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RELIGIOUS FREEDOM AND FREEDOM OF EXPRESSION IN ETHIOPIA

Religious Freedom in Ethiopia

I. LEGAL FRAMEWORK

A. Constitution

The Constitution of the Federal Democratic Republic of Ethiopia provides for religious freedom.[i] Specifically, it provides for "freedom of thought, conscience and religion." [ii] Those religious rights "may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, peace, health, education, public morality or the fundamental rights and freedoms of others, and to ensure the independence of the state from religion." [iii] Finally, the Constitution mandates the separation of church and state. [iv]

B. Statutes

Ethiopia's statutory framework generally provides for religious freedom. [v] However, although such freedom is provided by the letter of the law, the government does not always ensure that these freedoms are protected. [vi]

There are several laws which leave room for encroachment on religious freedom. First, religious freedom of the press can be impinged by "the press law," which makes it "a crime to incite one religion against another." [vii] Second, religious groups rely on the government to furnish them with land, which leaves the religious entities vulnerable whereas the government could force them to forfeit their land "at any time." [viii] Third, religious schools—regardless of whether they are privately owned and operated—"are not allowed to teach religion as a course of study." [ix] Regarding this third law, the government has even complained that, "the morals courses most private schools teach as part of their curriculum are not free of religious influence." [x]

1. The Criminal Code

The 2004 Criminal Code of the Federal Democratic Republic of Ethiopia also shows that the written laws are generally not discriminatory. The preface recognizes "equality between religions." [xi] Article 4 states that the code "applies to all alike without discrimination as regards [to among other things] religion." [xii] Article 34 provides that religious ministers will be subject to the same laws as other "juridical person[s]." [xiii] Article 82 actually provides leniency for the religious in some instances because it reduces criminal penalties for crimes "prompted by an honourable and disinterested motive or by a high religious, moral or civil conviction" [xiv]—however, this source of law could be used to justify Islamic honour killings. Article 84 provides that people who attack ministers will pay increased penalties. [xv] The code also attempts to protect religious persons from genocide and war crimes. [xvi] Article 594 makes it a crime to abduct a child "and transplant[] him to an environment foreign to his religious convictions." [xvii] Article 651 provides protection for religious bigamy. [xviii] The

code also allows a person to undergo an arrest "in a lay or religious community designed for the purpose." [xix] These articles seem to generally promote the free expression of religion.

However, several of the 2004 Criminal Code articles could be construed to restrict the free expression of religion. For instance, Article 492 protects "religious peace" by punishing those who "profane[] a place, image, or object used for religious ceremonies," along with those who "scoff[] at an authorized religious ceremony or office." [xx] Article 486 provides for discipline for those who "stir up [among other things] religious disturbances." [xxi] Finally, Article 816 criminalizes "scoff[ing]" at another's religion. Those who, in a public place or in a place otherwise in public view, "by gestures or words scoff[] at religion or express[] [themselves] in a manner which is blasphemous, scandalous or grossly offensive to the feelings or convictions of others or towards the Divine Being or the religious symbols, rites or religious personages, [may be] punish[ed] with fine or arrest not exceeding one month." [xxii] Many of the terms of Article 816 are vague and ambiguous, and leave wide open the possibility of discrimination through unfettered discretion in enforcement.

2. NGO Law

Finally, although Ethiopian laws generally do not directly suppress religious expression, the Ethiopian government recently adopted an NGO law which could limit religious influence. The Ethiopian Parliament recently promulgated the Charities and Societies Proclamation law ("CSO law"), which "will criminalise human rights activities undertaken by Ethiopian organizations that receive more than ten percent of their funding from abroad." [xxiii] Human rights NGOs are worried that this will lead to a significant amount of unreported human rights violations. [xxiv]

II. RECENT RELIGIOUS PERSECUTION OR DISCRIMINATION

The three largest religious groups in Ethiopia are comprised of, Muslims (45.5%), Orthodox Christians (35.4%), and Protestant Christians (20% or less). [xxv] Specific examples of persecutions involving these groups are listed below.

A. Restrictions on Freedoms

August 25, 2008-Evangelists Arrested [xxvi]

In a Muslim-dominated region of Ethiopia, well-known evangelists "were arrested . . . and imprisoned on false charges of 'creating social unrest.'" The men were not physically abused, but were treated poorly and with disrespect.

February 16, 2008-Islamic Newspaper Publishers Imprisoned [xxvii]

On February 16, 2008, Islamic newspapers Al Kidus and Selfefia were closed and the publishers imprisoned. Though released on \$2,100 (20,000 Ethiopian birr) bail after 16 days, they were never formally charged with a crime, nor were they stripped of their publishing licenses; however, their publishing equipment remained impounded, allegedly pending police investigation. While the editors were allegedly arrested for libel of a government leader, the somewhat extreme religious nature of those newspapers cause[d] them to attract extra government scrutiny and suspicion.

2008-Interference in Religious Affairs[xxviii]

Lay members of a large church in Borena zone "petitioned the General Diocese to help stop the interference of local authorities in their internal affairs. They also sent representatives" to "submit complaints in Addis Ababa." And while those representatives were submitting their complaints, two were kidnapped and abused. They were told to choose between handing over the church or being subjected to "further detention."

B. Physical Abuse

July 30, 2008-Christian Funeral Attacked[xxix]

Muslims, "along with members of the Ethiopian Orthodox Church," attacked a Christian man's funeral and subsequently filled in the plot where he was going to be laid to rest. After the family appealed to the local government, no actions were taken "to allow them to conduct a proper funeral and burial." Because of that hostile environment, the family was forced to journey "96 km from [its] home" in order to bury its loved one.

April 19, 2008-Mosque Attacked by Armed Forces[xxx]

A combination of Ethiopian and Somolian forces attacked a mosque in Mogadishu, killing 21, and 11 of those were killed inside the mosque. Although the article was unclear as to whether the killings were religiously motivated, eyewitnesses claimed the 11 killed inside the mosque were civilians. Along with the killings, 41 children were also kidnapped and detained until the forces were able to decide whether they were terrorists.

March 3, 2008-Muslims Attacked Christian Worshipers[xxxi]

Muslims attacked Christians in the town of Nensabo, wounding dozens and killing one, Tulu Mosisa.[xxxii] The attack occurred while the Christians were in church worshipping. The gruesome attacks, which resulted in one man's hand being cut off, were "influenced by the spread of Wahhabism in the area." The movement planned to "wipe out Christians from the Muslim-dominated region."

February 2, 2008-Muslims Used Machetes to Attack Churchgoers[xxxiii]

"[A] group of local Muslims armed with machetes attacked churchgoers in two Protestant churches in the West Arsi zone, Oraya region." Seventeen people were seriously injured and one of them died. In response, the government arrested four persons. The government gave one of the suspects a four-year prison sentence. The government sentenced the three others to life in prison.

October 16, 2007-Muslims Attacked Christian Families[xxxiv]

"Muslims attacked 25 Christian families in Seka Yoyo, destroying 12 houses. Authorities arrested the attackers and the trial remained on[-]going at the end of the [U.S. State Department's] reporting period."

[i] Constitution of The Federal Democratic Republic of Ethiopia art. 27.

[ii] Id.

[iii] Id.

[iv] Id. art. 11.

[v] See U.S. Dep't of State, Bureau of Democracy, Human Rights and Labor, 2008 International Religious Freedom Report: Ethiopia (2008) [hereinafter *Eth. Religious Freedom Report*], available at <http://www.state.gov/g/drl/rls/irf/2008/108368.htm> ("The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The law at all levels protects this right in full against abuse, either by governmental or private actors."); see also U.S. Dep't of State, Bureau of Democracy, Human Rights and Labor, 2008 Human Rights Reports: Ethiopia (Feb. 25, 2009), available at <http://www.state.gov/g/drl/rls/hrrpt/2008/af/119001.htm> ("The [C]onstitution and law provide for freedom of religion."); *infra* notes 11 NOTEREF _Ref227039454 \h 24 and accompanying text.

[vi] See *infra* notes 710 and accompanying text.

[vii] *Eth. Religious Freedom Report*, *supra* note NOTEREF _Ref227034907 \h 5.

[viii] Id.

[ix] Id.

[x] Id.

[xi] The Criminal Code of the Federal Democratic Republic of Ethiopia, Preface (2004), available at <http://www.lexadin.nl/wlg/legis/nofr/oeur/arch/eth/TheRevisedCriminalCode.pdf>.

[xii] Id. art. 4.

[xiii] Id. art. 34.

[xiv] Id. art. 82.

[xv] Id. art. 84.

[xvi] Id. arts. 269271.

[xvii] Id. art. 594.

[xviii] Id. art. 651.

[xix] Id. art. 749.

[xx] Id. art. 492.

[xxi] *Id.* art. 486.

[xxii] *Id.* art. 816.

[xxiii] Ethiopian Parliament Adopts Repressive New NGO Law, Amnesty International, Jan. 8, 2009, <http://www.amnesty.org/en/news-and-updates/news/ethiopian-parliament-adopts-repressive-new-ngo-law-20090108>.

[xxiv] See *id.* ("The law's repressive provisions are believed to be an attempt by the Ethiopian government to conceal human rights violations, stifle critics and prevent public protest of its actions ahead of expected elections in 2010.").

[xxv] The Voice of the Martyrs, Persecution News: Ethiopia, <http://www.persecution.ca/ethiopia.htm> (last visited Apr. 9, 2009).

[xxvi] Evangelists Arrested for "Creating Social Unrest", The Voice of the Martyrs, Sept. 10, 2008, <http://www.persecution.ca/et-2008-09-10.htm>.

[xxvii] Eth. Religious Freedom Report, *supra* note NOTEREF_Ref227034907 \h 5.

[xxviii] Ethiopian Human Rights Council, The Human Rights Situation in Ethiopia: 31st Regular Report 8 (2008), available at http://www.abbaymedia.com/pdf/EHRCO_31streg_rep_final.pdf.

[xxix] Christian Funeral Attacked in Southern Ethiopia, The Voice of the Martyrs, Aug. 13, 2008, <http://www.persecution.ca/et-2008-08-13.htm>.

[xxx] Ethiopia Must Release Mosque Attack Children, Amnesty International, Apr. 28, 2008, <http://www.amnesty.org/en/en/news-and-updates/news/ethiopia-must-release-children-captured-mosque-attack-20080424>.

[xxxi] Christians Killed by Muslims, The Voice of the Martyrs, Mar. 12, 2008, <http://www.persecution.ca/et-2008-03-12.htm>.

[xxxii] Update on Muslim Attacks on Christians in Ethiopia, The Voice of the Martyrs, Mar. 19, 2008, <http://www.persecution.ca/et-2008-03-19.htm>.

[xxxiii] Eth. Religious Freedom Report, *supra* note NOTEREF_Ref227034907 \h 5.

[xxxiv] *Id.*