



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/A-decision-by-the-Federal-High>

# A decision by the Federal High Court undermines the survival of prominent national human rights organisation

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## **Description :**

Decision of the Federal High Court sustained the decision of the ChSA to freeze HCRO's assets. Appeal by the HCRO before the Ethiopian Supreme Court.

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**The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), deplors the decision of the Federal High Court to uphold the freeze since 2009 by the Charities and Societies Agency (ChSA) of all assets of the Human Rights Council (HRCO) - formally known as the Ethiopian Human Rights Council (EHRCO) - and calls on the Ethiopian Supreme Court to urgently review this decision in conformity with international standards on the right to freedom of association.**

On October 24, 2011, the Federal High Court sustained the decision of the ChSA to freeze HRCO's assets. The HRCO has decided to appeal this decision before the Ethiopian Supreme Court.

In 2009, the Ethiopian authorities adopted the Charities and Societies Proclamation 621/2009 (CSO Proclamation), which blatantly restricted the right to freedom of association of civil society organisations. The Observatory deplored its adoption, which was governed by the sole objective to silence criticism by NGOs on the authorities' governance and human rights record.

Indeed, the CSO Proclamation prohibits national human rights organisations from receiving more than 10 percent of their funding from foreign sources. Given that national funds are either scarce or hardly accessible, human rights NGOs are largely dependent upon foreign donor assistance. Therefore these provisions clearly aim at weakening if not dissolving independent human rights organisations. Moreover, many of the CSO Proclamation provisions grant the ChSA excessive and wide-ranging discretionary powers to intrude into civil society organisations (CSO) internal affairs. Article 85 of the CSO Proclamation empowers the ChSA to enter the premises of any CSO in the absence of a court-ordered warrant, search the property, take away original documents and interrogate employees. Article 69 of the CSO Proclamation also states that the ChSA may deny registration to a CSO "where the nomenclature of the Charity or Society is country wide and the composition of its members or place of business do not show the representation of at least five regional states".

Such provisions led many Ethiopian CSOs to give up their human rights-based operations and programmes. Others, like HRCO, which resolved not to rescind its human rights activities, had to forgo their foreign funding and to significantly reduce its staff by 80 percent and consequently its human rights operations and programmes.

Adopted in late 2009, the CSO Proclamation provided for an interim period of one year during which a CSO could make amendments necessary to conform to the new legal framework. However, the ChSA, by a letter written in December 2009, ordered four private banks to freeze all of HRCO's assets including its private bank accounts and sustainability fund. As the ChSA did not secure a court-ordered warrant permitting it to freeze HRCO's assets nor does the CSO Proclamation give the ChSA the authority to block HRCO's bank accounts, HRCO decided to challenge the lawfulness of the freeze before the Federal High Court.

Therefore, the Observatory urges:

- the Supreme Court to conform its ruling on international human rights standards pertaining to freedom of association binding Ethiopia, such as the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights;
- the international community to denounce the CSO Proclamation as being contrary to international human rights standards and to call the Ethiopian Government to revoke or amend the Proclamation in that regard;

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- the Ethiopian Government to repeal or amend the CSO Proclamation in conformity with international human rights conventions and the Ethiopian Constitution;
- the Ethiopian Government to comply with the provisions of the 1998 UN Declaration on the Human Rights Defenders and to ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with international and regional human rights instruments ratified by Ethiopia.

For more information on the impact of the CSO Proclamation, please consult HRCO's website:

[http://www.ehrco.org/index.php?view=article&catid=11%3Aspecial-report&id=128%3Athe-impact-of-the-cso-proclamation-on-the-human-rights-council-july-2011&option=com\\_content&Itemid=5&lang=en](http://www.ehrco.org/index.php?view=article&catid=11%3Aspecial-report&id=128%3Athe-impact-of-the-cso-proclamation-on-the-human-rights-council-july-2011&option=com_content&Itemid=5&lang=en)