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ETHIOPIA

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Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report contends that Ethiopia must repeal its blasphemy laws in order to safeguard the full enjoyment of the human rights to freedom of religion and expression. It also addresses the urgent need to prevent and end all forms of religiously motivated persecution and violence. This includes preventing and responding to attacks directed against followers of Orthodox Christianity, Protestantism, Islam, and indigenous religions.

(a) Freedom of Religion and Freedom of Expression

Background

3. Ethiopia encompasses a diverse array of religious and ethnic groups. It is estimated that 43% of the population belong to the Ethiopian Orthodox Tewahedo Church (EOTC), 34% are Muslim, and roughly 20% adhere to other Christian denominations. The remainder of the population professes other religions as well as traditional beliefs.¹
4. Based on the latest census, the primary ethnic groups of Ethiopia are the Omoro (34.4%), Amhara (27%), Somali (6.2%), and the Tigray (6.1%).² While Ethiopia's ethnic groups are somewhat religiously diverse, EOTC is predominant amongst the Amhara and the Tigray, and Islam is predominant amongst the Omoro and Somali.
5. Ethiopia is officially a secular state. Article 11 of the Ethiopian Constitution mandates the separation of religion and state, stipulating that 'the state shall not interfere in religious matters and religion shall not interfere in state affairs' and that there is no state religion.³
6. Article 27 of the Constitution, mirroring Article 18 of the International Covenant on Civil and Political Rights, states,

'Everyone has the right to freedom of thought, conscience and religion. This right shall include the freedom to hold or to adopt a religion or belief of his choice, and the freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.'⁴
7. The freedom to express or manifest one's religion or belief must be prescribed by law and be necessary 'to protect public safety, peace, health, education, public morality or the fundamental rights and freedoms of others.'⁵

¹ Britannica 'Religion of Ethiopia' (2012) <https://www.britannica.com/place/Ethiopia/Religion>.

² Minority Rights Group, 'Ethiopia' (June 2019) <https://minorityrights.org/country/ethiopia/>.

³ Eth. 1994 Const. Art. 11.

⁴ Ibid., Art. 27.

⁵ Ibid.

8. Furthermore, Article 29 guarantees ‘the right to freedom of expression without any interference.’⁶ It further states that,

‘These rights can be limited only through laws which are guided by the principle that freedom of expression and information cannot be limited on account of the content or effect of the point of view expressed. Legal limitations can be laid down in order to protect the well-being of the youth, and the honour and reputation of individuals.’⁷

Criminalisation of Blasphemy

9. Although officially a secular state, Ethiopia has two laws that prohibit ‘scoffing’ or expressing anything blasphemous.
10. Article 816 of the Ethiopian Criminal Code states, ‘. . . [publicly] scoff[ing] at religion or express[ing oneself] 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, is punishable with fine or arrest not exceeding one month.’⁸
11. Article 492 of the same code states that ‘publicly prevent[ing] the solemnization of, or disturb[ing] or scoff[ing] at, an authorised religious ceremony or office; or profan[ing] a place, image or object used for religious ceremonies, is punishable with fine not exceeding one thousand Birr, or with simple imprisonment not exceeding two years.’⁹
12. These laws contradict the constitutional safeguards on freedom of religion and expression, as well as risk being arbitrary in their application since the measure of whether a given behaviour is ‘blasphemous’ or ‘grossly offensive’ is merely the subjective ‘feelings and convictions of others.’

Interreligious Tensions, including Violence

13. In spite of Ethiopia’s constitutional provisions safeguarding these rights, tension between religious groups is extraordinarily high. For the past several years, the country has witnessed extensive conflict and grave violations of human rights.¹⁰ In particular, the Tigray conflict, one of the deadliest in recent history, has led to mass casualties, war crimes, sexual violence, food insecurity, and economic crises.¹¹
14. Ethiopia’s major religions are represented on both sides of the Tigray conflict, with the predominantly Orthodox Amharans aligning with the central government and the mostly Muslim Oromo siding with the chiefly Orthodox Tigrayans.¹² Although the violence in Ethiopia, including the Tigray conflict, is primarily driven by long-standing mistrust and animosity between the nation’s ethnic groups, it is evident that the

⁶ Ibid., Art. 29.

⁷ Ibid.

⁸ Eth. Crim. Code Art. 816 (9 May 2005) (emphasis added).

⁹ Ibid. Art. 495.

¹⁰ UN News, ‘Ethiopia: Civilians again mired in intractable and deadly war, Human Rights Council hears’ (22 Sept. 2022) <https://news.un.org/en/story/2022/09/1127481>.

¹¹ Center for Preventive Action, ‘Conflict in Ethiopia’, *Council for Foreign Relations* (19 Dec. 2023), <https://www.cfr.org/global-conflict-tracker/conflict/conflict-ethiopia>.

¹² Ibid.

violence has also been perpetrated along religious lines, as illustrated by the cases below.¹³

15. The Amhara, a primarily Orthodox Christian Community, have experienced systematic persecution and violence for decades. This includes forced displacement and allegations of attempts at ethnic cleansing. Notably, in 2022, approximately 500 Amhara were killed in the Gimbi massacre, which was initially met with inaction on the part of the government.¹⁴ Human rights violations against the Amhara have further escalated in recent months, prompting the Ethiopian government to declare a state of emergency.¹⁵
16. In April 2022, over the course of several days, three orthodox churches were attacked and burned by demonstrators in Werabe. Rioters also targeted the St. Gebrael Church in Alem Gebya, attacking monks and burning the building. During these days, the demonstrators destroyed Christian-owned hotels, injuring approximately fifteen people.¹⁶
17. In October of 2022, armed militants killed a deacon and kidnapped eleven priests from the Oromia Region. These kidnappings coincided with other kidnappings of parish council members from the nearby region.¹⁷
18. The Ethiopian Evangelical Church Mekane Yesus has been targeted twice in 2022 alone. The West Wollega church has been the victim of a drone strike, which killed more than a dozen of its members.¹⁸ More recently, in November of 2022, while Christians were gathered for prayer, the church was attacked by unidentified 'armed people.' Fifteen people died in the attack.¹⁹
19. On February 4, 2023, Oromia special forces attacked an EOTC church in the southern Ethiopian city of Shashamene, killing three and wounding four others. Two of those killed were Orthodox Christian youths. This followed a schism in the local Oromia

¹³ Mohammed Girma, 'Religion and Social Covenant in Ethiopia: Faith in the Tigray Conflict', *Berkley Center for Religion, Peace & World Affairs* (19 July 2021), <https://berkleycenter.georgetown.edu/responses/religion-and-the-social-covenant-in-ethiopia-faith-in-the-tigray-conflict>.

¹⁴ Christophe Foltzenlogel, 'The ECLJ Submits Critical Report at the UN on the Ongoing Violence in Ethiopia Against Christians in the Amhara Region', *European Centre for Law and Justice* (Nov. 2023) <https://eclj.org/geopolitics/hrc/onu--leclj-soumet-une-declaration-ecrite-sur-les-violences-en-cours-en-ethiopie-contre-les-chretiens-amharas?lng=en>.

¹⁵ Ibid.

¹⁶ Armed Conflict Location & Event Data Project, 'Ethiopia Peace Observatory Weekly: 23 April-6 May 2022', *Relief Web* (12 May 2022), <https://reliefweb.int/report/ethiopia/ethiopia-peace-observatory-weekly-23-april-6-may-2022-enam>.

¹⁷ Addis Standard, 'New: Nine priests abducted by militants since last week remain missing in North Shewa, Oromia Region' (4 Nov. 2022) <https://addisstandard.com/news-nine-priests-abducted-by-militants-since-last-week-remain-missing-in-north-shewa-romia-region/>.

¹⁸ Addis Standard, 'News: Evangelical Church condemns killing of dozens of its worshipers in East, West Wollega, expresses dismay on government' (14 Nov. 2022) <https://addisstandard.com/news-evangelical-church-condemns-killing-of-dozens-of-its-worshipers-in-east-west-wollega-expresses-dismay-on-government/>.

¹⁹ Ibid.

EOTC church, whose leaders claimed the national EOTC church discriminated against Oromo parishioners.²⁰

20. The Protestant Christian community also faces threats within Ethiopia. In April 2022, militants attacked a Protestant church in western Ethiopia, injuring several Christians. This attack was the second of its kind in less than a month.²¹
21. In December 2023, as members of Baro Full Gospel Church gathered to collect corn from the church grounds, an aerial strike killed eight churchgoers and injured five others. Nearby witnesses reported hearing 'strange and terrifying' sounds as the event unfolded.²²
22. Religiously motivated violence does not target Christians only. In April 2022, over twenty Muslims were killed in Gondar during the funeral of a prominent Muslim religious leader.²³ The attackers threw an explosive device at the Muslim cemetery, killing three and wounding five.²⁴ The other victims were killed in the violent clashes following the attack.²⁵ The violent attack spread across the city, resulting in multiple burned mosques and looted Muslim residences.²⁶
23. On April 28, 2002, a group of Orthodox Christians attacked and burned two mosques in the Amhara region of Ethiopia.²⁷
24. Even the tiny minority of persons professing traditional African religions face violence. In December 2021, Ethiopian security forces interrupted a traditional Gadaa ceremony, kidnapping forty Karayu Oromo and later killing fourteen of the abductees, two of which were Karayu religious leaders.²⁸

International Law

25. Ethiopia is a State Party to the International Covenant on Civil and Political Rights (ICCPR).²⁹ According to Article 18, 'No one shall be subject to coercion which would

²⁰ Voice of America News, 'Three Killed in Attacks on Ethiopian Orthodox Church, According to Report' (4 Feb. 2023) <https://www.voanews.com/a/three-killed-in-attacks-on-ethiopian-orthodox-church-report-6948447.html>.

²¹ International Christian Concern, 'Church Attacked by Militants' (17 Aug. 2023) <https://www.persecution.com/stories/church-attacked-by-militants/>.

²² Dawit Endeshaw, 'Aerial strike on Ethiopia church grounds kills eight - witnesses', *Reuters* (28 Dec. 2022), <https://www.reuters.com/world/africa/aerial-strike-ethiopia-church-grounds-kills-eight-witnesses-2023-12-28/>.

²³ France24, 'Over 20 killed in anti-Muslim attack in Ethiopia: Islamic group' (27 Apr. 2024) <https://www.france24.com/en/live-news/20220427-over-20-killed-in-anti-muslim-attack-in-ethiopia-islamic-group>.

²⁴ Reuters, 'Clashes in Ethiopia kill 20 Muslim Worshipers—Regional Islamic Leader' (27 Apr. 2024) <https://www.reuters.com/world/africa/clashes-ethiopia-kill-20-muslim-worshippers-regional-islamic-leader-2022-04-27/>.

²⁵ Ibid.

²⁶ Ethiopia Peace Observatory 'EPO Weekly: 23 April-6 May 2022' (12 May 2022) <https://epo.acleddata.com/2022/05/11/epo-weekly-23-april-6-may-2022/>.

²⁷ Ibid.

²⁸ Bessem Ayuk, 'ACHPR 73rd OS: IHRDA statement on attacks against Oromo civilians in Northern Ethiopia', *Institute for Human Rights and Development in Africa* (28 Oct. 2022), <https://www.ihrda.org/2022/10/achpr-73rd-os-ihrda-statement-on-attacks-against-oromo-civilians-in-northern-ethiopia/>.

²⁹ Ibid.

impair his freedom to have or to adopt a religion or belief of his choice', and that 'freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.'³⁰

26. Article 19 enshrines the right to freedom of opinion and expression.³¹ Those rights may only be limited by laws justified by respect for other people's rights and reputation and 'the protection of national security or of public order, or of public health or morals.'
27. Criminalising blasphemy does not constitute an acceptable derogation from the right to freedom of expression. As articulated in Article 19, restrictions must serve as a necessary protection of persons, not of religions per se.
28. Furthermore, the subjective language of the blasphemy provisions opens the door to arbitrary and unjustified application of the law, contributing to further discrimination against those belonging to religious and other minorities.
29. Additionally, Ethiopia is under an obligation to ensure that its people—regardless of their religious affiliation—receive equal and effective protection from violence and discrimination, including at the hand of non-state actors. Failing to provide such protection violates the guarantees of religious freedom under Article 18, as well as the right to equal protection under the law under Article 26.

(b) Recommendations

30. In light of the aforementioned, ADF International suggests the following recommendations be made to Ethiopia:
 - a. Respect, protect and promote freedom of religion or belief, both in law and in practice, without discrimination;
 - b. Take all necessary measures to prevent and address all cases of religious persecution and misuse of laws against members of religious minorities;
 - c. Safeguard the rights to freedom of opinion and expression as required under international law;
 - d. Decriminalise offenses against religion;
 - e. Ensure the prompt and effective investigation of all cases of violence against individuals and their property on account of their religious affiliation, including vandalism and destruction of homes, ensure full accountability for perpetrators and justice for victims, and work to eliminate the occurrence of such violations;
 - f. Intensify efforts to combat all forms of violence against individuals based on religion or belief.

³⁰ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 3 January 1976) 999 U.N.T.S. 171 (ICCPR), art. 18.

³¹ *Ibid.* art. 19.



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