

# ETHIOPIA 2013 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 September 2012, following the death of former Prime Minister Meles Zenawi, parliament elected Hailemariam Desalegn as prime minister. In national parliamentary elections in 2010, the EPRDF and affiliated parties won 545 of 547 seats to remain in power for a fourth consecutive five-year term. Although the relatively few international officials allowed to observe the elections concluded that technical aspects of the vote were handled competently, some also noted that an environment conducive to free and fair elections was not in place prior to the election. Authorities generally maintained control over the security forces, although Somali Region Special Police and local militias sometimes acted independently. Security forces committed human rights abuses.

The most significant human rights problems included: restrictions on freedom of expression and association, including through arrests; detention; politically motivated trials; harassment; and intimidation of opposition members and journalists, as well as continued restrictions on print media. On August 8, during Eid al-Fitr celebrations, security forces temporarily detained more than one thousand persons in Addis Ababa. The government continued restrictions on activities of civil society and nongovernmental organizations (NGOs) imposed by the Charities and Societies Proclamation (the CSO law).

Other human rights problems included arbitrary killings; allegations of torture, beating, abuse, and mistreatment of detainees by security forces; reports of harsh and, at times, life-threatening prison conditions; arbitrary arrest and detention; detention without charge and lengthy pretrial detention; a weak, overburdened judiciary subject to political influence; infringement on citizens' privacy rights, including illegal searches; allegations of abuses in the implementation of the government's "villagization" program; restrictions on academic freedom; restrictions on freedom of assembly, association, and movement; alleged interference in religious affairs; limits on citizens' ability to change their government; police, administrative, and judicial corruption; violence and societal discrimination against women and abuse of children; female genital mutilation/cutting (FGM/C); trafficking in persons; societal discrimination against persons with disabilities; clashes between ethnic minorities; discrimination against

persons based on their sexual orientation and against persons with HIV/AIDS; limits on worker rights; forced labor; and child labor, including forced child labor.

Impunity was a problem. The government, with some reported exceptions, usually did not take steps to prosecute or otherwise punish officials who committed abuses other than corruption.

Factions of the Ogaden National Liberation Front (ONLF), an ethnically based, violent, and fragmented separatist group operating in the Somali Region, were responsible for abuses.

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

### **a. Arbitrary or Unlawful Deprivation of Life**

Members of the security forces reportedly committed killings.

On August 8, security forces in Addis Ababa detained more than one thousand Muslims participating in Eid al-Fitr celebrations. Authorities released most of the detainees shortly thereafter, but there were credible allegations some of the detainees died while in detention.

There continued to be reports of abuses, including killings, by the Somali Region Special Police.

Scattered fighting continued between government forces – primarily regional government-backed militias – and elements of the ONLF. Clashes between ethnic groups resulted in injury and death.

### **b. Disappearance**

There were several reported cases of disappearances of civilians after clashes between security forces and rebel groups.

Security forces detained at least 12 residents of Alamata town in the northern Tigray Region in January following protests against government plans to demolish illegal housing units. The whereabouts of the detainees remained unknown at year's end.

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

The constitution and law prohibit such practices; however, there were reports security officials tortured and otherwise abused detainees.

Authorities reportedly tortured Solomon Kebede, a columnist with *Muslim Affairs* magazine (see section 2.a.).

Sources widely believed police investigators often used physical abuse to extract confessions in Maekelawi, the central police investigation headquarters in Addis Ababa. Human Rights Watch reported abuses, including torture, occurred at Maekelawi. In an October report the NGO described beatings, stress positions, the hanging of detainees by their wrists from the ceiling, prolonged handcuffing, the pouring of water over detainees, verbal threats, and solitary confinement at the facility. Authorities continued to restrict access by diplomats and NGOs to Maekelawi.

In 2010 the UN Committee Against Torture reported it was “deeply concerned” about “numerous, ongoing, and consistent allegations” concerning “the routine use of torture” by police, prison officers, and other members of the security forces – including the military – against political dissidents and opposition party members, students, alleged terrorists, and alleged supporters of violent separatist groups like the ONLF and the Oromo Liberation Front (OLF). The committee reported that such acts frequently occurred with the participation of, at the instigation of, or with the consent of commanding officers in police stations, detention centers, federal prisons, military bases, and unofficial or secret places of detention. Some reports of such abuses continued during the year.

### **Prison and Detention Center Conditions**

Prison and pretrial detention center conditions remained harsh and, in some cases, life threatening. There were numerous reports that authorities beat prisoners. Medical attention following beatings reportedly was insufficient in some cases.

Physical Conditions: As of September 2012 there were 70,000-80,000 persons in prison, of whom approximately 2,500 were women and nearly 600 were children incarcerated with their mothers. Authorities sometimes incarcerated juveniles with adults and sometimes incarcerated small children with their mothers. Male and female prisoners generally were separated.

Severe overcrowding was common, especially in prison sleeping quarters. The government provided approximately eight birr (\$0.42) per prisoner per day for food, water, and health care. Many prisoners supplemented this amount with daily food deliveries from family members or by purchasing food from local vendors, although there were unspecified reports officials prevented some prisoners from receiving supplemental food from their families. Medical care was unreliable in federal prisons and almost nonexistent in regional prisons. Prisoners had limited access to potable water, as did many in the country. Also water shortages caused unhygienic conditions, and most prisons lacked appropriate sanitary facilities. Many prisoners had serious health problems in detention but received little treatment. Information released by the Ministry of Health in 2012 reportedly stated that nearly 62 percent of inmates in various jails across the country suffered from mental health problems as a result of solitary confinement, overcrowding, and lack of adequate health care facilities and services.

The country had six federal and 120 regional prisons. The Ethiopian NGO Justice For All-Prison Fellowship Ethiopia (JFA-PFE) ran model prisons in Adama and Mekele, with significantly better conditions than those found in other prisons. There also were many unofficial detention centers throughout the country, including in Dedessa, Bir Sheleko, Tolay, Hormat, Blate, Tatek, Jijiga, Holeta, and Senkele. Most were located at military camps.

Pretrial detention often occurred in police station detention facilities, where the conditions varied widely. Reports regarding pretrial detention in police stations indicated poor hygiene and police abuse of detainees.

Administration: It was difficult to determine if recordkeeping was adequate due to the lack of transparency regarding incarceration. Authorities did not employ alternative sentencing for nonviolent offenders. Prisons did not have ombudspersons to respond to complaints. Legal aid clinics existed in some prisons for the benefit of prisoners. Authorities allowed the submission by detainees of complaints to judicial authorities without censorship. Courts sometimes declined to hear such complaints. The Ethiopian Human Rights Commission (EHRC) and the Federal Police Commission sometimes investigated allegations of abuse, although there were reports that detainees' discussions with them were not done in private, which could limit their ability to speak freely.

Authorities generally permitted prisoners to have visitors, although some police stations did not allow pretrial detainees access to visitors (including family members and legal counsel). In some cases authorities restricted family visits to

prisoners to a few per year. Family members of prisoners charged with terrorist activity alleged instances of blocked access to the prisoners. There were also reports authorities denied those charged with terrorist activity visits with their lawyers, or with representatives of the political parties to which they belonged. In June prison authorities temporarily granted full visitation privileges to imprisoned journalist/blogger Eskinder Nega; previously, Eskinder was been permitted visits by a select group of individuals. Prison officials limited the number of individuals permitted to visit journalist Reyot Alemu.

Prisoners generally were permitted religious observance, but this varied by prison, and even by section within a prison, at the discretion of prison management. There were some allegations that while in custody authorities denied detainees adequate locations in which to pray. Prisoners were permitted to voice complaints about prison conditions or treatment to the presiding judge during their trials.

Independent Monitoring: During the year the International Committee of the Red Cross visited regional prisons throughout the country.

Regional authorities allowed government and NGO representatives to meet regularly with prisoners without third parties present. The government-established EHRC, which is funded by parliament and subject to parliamentary review, monitored federal and regional detention centers and interviewed prison officials and prisoners in response to allegations of widespread human rights abuses. The JFA-PFE was granted access to various prison and detention facilities.

Improvements: The government and prison authorities generally cooperated with efforts of the JFA-PFE to improve prison conditions. Reports indicated prison conditions, including the treatment of prisoners, improved upon the completion of a local legal aid clinic, although specific data was not available.

#### **d. Arbitrary Arrest or Detention**

Although the constitution and law prohibit arbitrary arrest and detention, the government often ignored these provisions. There were multiple reports of arbitrary arrest and detention by police and security forces throughout the country.

Civilians, international NGOs, and other aid organizations operating in the Somali Region reported government security forces, local militias, and the ONLF committed abuses such as arbitrary arrest.

## **Role of the Police and Security Apparatus**

The Federal Police reports to the Ministry of Federal Affairs, which is subject to parliamentary oversight. The oversight was loose. Each of the country's nine regions has a state or special police force that reports to the regional civilian authorities. Local militias operated across the country in loose coordination with regional and federal police and the military, with the degree of coordination varying by region. In many cases these militias functioned as extensions of local EPRDF political bosses.

Security forces were effective, but impunity remained a serious problem. The mechanisms used to investigate abuses by the federal police were not known. There continued to be reports of abuse, including killings, by the Somali Region Special Police. The government rarely publicly disclosed the results of investigations into abuses by local security forces, such as arbitrary detention and beatings of civilians.

The government continued its efforts to provide human rights training for police and army recruits. The EHRC trained more than 100 police officers and prison officials during the year and in 2012 on basic human rights concepts and prisoner treatment. The government continued to accept assistance from the JFA-PFE 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.

## **Arrest Procedures and Treatment of Detainees**

Although the constitution and law require that detainees be brought to court and charged within 48 hours of arrest, authorities did not always respect this requirement. With court approval, persons suspected of serious offenses may be detained for 14 days without being charged and for additional 14-day periods if an investigation continues. Under the antiterrorism proclamation, police may request to hold persons without charge for 28-day periods, up to a maximum of four months, while an investigation is conducted. The law prohibits detention in any facility other than an official detention center; however, local militias and other formal and informal law enforcement entities used dozens of unofficial local detention centers.

A functioning bail system was in place. Bail was not available for persons charged with murder, treason, and corruption. In most cases authorities set bail between

500 and 10,000 birr (\$26 and \$530), which most citizens could not afford. The government provided public defenders for detainees unable to afford private legal counsel, but only when their cases went to court. While detainees were in pretrial detention, authorities sometimes allowed them little or no contact with legal counsel, did not provide full information on their health status, and did not provide for family visits.

Arbitrary Arrest: Authorities regularly detained persons without warrants.

On May 24, in the western state of Benishangul-Gumuz, local police detained Muluken Tesfaw, a journalist for the *Ethio-Mihdar* newspaper, who was investigating allegations that local officials unlawfully evicted ethnic Amhara residents from their homes. The journalist reportedly was not carrying his press credentials. On May 31, authorities released Muluken without charge.

Pretrial Detention: Some detainees reported being held for several years without being charged and without trial. Information on the percentage of detainee population in pretrial detention and the average length of time held was not available. Trial delays were most often caused by lengthy legal procedures, the large numbers of detainees, judicial inefficiency, and staffing shortages.

Amnesty: On September 11, in keeping with a long-standing tradition of issuing pardons at the Ethiopian new year, the federal government pardoned 498 prisoners. Regional governments also pardoned persons during the year. For example, the Southern Nations, Nationalities, and People's Region (SNNPR) regional government pardoned 1,984 prisoners, the Oromia regional government pardoned 2,604 prisoners, and the Amhara regional government pardoned 2,084 prisoners.

#### **e. Denial of Fair Public Trial**

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

#### **Trial Procedures**

By law accused persons have the right to a fair public trial by a court of law within a "reasonable time," a presumption of innocence, the right to be represented by legal counsel of their choice, and the right to appeal. The law provides defendants

the right against self-incrimination. The law gives defendants the right to present witnesses and evidence in their defense, cross-examine prosecution witnesses, and access government-held evidence. The government did not always allow defendants the right of access to evidence it held. The court system does not use jury trials. Judicial inefficiency and lack of qualified staff often resulted in serious delays in trial proceedings and made the application of the law unpredictable. The government continued to train lower court judges and prosecutors and made effective judicial administration the primary focus of this training. Defendants were often unaware of the specific charges against them until the commencement of the trial; this also caused defense attorneys to be unprepared to provide an adequate defense.

The Public Defender's Office provided legal counsel to indigent defendants, although its scope and quality of service remained limited due to the shortage of attorneys. Numerous free legal aid clinics around the country, based primarily at universities, provided advice to clients. 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.

On January 22, citing national security concerns, the Federal High Court closed the trial of 28 Muslims identified with July 2012 protests and one Muslim accused of accepting funds illegally from a foreign embassy. On December 12, the Federal High Court dismissed charges against 10 of the defendants and reduced charges against 18 others. Although the Federal High Court also closed the trial of 28 additional Muslims the government alleged to have links to al-Qaida and al-Shabaab, the court reopened the trial to the public on October 29. Both trials continued at year's end.

Many citizens residing in rural areas generally had little access to formal judicial systems and relied on traditional mechanisms of 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. Sharia courts received some funding from the government and adjudicated the majority of cases in the Somali and Afar regions, which are predominantly Muslim. In addition other traditional systems of justice, such as councils of elders, continued to function. Some women stated they lacked access to free and fair hearings in the traditional justice system because they were excluded by custom from participation in councils of elders and because there was strong gender discrimination in rural areas.

## **Political Prisoners and Detainees**

Estimates by human rights groups and diplomatic missions regarding the number of political prisoners varied. The government did not permit access by international human rights organizations.

All of the Ethiopian journalists, opposition members, and activists previously convicted and jailed under the antiterrorism proclamation remained in prison.

On January 8, the Federal Court of Cassation denied journalist Reyot Alemu's appeal of her conviction on the charge of participating in the promotion or communication of a terrorist act. She was serving a five-year prison sentence.

On May 2, the Federal Supreme Court upheld the sentences of journalist and blogger Eskinder Nega and vice chairman of the opposition front Medrek Andualem Arage for terrorism and treason. In September 2012 the government announced it asked the Federal High Court to freeze the assets of Eskinder and Andualem while investigating whether their assets were used in conjunction with the commission of the crimes for which they were convicted. The court had not issued a decision by year's end.

The Federal Supreme Court upheld the 2012 convictions under the criminal code of Bekele Gerba and Olbana Lelisa, two well-known political opposition figures from the Oromo ethnic group, for conspiracy to overthrow the government and conspiracy to incite unrest. The Supreme Court subsequently determined the Federal High Court did not consider mitigating circumstances and reduced Bekele's sentence from eight years to three years and seven months. The Supreme Court also reduced Olbana's sentence from 13 to 11 years. Courts convicted 69 members of Oromo political opposition parties, charged separately in 2011 under the criminal code with "attacking the political or territorial integrity of the state."

## **Civil Judicial Procedures and Remedies**

The law provides citizens the right to appeal human rights violations in civil court. No such cases were filed during the year.

## **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law requires authorities to obtain judicial warrants to search private property; police often ignored the law, and there were no records of courts excluding evidence found without warrants.

There were periodic reports throughout the year police carried out nighttime raids of Muslims' homes in Addis Ababa to collect evidence against persons they alleged to be terrorists. The government claimed the police had warrants.

Opposition political party leaders reported suspicions of telephone tapping and other electronic eavesdropping, and alleged government agents attempted to lure them into illegal acts by calling and pretending to be representatives of groups – designated by the country's parliament as terrorist organizations – interested in making financial donations.

The government reportedly used a widespread system of paid informants to report on the activities of particular individuals. During the year opposition members reported ruling party operatives and militia members made intimidating and unwelcome visits to their homes and offices.

Security forces continued to detain family members of persons sought for questioning by the government. There were reports unemployed youths who were not affiliated with the ruling coalition sometimes had trouble receiving the "support letters" from their kebeles (neighborhoods or wards) necessary to get jobs.

The national government and regional governments continued to put in place "villagization" plans in the Afar, Benishangul-Gumuz, Gambella, SNNPR, and Somali regions. These plans involved the relocation by regional governments of scattered rural populations from arid or semiarid lands vulnerable to recurring droughts into designated clusters. The stated purposes of villagization were to improve the provision of government services (i.e., health care, education, and clean water), protect vulnerable communities from natural disasters and attacks, and change environmentally destructive patterns of shifting cultivation. Some observers stated the purpose was to enable the large-scale leasing of land for commercial agriculture. The government described the villagization program as strictly voluntary.

International donors reported that assessments from more than 16 visits to villagization sites since 2011 did not corroborate allegations of systematic human rights violations in this program. They did find problems such as delays in

establishing promised infrastructure from rushed program implementation. Communities and individual families appeared to have agreed to move based on assurances from authorities of food aid, services, and land, although in some instances communities moved before adequate basic services and shelter were in place in the new locations. International human rights organizations, however, continued to express concern regarding the villagization process. A report by the Oakland Institute in February stated that the military forcibly relocated communities and committed human rights violations in the Omo Valley. A report by the Oakland Institute in July asserted that, during a January 2012 assessment in the Lower Omo Valley, donor representatives heard testimony from community members regarding human rights violations.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press; however, authorities arrested, detained, and prosecuted journalists and other persons whom they perceived as critical of the government.

Freedom of Speech: Authorities arrested and harassed persons for criticizing the government. The government attempted to impede criticism through various forms of intimidation, including detention of journalists and opposition activists and monitoring and interference in the activities of political opposition groups. Some persons feared authorities would retaliate against them for discussing security force abuses.

Press Freedoms: The government continued to take actions to close independent newspapers. Regulators revoked the operating licenses of *Addis Times* magazine and *Li-Elina* newspaper in February and March, respectively, after independent editor Temesgen Dessalegn acquired them. The remaining 14 newspapers had a combined weekly circulation in Addis Ababa of more than 140,000. Most newspapers were printed on a weekly or biweekly basis, with the exception of the state-owned Amharic and English dailies.

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. Four private FM radio stations broadcast in the capital city, one private radio station broadcast in the northern Tigray Region, and at least 16 community radio stations broadcast in the regions. State-run Ethiopian Radio had

the largest reach in the country, followed by Fana Radio, which was affiliated with the ruling party.

Government-controlled media closely reflected the views of the government and the ruling EPRDF. The government periodically jammed foreign broadcasts. The law prohibits political and religious organizations and foreigners from owning broadcast stations.

Violence and Harassment: The government continued to arrest, harass, and prosecute journalists. This included the prosecution of three persons associated with the defunct *Muslim Affairs* magazine under the antiterrorism proclamation.

On January 17, authorities arrested Solomon Kebede, columnist and managing editor of *Muslim Affairs*. They charged him along with 27 other Muslims in April under the antiterrorism proclamation.

The case against Temesgen Dessalegn, editor in chief of the defunct *Feteh* newspaper, continued. Charges against him included inciting and agitating the country's youth to engage in violence, defamation of the government, and destabilizing the public by spreading false reports. Mastewal Berhanu, former publisher and managing director of *Feteh*, reportedly left the country due to government harassment.

Censorship or Content Restrictions: Government harassment caused journalists to avoid reporting on sensitive topics. Many private newspapers reported informal editorial control by the government through article placement requests and calls from government officials concerning articles perceived as critical of the government. Private sector and government journalists routinely practiced self-censorship.

Libel Laws/National Security: The government used the antiterrorism proclamation to suppress criticism. Journalists feared covering five groups designated by parliament in 2011 as terrorist organizations (Ginbot 7, the ONLF, the OLF, al-Qaida, and al-Shabaab), citing ambiguity on whether reporting on these groups might be punishable under the law. Several journalists, both local and foreign correspondents, reported an increase in self-censorship.

The government used libel laws during the year to suppress criticism.

On May 15, police in Addis Ababa questioned Ferew Abebe, editor in chief of the *Sendek* newspaper, about 2012 articles that alleged the widow of former prime minister Meles Zenawi refused to vacate the prime minister's official residence after the death of her husband. Police requested that Ferew reveal his sources to them and would not disclose who initiated the libel claim against Ferew. Ferew posted bail and was released; authorities did not file formal charges by year's end.

### **Internet Freedom**

The state-owned Ethio Telecom was the only internet service provider in the country. The government restricted access to the internet and blocked several websites, including blogs; opposition websites; and websites of Ginbot 7, the OLF, and the ONLF. The government also temporarily blocked news sites such as al-Jazeera. Websites such as Facebook, Twitter, and Yahoo! were temporarily inaccessible at times. Several news blogs and websites run by opposition diaspora groups were not accessible. These included Addis Neger, Nazret, Ethiopian Review, CyberEthiopia, Quatero Amharic Magazine, Tensae Ethiopia, and the Ethiopian Media Forum. Authorities took steps to block access to Virtual Private Network providers that let users circumvent government screening of internet browsing and e-mail. According to the International Telecommunication Union, approximately 1.5 percent of individuals used the internet in 2012.

In March, Citizen Lab, a Canadian research center at the University of Toronto, identified 25 countries, including Ethiopia, that host servers linked to FinFisher surveillance software. According to the report, "FinFisher has gained notoriety because it has been used in targeted attacks against human rights campaigners and opposition activists in countries with questionable human rights records." A "FinSpy" campaign in the country allegedly "used pictures of Ginbot 7, an Ethiopian opposition group, as bait to infect users."

In March police arrested university student Manyazewal Eshetu, for posting allegations of government corruption on Facebook. Authorities later released Manyazewal without charge.

### **Academic Freedom and Cultural Events**

The government restricted academic freedom, including through decisions on student enrollment, teachers' appointments, and the curriculum. Authorities frequently restricted speech, expression, and assembly on university and high school campuses.

According to sources, the ruling party via the Ministry of Education continued to give preference to students loyal to the party in assignments to postgraduate programs. Some university staff members commented that priority for employment after graduation in all fields was given to students who joined the party.

Authorities limited teachers' ability to deviate from official lesson plans. Numerous anecdotal reports suggested non-EPRDF members were more likely to be transferred to undesirable posts and bypassed for promotions. There were unspecified reports of teachers not affiliated with the EPRDF being summarily dismissed for failure to attend unscheduled meetings. There continued to be a lack of transparency in academic staffing decisions, with numerous complaints from individuals in the academic community alleging bias based on party membership, ethnicity, or religion.

According to multiple credible sources, teachers and high school students in grade 10 and above were required to attend training on the concepts of revolutionary democracy and EPRDF party ideology.

A 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 offerings with the ministry's policy of a 70-to-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, and private universities focused heavily on the social sciences.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The constitution and law provide for freedom of assembly; however, the government did not respect this right. Organizers of large public meetings or demonstrations must notify the government 48 hours in advance and obtain a permit. Authorities may not refuse to grant a permit but may require that the event be held at a different time or place for reasons of public safety or freedom of movement. If authorities determine an event should be held at another time or place, the law requires that organizers be notified in writing within 12 hours of the time of submission of their request.

The government denied some requests by the Semayawi (Blue) Party and Medrek, the largest opposition coalition, to hold protests in Addis Ababa, although the government officially permitted a June 2 Semayawi Party demonstration. The march was widely reported as the first mass outpouring of discontent permitted by the government since protests in 2005. The government subsequently allowed additional protests to take place in Addis Ababa and several other cities, although organizers in most cases alleged government interference, and authorities required several of the protests to move to different dates or locations from those the organizers requested. Protest organizers alleged the government's claims of needing to move the protests based on public safety concerns were not credible.

Local government officials, almost all of whom were affiliated with the EPRDF, 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 halls for lawful political rallies. There were numerous credible reports that owners of hotels and other large facilities cited unspecified internal rules forbidding political parties from utilizing their space for gatherings.

Regional governments, including the Addis Ababa regional administration, were reluctant to grant permits or provide security for large meetings.

The government arrested persons in relation to opposition demonstrations. This included a March 17 protest and a planned August 31 protest by the Semayawi Party. Authorities also arrested Unity for Democracy and Justice Party members before and after a July 17 protest.

On August 31, security forces raided the headquarters of the Semayawi Party to prevent a demonstration planned for the following day. Authorities reportedly temporarily detained 60 to 90 persons and beat some of them. The demonstration would have coincided with a mass public rally promoting interfaith tolerance organized by the government.

Beginning in late 2011 and continuing throughout the year, some members of the Muslim community held peaceful protests following Friday prayers at several of Addis Ababa's largest mosques, the Aweliya Islamic Center in Addis Ababa, and at other locations throughout the country. Most demonstrations occurred without incident, although police met some with arrests and alleged use of unnecessary force. For example, on August 8, security forces in Addis Ababa detained more than one thousand Muslims participating in Eid al-Fitr celebrations.

## **Freedom of Association**

Although the law provides for freedom of association and the right to engage in unrestricted peaceful political activity, the government limited this right.

A report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association stated, “The enforcement of these [the CSO law] provisions has a devastating impact on individuals’ ability to form and operate associations effectively.”

The CSO law bans anonymous donations to NGOs. All potential donors were therefore aware their names would be public knowledge. The same was true concerning all donations made to political parties.

International NGOs seeking to operate in the country had to submit an application via Ethiopian embassies abroad, which was then submitted by the Ministry of Foreign Affairs to the Charities and Societies Agency.

## **c. Freedom of Religion**

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

## **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

Although the law provides for freedom of internal movement, foreign travel, emigration, and repatriation, the government restricted some of these rights.

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; however, at times authorities, armed groups and the situation of insecurity limited the ability of humanitarian organizations to operate.

According to the UN, humanitarian organizations reported 36 incidents that impeded humanitarian work in the first six months of the year compared with 34 during the same period in 2012; 32 of these cases were in the Somali Region. The

incidents included violence and hostility against humanitarian personnel, theft of assets, interference with the implementation of humanitarian programs, and restrictions on importation of personnel and goods into the country for humanitarian work. This data referred broadly to humanitarian work and were not limited to activities focusing on IDPs or refugees.

Although the Somali regional government granted several organizations access to Nogob (formerly Fik) to start humanitarian operations, access to areas in the Somali Region remained challenging due to continuing clashes between government forces and the ONLF, as well as reports of al-Shabaab elements operating in and around Somali refugee camps in Dolo Ado. Cases were noted in which NGOs were denied access to areas of operation despite agreements with regional officials. In numerous cases NGOs deferred travel to program activity sites due to insecurity. On June 13, suspected ONLF gunmen fired on a mobile health and nutrition team supported by the UN Children's Fund in Korah zone and seriously injured one person.

In-country Movement: The government continued to relax but did not completely remove restrictions on the movement of persons into and within the Somali Region, continuing to argue the ONLF posed a security threat (see section 2.d., Internally Displaced Persons). Security concerns forced a temporary halt of deliveries of food and medicine in the limited areas affected by fighting.

The government continued a policy that allowed refugees to live outside of a camp. According to the Administration for Returnees and Refugee Affairs (ARRA), which managed the out-of-camp program, 3,412 refugees lived outside of the camps in 2012, compared with 1,294 in 2011. Prior to this policy the government gave such permission primarily to attend higher education institutions, undergo medical treatment, or avoid security threats at the camps.

Foreign Travel: On October 23, the government enacted a temporary ban on citizens travelling to the Middle East for employment. The ban did not affect citizens travelling for investment or business reasons. The government stated it issued the ban to prevent harassment, intimidation, and trauma suffered by those working abroad as domestic employees.

Exile: Several citizens sought political asylum in other countries or remained abroad in self-imposed exile.

### **Internally Displaced Persons (IDPs)**

The International Organization for Migration (IOM) estimated the total number of IDPs in the country as of June to be 363,141, an increase of 71,487 from the period January through March. The increase was mostly due to conflict and flooding in the Somali and Gambella regions. Drought also caused displacements during the year.

In January conflict between ethnic Oromos and Somalis over border demarcation and land ownership displaced approximately 55,000 persons from Gursum, Meyu, Kimbi, and Chinaksen districts in Oromia Region. Insecurity resulted in the delay of humanitarian assistance. The impacted population remained displaced at year's end.

Heavy rainfall in the Somali Region from late March to early April resulted in severe flooding in Faafan, Jerer, Korahe, Nogob, and Shebele zones, destroying homes and displacing thousands. Joint assessments by the United Nations, NGOs, and the government reported the floods affected 500 households in Kebredihar and 5,756 in the Mustahil, Ferfer, and Kelafo districts of Shebelle zone. Flooding from April to June displaced an additional 36,792 individuals in Ferfer, Kelafo, and Mustahil, and 6,657 individuals in the Kebrediar and Dobowein districts of Korahe zone.

During the year drought caused the displacement of more than 22,000 persons in Afar.

According to the IOM, an estimated 80 percent of all IDPs were considered "protracted" IDPs, for whom durable solutions (return to home areas, local integration, and resettlement in other parts of the country) were not possible at the time. This was due to lack of resolution of the conflict, lack of political decision or resources to support local integration, or undesirability of resettlement to other areas of the country.

The government, through the Disaster Risk Management Food Security Sector (DRMFSS) and regional and district administrations, encouraged humanitarian responses to internal displacement and facilitated assessments to determine humanitarian needs. Humanitarian organizations usually provided assistance received by IDPs. For example, both the DRMFSS and the local government helped to coordinate the humanitarian response following conflict between ethnic Somali and Oromo residents of East Hararghe zone, Oromia Region.

## Protection of Refugees

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

According to the UNHCR, the country hosted 423,851 refugees as of September. The majority of refugees were from Somalia (242,588), with others coming from Sudan (31,951), South Sudan (67,958), Eritrea (77,083), and other countries particularly Kenya (4,271).

The UNHCR, the ARRA, and humanitarian agencies continued to care for Sudanese arrivals fleeing from conflict in Sudan's Blue Nile State. The government also extended support to South Sudanese asylum seekers from South Sudan's Jonglei State; 5,776 of these asylum seekers crossed into the country by July, raising the total of South Sudanese asylum seekers to more than 67,000.

Eritrean asylum seekers continued to arrive in the country. This included a large number of unaccompanied minors. Many Eritreans who arrived in the country regularly departed for secondary migration through Egypt and Sudan to go to Israel, Europe, and other final destinations.

Employment: The government did not grant refugees work permits.

Access to Basic Services: The UNHCR and ARRA, with support from NGOs, provided refugees in camps with basic services such as health, education, water, sanitation, and hygiene. For those outside of camps, there were no reports of discrimination in access to public services.

Durable Solutions: The government granted refugee status to asylum seekers from Eritrea, Somalia, South Sudan, and Sudan. The government welcomed refugees to settle permanently in the country but did not offer a path to citizenship or facilitate integration. It permitted Eritrean refugees to live outside refugee camps provided they sustained themselves financially. The government provided some support for Eritreans who were pursuing higher education. During the first half of the year, approximately 2,600 refugees departed the country for resettlement.

## Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens the right to change their government peacefully. The ruling party's electoral advantages limited this right.

### **Elections and Political Participation**

Recent Elections: In August 2012, following the death of Prime Minister Meles Zenawi, the ruling EPRDF elected Hailemariam Desalegn to take Meles's place as chairman of the party and subsequently nominated him for the post of prime minister. In September 2012 parliament elected Hailemariam as prime minister.

In the 2010 national parliamentary elections, the EPRDF and affiliated parties won 545 of 547 seats to remain in power for a fourth consecutive five-year term. Government restrictions severely limited independent observation of the vote. Although the relatively few international officials allowed to observe the elections concluded technical aspects of the vote were handled competently, some also noted the lack of an environment conducive to free and fair elections prior to election day. Several laws, regulations, and procedures implemented since the 2005 national elections created a clear advantage for the EPRDF throughout the electoral process. There was ample evidence that unfair government tactics, including intimidation of opposition candidates and supporters, influenced the extent of the EPRDF victory. In addition, voter education was limited to information about technical voting procedures and was done only by the National Electoral Board just days before voting began.

The African Union, whose observers arrived one week before the vote, deemed the elections to be free and fair. The EU, some of whose observers arrived a few months before the vote, concluded the elections fell short of international standards for transparency and failed to provide a level playing field for opposition parties. The EU observed a "climate of apprehension and insecurity," noting that the volume and consistency of complaints of harassment and intimidation by opposition parties was "a matter of concern" and had to be taken into consideration "in the overall assessment of the electoral process."

The EPRDF's continued dominance was demonstrated in nationwide elections to local and city council positions held in April. EPRDF-affiliated parties won all but five of 3.6 million seats; 33 opposition parties boycotted the elections.

Political Parties: Political parties were predominantly ethnically based. The government, controlled by the ruling EPRDF, restricted media freedom and arrested opposition members. Constituent parties of the EPRDF conferred

advantages upon their members; the parties directly owned many businesses and were broadly perceived to award jobs and business contracts to loyal supporters. Several opposition political parties reported difficulty in renting homes or buildings in which to open offices, citing visits by EPRDF members to the landlords to persuade or threaten them not to rent property to these parties.

There were reports authorities had terminated the employment of teachers and other government workers if they 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. Government officials alleged that many members of legitimate Oromo opposition political parties were secretly OLF members and more broadly that members of many opposition parties had ties to Ginbot 7. At the university level members of Medrek and its constituent parties were able to teach.

Registered political parties must receive permission from regional governments to open and occupy local offices.

Participation of Women and Minorities: No laws or cultural or traditional practices prevented women or minorities from voting or participating in political life on the same basis as men or nonminority citizens, although women were significantly underrepresented in both elected and appointed positions. The Tigray Regional Council held the highest proportion of women nationwide, at 48.5 percent.

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 People's Representatives. There were more than 80 ethnic groups, and small groups lacked representation in the legislature. There were 24 nationality groups in six regional states (Tigray, Amhara, Beneshangul-Gumuz, the SNNPR, Gambella, and Harar) that did not have a sufficient population to qualify for constituency seats based on the 2007 census; however, in the 2010 elections, individuals from these nationality groups competed for 24 special seats in the House of People's Representatives. Additionally these 24 nationality groups have one seat each in the House of Federation.

Women held three federal government ministerial positions and 152 of 547 seats in the national parliament.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials. Despite the government's prosecution of numerous officials for corruption, some officials continued to engage in corrupt practices. Corruption, especially the solicitation of bribes, remained a problem among low-level bureaucrats. Police and judicial corruption also continued to be problems. Some government officials appeared to manipulate the privatization process, and state- and party-owned businesses received preferential access to land leases and credit.

Corruption: The Ministry of Justice has primary responsibility for combating corruption, largely through the Federal Ethics and Anticorruption Commission (FEACC).

During the year the FEACC initiated criminal proceedings against the director general of the Ethiopian Revenues and Customs Authority, his deputy, and as many as 60 other government officials and private business leaders for alleged corrupt practices. Most trials continued at year's end, although some cases were dropped due to lack of evidence.

Whistleblower Protection: The law provides protection to public and private employees for making internal disclosures or lawful public disclosures of evidence of illegality, such as the solicitation of bribes or other corrupt acts, gross waste or fraud, gross mismanagement, abuse of power, or substantial and specific dangers to public health and safety. The law also specifically bars appointed or elected officials and public servants from making direct or indirect reprisals against whistleblowers.

Financial Disclosure: The law requires all government officials and employees officially register their wealth and personal property. The president and prime minister registered their assets. By the end of 2012, a total of 32,297 federal government officials registered their assets, according to the FEACC. The FEACC held financial disclosure records. According to the law, any person seeking access to these records may do so by making a request in writing, although access to information on family assets may be restricted unless the FEACC deems the disclosure necessary. The law includes financial and criminal sanctions for noncompliance.

Public Access to Information: The law provides for public access to government information, but access was largely restricted. The law includes a sufficiently narrow list of exceptions outlining the grounds for nondisclosure. Responses

generally must be made within 30 days of a written request, and fees may not exceed the actual cost of responding to the request. The law includes mechanisms for punishing officials for noncompliance, as well as appeal mechanisms for review of disclosure denials. Information on the number of disclosures or denials during the year was not available.

The government publishes its laws and regulations in the national gazette prior to their taking effect. The Government Communications Affairs Office managed contacts between the government, the press, and the public; the private press reported the government rarely responded to its queries.

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

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

The CSO law prohibits charities, societies, and associations (NGOs or CSOs) that receive more than 10 percent of their funding from foreign sources from engaging in activities 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 implementation of the law continued to result in the severe curtailment of NGO activities related to human rights. In July 2012 the UN high commissioner for human rights expressed concern that civil society space “has rapidly shrunk” since the CSO law’s enactment.

Some human rights defender organizations continued to register either as local charities, meaning they could not raise more than 10 percent of their funds from foreign donors but could act in the specified areas, or as resident charities, which allowed foreign donations above 10 percent but prohibited activities in those areas.

One of several sets of the law’s implementing regulations, commonly known as the 70/30 rule, caps administrative spending at 30 percent of an organization’s operating budget. The regulations define training of teachers, agricultural and health extension workers, and other government officials as an “administrative” cost, contending the training does not directly affect beneficiaries, thus limiting the number of training programs that can be provided by development assistance

partners who prefer to employ train-the-trainer models to reach more persons. The government addressed application of this regulation on a case-by-case basis. A Civil Society Sector Working Group cochaired by the Ministry of Federal Affairs and a representative of the donor community convened periodically to monitor and discuss challenges that arose as the law was implemented.

The government denied most NGOs access to federal prisons, police stations, and political prisoners. The government permitted the JFA-PFE, one of four organizations granted an exemption enabling them to raise unlimited funds from foreign sources and to engage in human rights advocacy, to visit prisoners. The JFA-PFE played a positive role in improving prisoners' chances for clemency.

Authorities limited the access of human rights organizations, the media, humanitarian agencies, and diplomatic missions to conflict-affected areas, although it eased such restrictions. Humanitarian access in the Somali Region improved in particular. The government lacked a clear policy on NGO access to sensitive areas, leading regional government officials and military officials frequently to refer requests for access to the federal government. Officials required journalists to register before entering conflict regions. There were isolated reports of regional police or local militias blocking NGOs' access to particular locations on particular days, citing security concerns. Some agencies limited project activities for security reasons.

Some persons feared authorities would retaliate against them if they met with NGOs and foreign government officials who were investigating allegations of abuse.

UN and Other International Bodies: Requests to visit the country from the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment remained outstanding.

Government Human Rights Bodies: The EHRC investigated human rights complaints and produced annual and thematic reports. The commission operated 112 legal aid centers in collaboration with 17 universities and two civil society organizations, the Ethiopian Women Lawyers' Association and the Ethiopian Christian Lawyers Fellowship. The commission also completed the preparatory measures to sign collaborative agreements with two additional universities. The EHRC reported its Addis Ababa headquarters resolved 90 percent of the 952 complaints submitted to it during 2012.

The Office of the Ombudsman has authority to receive and investigate complaints with respect to administrative mismanagement by executive branch offices. From September 2011 to September 2012, the office received 2,094 complaints. Of these, the ombudsman opened investigations into 784, and the office reported it resolved the remaining cases through alternative means. The majority of complaints dealt with social security, labor, housing, and property disputes. The Office of the Ombudsman did not compile nationwide statistics.

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

The constitution provides all persons equal protection without discrimination based on race, nation, nationality or other social origin, color, gender, language, religion, political or other opinion, property, birth, or status, but the government did not fully promote and protect these rights. The constitution does not address discrimination based on disability, sexual orientation, or gender identity.

### **Women**

Rape and Domestic Violence: The law criminalizes rape and provides for penalties 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, partially due to widespread underreporting. Recent statistics on the number of abusers prosecuted, convicted, or punished were not available. Anecdotal evidence suggested reporting of rapes had increased since the 2004 revision of the criminal code but the justice system was unable to keep up with the number of cases.

Domestic violence, including spousal abuse, was a pervasive social problem.

Although women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal redress, particularly in rural areas. The government prosecuted offenders on a limited scale. Domestic violence is illegal, but government enforcement of laws against rape and domestic violence was inconsistent. Depending on the severity of damage inflicted, legal penalties range from small fines to imprisonment for up to 10 to 15 years.

Domestic violence and rape cases often were delayed significantly and given low priority. In the context of gender-based violence, significant gender gaps in the justice system remained, due to poor documentation and inadequate investigation.

“Child friendly” benches hear cases involving violence against children and women. Police officers were required to receive domestic violence training from domestic NGOs and the Ministry of Women, Children, and Youth Affairs. There was a commissioner for women and children’s affairs in the EHRC.

Women and girls experienced gender-based violence, but it was underreported due to cultural acceptance, shame, fear, or a victim’s ignorance of legal protections.

Harmful Traditional Practices: The most prevalent harmful traditional practices were FGM/C, uvula cutting, tonsil scraping and milk tooth extraction, early marriage, and marriage by abduction.

Marriage by abduction is illegal, although it continued in some regions despite the government’s attempts to combat the practice. A 2009 Population Council study of seven regions found that 2.6 percent of married female youth reported their marriage occurred through abduction. The study found the rate to be 12.9 percent in the SNNPR, 4.4 percent in Oromia, 3 percent in Afar, and less than 1 percent in Beneshangul Gumuz. The study did not include the Gambella or Somali regions. 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 marriage by abduction, the perpetrator did not face punishment if the victim agreed to marry the perpetrator.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is illegal, but the government did not actively enforce this prohibition or punish those who practiced it.

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

Reproductive Rights: Individuals and couples have the right to decide freely and responsibly the number, spacing, and timing of children and to have the information and means to do so free from discrimination, coercion, and violence. The 2011 Demographic and Health Survey (DHS) indicated a modern contraceptive prevalence of 27 percent nationwide among married women, a twofold increase from the survey done six years earlier. The survey found 25.3 percent of married girls and women ages 15 to 49 had unmet family planning needs. The 2011 DHS indicated the maternal mortality rate was 676 deaths per

100,000 live births as compared with 673 per 100,000 reported in the 2005 DHS. The immediate causes of maternal mortality included excessive bleeding, infection, hypertensive complications, and obstructed labor, with the underlying cause being the prevalence of home births and lack of access to emergency obstetric care. Only 9 percent of women reported delivering in a health facility or with a skilled birth attendant.

Discrimination: Discrimination against women was a problem and was most acute in rural areas, where an estimated 85 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 the marriage existed, 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 as a result, women and children sometimes faced abandonment. Traditional courts continued to apply customary law in economic and social relationships.

According to the constitution all land belongs to the government. Both men and women have land-use rights, which they may pass on as an inheritance. Land law varies among regions. All federal and regional land laws empower women to access government land. Inheritance laws also enable widowed women to inherit joint property they acquired during marriage.

In urban areas women had fewer employment opportunities than men, and the jobs available did not provide equal pay for equal work. Women's access to gainful employment, credit, and the opportunity to own or manage a business was further limited by their generally lower level of education and training and by traditional attitudes.

The Ministry of Education reported female participation in undergraduate and postgraduate programs increased to 144,286 during the 2011-12 academic year, compared with 123,706 in 2010-11, continuing the trend of increasing female participation in higher education.

## **Children**

Birth registration: Citizenship is derived from one's parents. The law requires all children to be registered at birth. Children born in hospitals were registered while most children born outside of hospitals were not. The overwhelming majority of children, particularly in rural areas, were born at home.

Education: 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, and there was no legislation to enforce compulsory primary education. The number of students enrolled in schools expanded faster than trained teachers could be deployed.

Child Abuse: Child abuse was widespread. A 2009 study conducted by the African Child Policy Forum revealed prosecuting offenders for sexual violence against children was difficult due to inconsistent interpretation of laws among legal bodies and the offender's right to bail, which often resulted in the offender fleeing or coercing the victim or the victim's family to drop the charges. "Child friendly" benches heard cases involving violence against children and women. During the year the Federal Court of First Instance announced that tribunals hearing cases relating to families and children would keep extended hours to accommodate children's school schedules. There was a commissioner for women and children's affairs in the EHRC.

Forced or Early Marriage: The law sets the legal marriage age for girls and boys at 18; however, authorities did not enforce this law uniformly, and rural families sometimes were unaware of this provision. In several regions it was customary for older men to marry young girls, although this traditional practice continued to face greater scrutiny and criticism.

According to the 2011 DHS, the median age of first marriage among women surveyed between the ages of 20 and 49 was 17.1 years. The age of first marriage appeared to be rising. In 2005 the median age of marriage for women surveyed between 20 and 24 was 16.5 years, and while 39 percent of women between 45 and 49 reported being married by age 15, only 8 percent of young women between 15 and 19 years of age reported being or having been married.

In the Amhara and Tigray regions, girls were married routinely as early as age seven. Child marriage was most prevalent in the Amhara Region, where the median first marriage age was 15.1 years, according to the 2011 DHS, compared with 14.7 years in 2005. Regional governments in Amhara and, to a lesser extent,

Tigray offered programs to educate young women on problems associated with early marriage.

Harmful Traditional Practices: Societal abuse of young girls continued to be a problem. Harmful practices included FGM/C, early marriage, marriage by abduction, and food and work prohibitions.

The majority of girls in the country have undergone some form of FGM/C, although the results of the 2009 Population Council survey suggested its prevalence had declined. Sixty-six percent of female respondents ages 21 to 24 reported they were subjected to FGM/C compared with 56 percent of those ages 15 to 17. Of the seven regions surveyed, the study found the rates to be highest in Afar (90.3 percent), Oromia (77.4 percent), and the SNNPR (74.6 percent).

FGM/C was much less common in urban areas, where only 15 percent of the population lived. Girls typically experienced clitoridectomies seven days after birth (consisting of an excision of the clitoris, often with partial labial excision) and infibulation (the most extreme and dangerous form of FGM/C) at the onset of puberty. The penal code criminalizes practitioners of clitoridectomy, with imprisonment of at least three months or a fine of at least 500 birr (\$26). Infibulation of the genitals is punishable with imprisonment of five to 10 years. No criminal charges have ever been brought for FGM/C. The government discouraged the practice of FGM/C through education in public schools, the Health Extension Program, and broader mass media campaigns.

Sexual Exploitation of Children: The minimum age for consensual sex is 18 years, but authorities did not enforce this law. The law provides for three to 15 years in prison for sexual intercourse with a minor. The law provides for one year in prison and a fine of 10,000 birr (\$530) for trafficking in indecent material displaying sexual intercourse by minors. The law prohibits profiting from the prostitution of minors and inducing minors to engage in prostitution; however, commercial sexual exploitation of children continued, particularly in urban areas. Girls as young as age 11 reportedly were recruited to work in brothels. Customers often sought these girls because they believed them to be free of sexually transmitted diseases. Young girls were trafficked from rural to urban areas. They also were exploited as prostitutes in hotels, bars, resort towns, and rural truck stops. Reports indicated family members forced some young girls into prostitution.

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

Displaced Children: According to a 2010 report by the Ministry of Labor and Social Affairs, approximately 150,000 children lived on the streets, of whom 60,000 were in the capital. The ministry's report stated families' inability to support children due to parental illness or insufficient household income exacerbated the problem. These children begged, sometimes as part of a gang, or worked in the informal sector.

A 2010 Population Council Young Adult Survey found that 82.3 percent of boys who lived or worked on the streets had been to or had enrolled in school, 26.4 percent had lost one parent, and 47.2 percent had lost both parents. Among these boys, 72 percent worked for pay at some point in their lives. Government and privately run orphanages were unable to handle the number of street children.

Institutionalized Children: There were an estimated 5.4 million orphans in the country, according to a 2010 report by the Central Statistics Authority. The vast majority lived with extended family members. Government orphanages were overcrowded, and conditions were often unsanitary. Due to severe resource constraints, hospitals and orphanages often overlooked or neglected abandoned infants. 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.

### **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/](http://www.state.gov/j/tip/).

### **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. 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 the law, for example, by assigning interpreters for hearing-impaired civil service employees.

The law mandates building accessibility and accessible toilet facilities for persons with physical disabilities, although specific regulations that define the accessibility standards were not adopted. Buildings and toilet facilities were usually not accessible. Landlords are required to give persons with disabilities preference for ground-floor apartments, and this was respected.

Women with disabilities were more disadvantaged than men with disabilities in education and employment. An Addis Ababa University study from 2008 showed that female students with disabilities were subjected to a heavier burden of domestic work than their male peers. The 2010 Population Council Young Adult Survey found young persons with disabilities were less likely to have ever attended school than young persons without disabilities. The survey indicated girls with disabilities were less likely than boys with disabilities to be in school; 23 percent of girls with disabilities were in school, compared to 48 percent of girls without disabilities and 55 percent of boys without disabilities. Overall, 47.8 percent of young persons with disabilities surveyed reported not going to school due to their disability. Girls with disabilities also were much more likely to suffer physical and sexual abuse than girls without disabilities. Of sexually experienced girls with disabilities, 33 percent reported having experienced forced sex. According to the same survey, some 6 percent of boys with disabilities had been beaten in the three months prior to the survey, compared with 2 percent of boys without disabilities.

There were several schools for hearing and visually impaired persons 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 continued to affect negatively several domestic associations, such as the Ethiopian National Association of the Blind, the Ethiopian National Association of the Deaf, and the Ethiopian National Association of the Physically Handicapped, like other civil society organizations.

### **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 roughly along major ethnic group lines. Most political parties remained primarily ethnically based.

Clashes between ethnic groups during the year resulted in injury and death. In January ethnic clashes broke out at Addis Ababa University reportedly due to anti-Oromo graffiti. The clashes resulted in injury to as many as 20 persons. In February clashes between members of the Afar, Somali, and Oromo ethnic groups in the eastern town of Awash Arba reportedly resulted in the deaths of more than 20 persons.

Authorities in the western region of Benishangul-Gumuz forcibly evicted as many as 8,000 ethnic Amhara residents from their homes; some of those evicted alleged police beat and harassed them because of their ethnicity. The regional president publically stated the evictions were a mistake and called on the evictees to return. Government officials also stated that victims would be compensated for lost property and any injuries sustained. Authorities dismissed several local officials from their government positions because of their alleged involvement in the evictions, and charged some of these officials with criminal offenses.

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

Consensual same-sex sexual activity is illegal and punishable by imprisonment under the law. There is no law prohibiting discrimination against lesbian, gay, bisexual, and transgender (LGBT) individuals. There were some reports of violence against LGBT individuals; reporting was limited due to fear of retribution, discrimination, or stigmatization. There are no hate crime laws or other criminal justice mechanisms to aid in the investigation of abuses against LGBT persons. Persons did not identify themselves as LGBT persons due to severe societal stigma and the illegality of consensual same-sex sexual activity.

Activists in the LGBT community stated they were followed and at times feared for their safety. There were periodic detentions of some in the LGBT community, combined with interrogation and alleged physical abuse.

The AIDS Resource Center in Addis Ababa reported the majority of self-identified gay and lesbian callers, most of whom were male, requested assistance in changing their behavior to avoid discrimination. Many gay men reported anxiety, confusion, identity crises, depression, self-ostracism, religious conflict, and suicide attempts.

### **Other Societal Violence or Discrimination**

Societal stigma and discrimination against persons living with or affected by HIV/AIDS continued in the areas of education, employment, and community integration. Persons living with or affected by HIV/AIDS reported difficulty accessing services. Despite the abundance of anecdotal information, 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 the law provide workers, except for certain categories of workers primarily in the public sector, with the right to form and join unions, conduct legal strikes, and bargain collectively, although other laws severely restrict or excessively regulate these rights. The law specifically prohibits managerial employees, teachers, health care workers, and civil servants (including judges, prosecutors, and security service workers) from organizing unions. Other workers specifically excluded by law from unionizing include domestic workers and seasonal and part-time agricultural workers.

A minimum of 10 workers is required to form a union. While the law provides all unions with the right to register, the government may refuse to register trade unions that do not meet its registration requirements. The law stipulates a trade union organization may not act in an overtly political manner. The law allows administrative authorities to appeal to the courts to cancel union registration for engaging in prohibited activities, such as political action. While the law prohibits antiunion discrimination by employers and provides for reinstatement for workers fired for union activity, it does not prevent an employer from creating or supporting a workers' organization for the purpose of controlling it.

Other laws and regulations that explicitly or potentially infringe upon workers' rights to associate freely and to organize include: the CSO law; Council of Ministers Regulation No. 168/2009 on Charities and Societies to reinforce the CSO law; Proclamation No. 652/2009 on Antiterrorism. During the year 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 registration, internal administration, and dissolution of organizations, and that the Antiterrorism Proclamation could become a means of punishing the peaceful exercise of freedom of expression and the right to organize.

While the law recognizes the right of collective bargaining, this right was severely restricted. Negotiations aimed at amending or replacing a collective agreement must be completed within three months of its expiration, or the provisions on wages and other benefits cease to apply. Civil servants, including public school teachers, have the right to establish and join professional associations, but are not allowed to negotiate for better wages or working conditions. Furthermore, the arbitration procedures in the public sector are more restrictive than those in the private sector.

Although the constitution and law provide workers with the right to strike to protect their interests, the law contains detailed provisions prescribing excessively complex and time-consuming formalities that make legal strike actions difficult to carry out. The law requires aggrieved workers to attempt reconciliation with employers before striking and includes a lengthy dispute settlement process. These provisions applied equally to an employer's right to lock workers out. Two-thirds of the workers involved must support a strike for it to occur. If a case has not already been referred to a court or labor relations board, workers retain 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 service workers, electric power suppliers, gas station personnel, hospital and pharmacy personnel, firefighters, telecommunications personnel, and urban sanitary workers. The list of essential services exceeds the ILO definition of essential services. The law prohibits retribution against strikers, but also provides for excessive civil or penal sanctions against unions and workers involved in unauthorized strike actions. Unions may be dissolved for carrying out strikes in "essential services."

The informal labor sector, including domestic workers, is not unionized and is not protected by labor laws. Lack of adequate staffing prevented the government from effectively enforcing applicable laws during the year. Court procedures were subject to lengthy delays and appeals.

Freedom of association and the right to collective bargaining were not respected. Although the government permits unions, the government established and controlled the major trade unions. As it had for more than four years, the government continued to use its authority to refuse to register the National Teachers' Association (NTA) on the grounds that a national teacher association already existed, and that the NTA's registration application was not submitted in accordance with the CSO law. According to the Education International report to the ILO in 2011, government security agents subjected members of the NTA to surveillance and harassment, with the goal of intimidating teachers to abandon the NTA and forcing them to give up their long-standing demand for the formation of an independent union. In November 2012 the ILO's Committee on Freedom of Association expressed its concern with regard to serious violations of the NTA's trade union rights, including continuous interference in its internal organization that prevented it from functioning normally, as well as interference by way of threats, dismissals, arrest, detention, and mistreatment of NTA members. The committee urged the government to register the NTA without delay; to ensure the CSO law was not applicable to workers' and employers' organizations; and to undertake civil service reform to fully protect the right of civil servants to establish and join organizations of their own choosing.

While the government allowed citizens to exercise the right of collective bargaining freely, representatives negotiated wages only at the plant level. It was common for employers to refuse to bargain. Unions in the formal industrial sector made some efforts to enforce labor regulations.

Despite the law prohibiting antiunion discrimination, unions reported employers fired union activists. There were reports most Chinese employers generally did not allow workers to form unions and often transferred or fired union leaders, and intimidated and pressured members to leave unions. Lawsuits alleging unlawful dismissal often take years to resolve because of case backlogs in the courts. Employers found guilty of antiunion discrimination were required to reinstate workers fired for union activities and generally did so. While the law prohibits retribution against strikers, most workers were not convinced the government would enforce this protection. Labor officials reported that, due to high

unemployment and long delays in the hearing of labor cases, some workers were afraid to participate in strikes or other labor actions. Antiunion activities occurred but were rarely reported.

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

The law prohibits most forms of forced or compulsory labor, including by children, but it also permits courts to order forced labor as a punitive measure. The government did not effectively enforce the forced labor prohibition, and forced labor occurred. Both adults and children were forced to engage in street vending, begging, traditional weaving, or agricultural work. Children also worked in forced domestic labor. Situations of debt bondage also occurred in traditional weaving, pottery, cattle herding, and other agricultural activities, mostly in rural areas.

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

By law the minimum age for wage or salary employment is 14 years. The minimum age provisions, however, only apply to contractual labor and do not apply to self-employed children or children who perform unpaid work. Special provisions cover children between the ages of 14 and 18, including the prohibition of hazardous or night work. The law defines hazardous work as work in factories or involving machinery with moving parts or any work that could jeopardize a child's health. Prohibited work sectors include passenger transport, electric generation plants, underground work, street cleaning, and many other sectors. The law expressly excludes children under age 16 attending vocational schools from legal protection with regard to the prohibition on young workers performing hazardous work. The law does not permit children between the ages of 14 and 18 to work more than seven hours per day, between 10 p.m. and 6 a.m., on public holidays or rest days, or on overtime.

The government did not effectively enforce these laws. The lack of labor inspectors and controls prevented the government from enforcing the law. The resources for inspections and the implementation of penalties were extremely limited. Despite the introduction of labor inspector training at Gondar University in 2011, insufficient numbers of labor inspectors and inspections resulted in lax enforcement of occupational safety and health measures and in increased numbers of children working in prohibited work sectors, particularly construction. The

National Action Plan to Eliminate the Worst Forms of Child Labor was signed at the end of 2012.

While primary education is free, it is not compulsory, and net school enrollment was low, particularly in rural areas. To underscore the importance of attending school, joint NGO and government-led community-based awareness raising activities targeted communities where children were heavily engaged in agricultural work. During the year the government invested in modernizing agricultural practices and constructing schools to combat the problem of child labor in agricultural sectors.

Child labor remained a serious problem. 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 other children, mostly girls, collected firewood and fetched water. Children worked in the production of gold. In small-scale gold mining, they dug their own 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. They also worked in manufacturing, shining shoes, making clothes, as porters, directing customers to taxis, parking, public transport, petty trading, and occasionally herding animals. Some children worked long hours in dangerous environments for little or no wages and without occupational safety protection. Child laborers often faced physical, sexual, and emotional abuse at the hands of their employers.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. 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 420 birr (\$22). The official estimate for the poverty income level was approximately 315 birr (\$16) per month.

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.

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. The country has 13 paid public holidays per year. The law entitles employees in public enterprise and government financial institutions to overtime pay; civil servants receive compensatory time 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 and part-time agricultural workers, generally did not benefit from health and safety regulations in the workplace.

The Ministry of Labor and Social Affairs' inspection department was responsible for enforcement of workplace standards. The country had 380 labor inspectors, but due to lack of resources, the labor inspectors did not enforce standards effectively. The ministry's severely limited administrative capacity; lack of an effective mechanism for receiving, investigating, and tracking allegations of violations; and lack of detailed, sector-specific health and safety guidelines hampered effective enforcement of these standards. In addition penalties were not sufficient to deter violations.

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 sector workers worked more than 48 hours per week.

Workers have the right to remove themselves from dangerous situations without jeopardizing their employment. Despite this law most workers feared losing their jobs if they were to do so. 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 fledgling industrial sectors.