



Draft law threatens to criminalise Ethiopian civil society

21 August 2008 – Under a draft law, Ethiopia could see severe restrictions on civil society and even closures of organisations working on contentious issues, such as human rights and governance, cautions CIVICUS: World Alliance for Citizen Participation in a recent analysis.

“We appeal to the government to stop the introduction of the bill in its current form. If enacted, many organisations will be forced to choose between stopping their work on vital issues or facing closure and possible imprisonment,” said Ingrid Srinath, CIVICUS Secretary General.

The government has released three consecutive drafts of the Charities and Societies Proclamation over the last few months. While the recent draft, due to be introduced to Parliament in October, makes some improvement on the last two, it retains many draconian provisions.

The government has stated that the intention of the bill is to increase civil society organisations’ (CSOs) transparency and accountability to stakeholders, but local and international groups have expressed concern that it will instead serve to silence dissent.

CIVICUS’ report lists a number of concerns regarding the law, including:

- The Proclamation prevents CSOs that receive more than 10% of their income from foreign sources from working on issues of public importance, including human rights, gender and religious equality, children’s rights, the rights of the disabled, conflict resolution and judicial reform. Given the lack of domestic fundraising opportunities, most organisations rely on funds from abroad.
- The Proclamation permits excessive government interference in the functioning of CSOs, through the power to carry out random investigations at will. Among other requirements, CSOs must provide the government with seven days notice of any general meeting.
- By creating a web of exhaustive reporting procedures, the Proclamation gives the government a convenient way to intimidate CSOs. Mandatory annual reporting, requirements to keep meticulous financial records as well as re-registration every three years, leaves ample room for possible procedural delays and intimidation by the authorities.
- Once a CSO is denied registration, or fails to apply, the organisation is then declared unlawful. If members and supporters continue their involvement with the CSO, they risk severe punishments, including three to fifteen years in prison. According to international standards, the decision to officially register should be voluntary not imposed by the government. Such harsh repercussions for breaching the provisions of the law could deter the free participation of individuals in civil society activities.
- CSOs have limited rights to appeal against decisions taken under the Proclamation. For example, if a CSO is denied registration, it will not be able to ask for a judicial review of the facts on which the government has based its assessment. Aside from amounting to a denial of justice, it could also allow authorities to arbitrarily silence independent groups and individuals.

If the current draft of the Proclamation is passed, the already narrow space for civil society in Ethiopia could be even further restricted. In recent years, political opposition, media and civil society activists have been systematically harassed and even imprisoned because of their criticism of the government.

“The government must listen to the concerns of the country’s civil society. Their activities contribute immensely to the people of Ethiopia. But, sadly, rather than promote this vital work, this bill threatens to criminalise it,” says Srinath.

The Proclamation, if permitted to pass, would violate Ethiopia's commitments to international and regional human rights agreements, as well as its own constitution. Article 31 of the Constitution specifically guarantees, "*Every person has the right to freedom of association for any cause or purpose*".

An analysis of the Proclamation is available at
http://www.civicus.org/csw_files/AnalysisEthiopiaCharitiesProc140808.pdf

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