women with rape as a method for silencing potential claims of torture, extrajudicial killing, and arbitrary detention from the victims or their relatives.<sup>67</sup> The EHRC and OHCHR also observed in their joint investigation that women are raped in detention.<sup>68</sup> Human Rights Watch has also denounced that sexual violence survivors getting post-rape care, including medical and psychosocial support, is getting restricted by the Ethiopian government as a consequence of the blocking of aid to health facilities in Ethiopia's northern Tigray region.<sup>69</sup>
32. There are many accounts of gender-based violence in detention, most prevalently torture and rape.<sup>70</sup> Multiple clients of The Advocates reported torture and other cruel, inhuman, and degrading punishment inflicted upon themselves and their immediate families in local police stations, interrogation centers in military camps, *Maekelawi* prison, and the *Zuwai* detention center.<sup>71</sup> There are no current mechanisms to report, investigate, or prosecute the rape and torture of women in prison.<sup>72</sup>
33. Multiple clients reported sexual abuse, rape, and attempted rape in detention centers.<sup>73</sup> Another client reported being illegally detained and sexually abused by the Tigre Military Forces, who mocked and forcibly undressed her.<sup>74</sup> The stigma associated with rape and other forms of sexual abuse deter many women from reporting this abuse.

### ***Ethiopia fails to respect and protect the rights of LGBTIQ+ individuals***

34. LGBTIQ+ individuals also experience violence and cruel, inhuman, or degrading treatment in Ethiopia. The 2004 Criminal Code of Ethiopia criminalizes same-sex sexual activity as 'homosexual or indecent acts'.<sup>75</sup> Consequently, Most LGBTIQ+ individuals do not reveal their sexual orientation or gender identity publicly due to the fear of societal stigma and physical harm.<sup>76</sup>
35. Human Dignity Trust sourcing ILGA World in 2021 asserted "at least nine incidents of the criminalising provision being enforced, though these do not appear to have resulted in convictions. However, the inaccessibility of court documents, and the lack of disclosure of

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<sup>66</sup> Interview conducted by the Advocates (2021).

<sup>67</sup> Interview conducted by The Advocates (2014-2022).

<sup>68</sup> Supra. 3. ¶136.

<sup>69</sup> Human Rights Watch, "Ethiopia: Blocking Tigray Aid Harms Rape Survivors" (Nov. 9, 2021), Accessed September 6, 2022m <https://www.hrw.org/news/2021/11/09/ethiopia-blocking-tigray-aid-harms-rape-survivors>

<sup>70</sup> Human Rights Watch, "*We are Like the Dead*," supra note 18, at 37.

<sup>71</sup> Interviews conducted by The Advocates (2017-2019) (on file with The Advocates for Human Rights).

<sup>72</sup> Human Rights Watch, "*We are Like the Dead*," supra note 18, at 38-39.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> Human Dignity Trust, "Ethiopia" (Accessed September 03, 2022) <https://www.humandignitytrust.org/country-profile/ethiopia/#:~:text=Ethiopia%20criminalises%20same%2Dsex%20sexual,subjected%20to%20discrimination%20and%20violence.>

<sup>76</sup> BBC News, "Ethiopia religious anger over US gay tour plan," accessed June 9, 2022, <https://www.bbc.com/news/world-africa-48512407>.

arrests from LGBT people due to societal stigma, means this is likely to be an underreporting of the true number”<sup>77</sup>

36. Many individuals have reported that societal attitudes and discrimination have had a harmful impact on their mental health, including anxiety, depression, self-ostracism, and attempts at suicide.<sup>78</sup> Ethiopia does not have a law that would support the investigation or prosecution of human rights abuses against LBGTIQ+ individuals.<sup>79</sup> In public testimony, LBGTIQ+ defenders denounced attacks and threats, the police were constantly harassing them in their houses and their neighbors were constantly attacking them.<sup>80</sup>

## **VI. Suggested recommendations for the Government of Ethiopia:**

37. Relating to the right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment, liberty and security of person

- Take concrete action to ensure that conditions of arrest and pretrial detention meet international standards, including by reducing the length of time detainees spend in pretrial detention and that detention conditions are in compliance with the Nelson Mandela Rules.
- Impartially investigate and prosecute crimes committed against opposition members and human rights defenders; hold Government and individual offenders accountable.
- Commit to a free and open political environment so that all political parties can legally campaign and participate in elections.
- Commit to public policies for collective reparation, truth, and reconciliation within its jurisdiction.

38. *Relating to violence against women, LBGTIQ+ individuals, and harmful traditional practices:*

- Decriminalize sexual relations between consenting adults of the same sex under the Criminal Code by 2004.
- Put measures in place to protect individuals from discrimination and abuse based on their sexual orientation by religious leaders and society.
- Take measures to prevent law enforcement from arbitrarily arresting individuals based on their sexual orientation.

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<sup>77</sup> Human Dignity Trust, “Ethiopia” (Accessed September 03, 2022) <https://www.humandignitytrust.org/country-profile/ethiopia/#:~:text=Ethiopia%20criminalises%20same%2Dsex%20sexual,subjected%20to%20discrimination%20and%20violence>.

<sup>78</sup> Selamawit Tsegaye, “The Human Rights Approach to sexual minority right: 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*, Dec. 1, 2014, 58, 66); United States Department of State Bureau of Democracy, Human Rights, and Labor, 2019 Country Reports on Human Rights Practices: Ethiopia, <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/ethiopia/>.

<sup>79</sup> *Ibid.*

<sup>80</sup> Salzburg Global Seminar, “Noel Iglessias and Negede Gezahegn on seeking asylum in Austria | Salzburg Global LGBT Forum.” Online video clip. *YouTube*. YouTube, Aug. 21, 2017. Accessed June 10, 2022.

- Hold members of law enforcement and vigilante groups accountable for human rights violations against LGBTI individuals.
- Take steps to raise awareness in order to mitigate social prejudices, stigmatization, harassment, discrimination, and violence against individuals because of their sexual orientation.