

# **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,

the Ethiopian National Defense Force (ENDF) routinely conducts 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 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*, *Quatero 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**

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 Irrechara 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 Irrechara 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**

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

#### **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/](http://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/](http://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. 923/20 16), 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.