

Law on Charities and Societies: Freedom of association in jeopardy!

Paris-Geneva, January 9, 2009. *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), denounces the adoption on January 6, 2008 of a law that considerably restricts the activities of NGOs in Ethiopia.*

This new Law on Charities and Societies amends the Ethiopian Civil Code. It extends the definition of "foreign NGOs" - now governed by a more restrictive status - to almost all Ethiopian NGOs. This will result in muzzling the activities of the Ethiopian civil society organisations. The new piece of legislation also provides for the creation of an administrative body - the "Charities and Societies Agency" - in charge of issues relating to the registration, functioning and dissolution of NGOs. The extensive powers given to this new agency will clearly pose a further impediment to freedom of association in the country.

Extension of the definition of "foreign NGOs" and interference in the activities of such organisations:

The NGO law extends the definition of "foreign NGO". So far, an NGO created by Ethiopian nationals and in accordance with Ethiopian law was considered an Ethiopian NGO, regardless of its activities or sources of funding. The new law provides on the contrary that any organisation receiving more than 10% of foreign funding shall be labelled as a "foreign NGO".

This amendment is all the more worrying that another provision of the Charities and Societies law bans such "foreign NGOs" from carrying out activities in the fields of women and children's rights, disabled persons, ethnic issues, and conflict settlement and resolution. The implementation of the new law will therefore muzzle the Ethiopian civil society in key fields related to the promotion and protection of human rights, in a country where 95% of Ethiopian NGOs currently receive more than 10% of foreign funding.

If the issue of funding is used as a tool for restriction, some other provisions governing the functioning of "foreign NGOs" are also particularly repressive. Some provide that the Charities and Societies Agency to be set up will be able to appoint and remove executive members sitting with such organisations. Others relate to the allocation of budget and state that the executive members of "foreign NGOs" allocating more than 30% of their budget to administrative expenses shall be subjected to fines or imprisonment.

"This new law announces a severe crackdown on Ethiopian civil society. The authorities seem to have forecast everything that could be done to restrict the activities of NGOs, further harass their executive members and strike down their organisations. This piece of legislation is absolutely contrary to international human rights standards, and this breaches in particular the United Nations Declaration

on *Human Rights Defenders*", said Souhayr Belhassen, FIDH President.

Registration and dissolution submitted to arbitrary decisions

The law also provides setbacks in the fields of registration and dissolution. So far registration was granted following the issue of an authorisation by the Ministry of Justice. In case of refusal, the applicant organisation had the possibility to appeal this decision before a court. With the new legislation, any application for the registration of a "foreign NGO" shall be submitted to the Charities and Societies Agency, and any refusal of registration will only be appealed before the board of this agency. A second refusal by this body shall be a final decision. The agency will also have exclusive competence with regard to dissolution of so-called "foreign NGOs". The possibilities of appeal will be the same as these applied to registration.

"I am deeply concerned with the extension of the powers granted to the Ethiopian administration, which results in the sidelining of the competence of the judiciary for two essential steps in the life of an association. Freedom to associate has been one of the pillars of the defence of human rights in the world. With this new law, there are strong reasons to believe that most human rights defenders' activities will now be made impossible", denounced Eric Sottas, OMCT Secretary General.

The Observatory recalls that human rights defenders in Ethiopia have been subjected to ongoing acts of harassment in the past (See Annual Report 2007 of the Observatory).

The Observatory further recalls that freedom of association and free access to funds are guaranteed by Articles 5 and 13 of the United Nations Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998.

Accordingly, the Observatory calls upon the Ethiopian authorities to immediately repeal the new Law on Charities and Societies, put an end to all acts of harassment against all human rights defenders in the country and ensure in all circumstances that they be able to carry out their work without unjustified hindrances, as well as to conform in any circumstances with the UN Declaration on Human Rights Defenders and other human rights instruments and conventions ratified by Ethiopia.

For further information, please contact :

FIDH : Gaël Grilhot / Karine Appy : + 33 1 43 55 25 18

OMCT : Delphine Reculeau : + 41 22 809 52 42

L'OMCT a son siège à Genève, en Suisse. Elle coordonne le réseau SOS-Torture composé de 282 organisations régionales et internationales dans 93 pays sur cinq continents.
Contact : omct@omct.org