



INFORM AFRICA



# **Report on The 6th Ethiopian General Election and Human Rights Violations**

Prepared by: Inform Africa

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**Abbreviations**

<b>UDHR: -</b>	Universal Declaration of Human Rights
<b>FDRE: -</b>	Federal Democratic Republic of Ethiopia
<b>HoF: -</b>	House of Federation
<b>HPR: -</b>	House of People Representative
<b>ICCPR: -</b>	International Covenant on Civil and Political Rights
<b>OFC: -</b>	Oromo Federalist Congress
<b>OLF: -</b>	Oromo Liberation Front
<b>OPDO: -</b>	Oromo people Democratic Organization
<b>NEBE: -</b>	National Election Board of Ethiopia
<b>TPLF: -</b>	Tigray People's Liberation Front
<b>SNNPR: -</b>	Southern Nation, Nationalities and People Region

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## ABSTRACT

This report offers an independent assessment concerning alleged human rights abuses during last year's 6<sup>th</sup> general election of Ethiopia. It seeks to shed light on the human rights abuses and

unanswered complaints made by opposition parties and different civic-society organizations. It aims to increase the prospects of reform and improvements in upcoming endeavors, and better the management of human rights situations by addressing complaints and working to avoid the repetition of past failures.

The central element of the report is the evaluation result of the 6<sup>th</sup> general election of Ethiopia against relevant international and comparative human rights standards of elections. The scope of this report is limited to analyzing the human rights situation of the 6<sup>th</sup> general election, while touching upon the political situation in a very confined manner. It follows the blending of doctrinal and non-doctrinal methodology.

The report indicates that the 6<sup>th</sup> general election was conducted in breach of relevant international human rights standards set for normal and election times. It, therefore, calls upon NEBE and the Ethiopian government to take appropriate measures to comply with its international and constitutional obligations. The report also sets recommendations for the justice system, opposition parties, and relevant civic-society organizations.

**Key words: the 6<sup>th</sup> Ethiopian general election, NEBE, international bill of rights on election.**

## **1. Overview**

A periodic, free, and fair election is one of the prominent features of a democratic system. In Ethiopia, after the adoption of the FDRE Constitution, five subsequent elections were conducted

within the timeframe set in the constitution. Due to the outbreak of the Covid-19 pandemic and its impending implications, the 6<sup>th</sup> general election was rescheduled from its initial date of June 2020 to mid-2021. After rescheduling twice, the 2021 Ethiopian general election was held on 21 June 2021 and 30 September 2021. However, due to ongoing civil war in the Northern parts of Ethiopia and security concerns, the 6<sup>th</sup> general election could not be held in Tigray, and Benishangul-Gumuz Regional States, as well as some woredas in Amhara and Afar Regional States.

Various local and international election observers and critics have reported that Ethiopia's first five elections failed to be free and fair even by developing countries' standards. However, the 6<sup>th</sup> election was held in a conducive political environment when compared to previous elections. These gains were mainly due to the political events of the past five years and the promises made by the ruling government.

From 2016 onwards, Ethiopia faced events unprecedented in its recent history. Massive social and political movements brought promising political, social, and economic reforms to the country. Prominent African journalist, professor Mohammed Hassan, described these recent events in contrast to the history of India's Congress Party. "India's Congress Party was established by the British to sustain indirect rule over India, however, the party brought India's independence from British rule instead. He likened it to the Oromo People's Democratic Organization (OPDO), which he ascribed as the main actor of Ethiopia's reform. The OPDO, according to Mohammed, though initially a surrogate organization of the TPLF was transformed to a party of change due to the leadership of people like Lemma Megersa. [2]

Initially, some politicians perceived the 6<sup>th</sup> general election not only as an election but as a referendum that could determine the future political structure of Ethiopian polity. Therefore, Ethiopian politicians, academicians, journalists, and other elites were enthusiastic about the 6<sup>th</sup> national election being highly competitive and democratic.

The promising trend witnessed by a smooth relationship between different political parties, political leaders, and political actors began to gradually change at the beginning of 2020. The decision to reschedule the 6<sup>th</sup> general election rendered by the House of Federation (HoF) further worsened political tensions. Tigray Regional State protested this decision and conducted regional elections against the decision of the HoF. Soon after, the Tigray Regional Government preemptively attacked the Northern Command of the Ethiopian Defense Force and armed conflict

broke out. The 6<sup>th</sup> general election was scheduled to take place in the presence of ongoing active armed conflict in Northern Ethiopia and concurrent security problems in Benishangul Gumuz and the western part of the Oromia Regional State.

Notable regional political opponents, the Oromo Liberation Front (OLF) and Oromo Federalist Congress (OFC) declared their withdrawal from the 6<sup>th</sup> general election citing overall security situations in the country and human rights violations perpetrated against their members. However, internal hostility and rifts within the parties were evident before their withdrawal from the race.

This report aims to cover the human rights situation before, during, and after the 6<sup>th</sup> Ethiopian general election. The report encompasses various issues ranging from human rights standards on the election, adherence to international law focusing on human rights at the time of the election, reported human rights violations and legal remedies.

## **2. Elections and International Human Rights Norms and Standards**

### **2.1. The guarantee of the right to take part in government**

In modern times, taking part in government is recognized as a basic human right. The right to vote is a critical way in which citizens influence government decision-making. It is a formal expression of preference for a candidate running for office or a proposed resolution of an issue, in the case of a referendum. Therefore, the right to vote and to be elected is the only way through which people can participate in their government.

Universally, the right to take part in government is proclaimed and guaranteed by the international and regional human rights understandings such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights among many other treaties and declarations. Regionally, the African, European, and American human rights systems have recognized this fundamental right. It is further strengthened by summits like the Arusha Conference on Popular Participation in Africa in February 1990.

Article 21 of the Universal Declaration on Human Rights (UDHR) states;

*“Everyone has the right to take part in the government of his country, directly or through freely chosen representatives... The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine*

*elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”*

The UDHR, as a UN General Assembly Resolution, is not a legally binding instrument. However, many of its provisions including, article 21, constitute general principles of law widely held as having acquired legal force as customary international law. In addition, the UDHR is very important as an authoritative guide to human rights by the General Assembly and it is regarded as a part of the law of the United Nations [4].

The International Covenant on Civil and Political Rights (ICCPR), which Ethiopia ratified on 11 June 1993, imposes legal obligations on state parties to respect its provisions, and elaborates many rights included in the UDHR [5]. Article 25 of the ICCPR [6] guarantees the right to vote and be elected in the following terms;

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, in general terms of equality, to public service in their country.

It recognizes the right of every citizen to take part in the conduct of public affairs, the right to vote and be elected, and the right to have access to public service. Regardless of the form of constitution or government in force, the Covenant requires States to adopt legislative and other measures that are deemed necessary to ensure the right to take part in government.

The African (Banjul) Charter on Human and Peoples' Rights, ratified by Ethiopia, stipulates in Article 13(1) that every citizen shall have the right to participate freely in their government. The charter further states that for citizens to participate freely in elections, the relevant authorities are responsible for ensuring all the rights pivotal to such participation can be enjoyed by all without discrimination.

The Ethiopian constitution under Article 38 recognizes the right to vote and be elected in the manner provided under the above-mentioned international human rights instruments. It states;

*1. Every Ethiopian national, without any discrimination based on color, race, nation, nationality, sex, language, religion, political or other opinion or another status, has the following rights:*

*(a) To take part in the conduct of public affairs, directly and through freely chosen representatives;*

*(b) On the attainment of 18 years of age, to vote in accordance with law;*

*(c) To vote and to be elected at periodic elections to any office at any level of government; elections shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.*

*2. The right of everyone to be a member of their own will in a political organization, labor union, trade organization, or employers' or professional association shall be respected if he or she meets the special and general requirements stipulated by such organization.*

*3. Elections to positions of responsibility with any of the organizations referred to under sub-Article 2 of this Article shall be conducted in a free and democratic manner.*

*4. The provisions of sub-Articles 2 and 3 of this Article shall apply to civic organizations which significantly affect the public interest.*

The Ethiopian constitution guarantees the right to vote and be elected to all Ethiopians irrespective of their color, race, nation, nationality, sex, language, religion, and any opinion so long as citizens fulfill the age and citizenship requirement. The rights are also in conformity with article 2 of the ICCPR and the UDHR which requires state parties to guarantee the rights under the instruments in a non-discriminatory manner, to all.

## **2.2. The right to vote and be elected**

The meaningful exercise of the right of citizens to take part in the conduct of public affairs particularly through elections requires the exercise of several other internationally protected rights.

Among these are the rights to freedom of expression, access to information, and association, the rights to peaceful assembly and freedom from fear and intimidation. All these rights, including the right to take part in government, must be open to equal enjoyment without distinction to race, color, sex, language, religion, political or other opinions, national or social origin, property, birth or other status.

### **Freedom of expression and access to information as a prerequisite to the meaningful exercise of the right to take part in government**

Exercising freedom of expression and access to information is a vital condition for the meaningful enjoyment of the right to take part in government. For the people to freely take part in government, freedom of expression needs sufficient protection against the unjustifiable interference of the government or any other entity. Furthermore, the public's right to access information should also be guaranteed.

For people to make informed choices, all the contesting points of view must be fairly and equitably communicated. The public's right to receive full and accurate information should also be guaranteed. Furthermore, the political parties should also be free to organize and convey their message to the public. Thus, the ability to express views freely in opposition to the status quo is essential. For this reason, freedom of opinion and expression is guaranteed in various international and national human rights instruments including the UDHR, ICCPR, African (Banjul) Charter on Human and Peoples' Rights, and the FDRE Constitution.

According to Article 29 of the FDRE Constitution and Article 19 of UDHR and ICCPR, freedom of expression is a bundle of rights that includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. For the full realization of freedom of expression and opinion, the means of expression including the media are also protected.

Since freedom of expression is not an absolute right, the constitution has provided the cases in which freedom of expression could be restricted. According to article 29 (6), freedom of expression could be restricted *to protect the well-being of the youth and the honor and reputation of individuals. Any propaganda for war as well as a public expression of opinion intended to injure human dignity is prohibited by law.* These restrictions on freedom of expression can only be

imposed by laws that 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.

### **Freedom of assembly and association as a prerequisite to the meaningful exercise of the right to take part in government**

For the meaningful realization of the right to take part in government, freedom of assembly must be guaranteed. Freedom of assembly is a fundamental freedom that ensures the right to peacefully gather and meet either publicly or privately. It is recognized under various international human rights instruments including UDHR, ICCPR, African (Banjul) Charter on Human and Peoples' Rights, and the FDRE Constitution. Article 30 of the constitution states that *everyone has the right to assemble and to demonstrate together with others peaceably and unarmed.*

The guarantee of freedom of peaceful assembly is crucial in a time of election as it plays a critical role in allowing participants to advance ideas and aspirational goals in the public domain and to establish the extent of support for or opposition to those ideas and goals.

Another prerequisite for the full exercise of the right to take part in government is freedom of association; among other things, it guarantees the right to form and participate in political organization. It is recognized under various international human rights instruments including UDHR, ICCPR, and African (Banjul) Charter on Human and Peoples' Rights. The FDRE constitution has also recognized this fundamental right. Article 31 of the constitution provides that every person has the right to freedom of association for any cause or purpose as long as it is not formed in violation of appropriate laws or illegally subvert the constitutional order.

### **The right to be free from intimidation as a prerequisite to the meaningful exercise of the right to take part in government**

The right to respect privacy, family, home and correspondence and protection of honor and reputation is a necessary precondition for the meaningful exercise of the right to take part in government. For the public to exercise the right to vote and be elected, one has to be safeguarded against arbitrary or unlawful interference with one's privacy, family, home, or correspondence as well as against unlawful attacks on honor and reputation. Hence, the state is required to protect each individual against all such interferences and attacks from its authorities or any other person.

According to many complaints submitted to the NEBE and other relevant bodies from opposition parties, this right was not duly protected. The fact that NEBE decided to hold the elections again in certain election polls following complaints submitted by opposition parties, showed that there was an alleged violation of human rights and procedural irregularities committed by different actors. These were mainly carried out by local government representatives.

The election date that was initially set for the 21<sup>st</sup> of June was kept in more than 80 percent of the election districts. Some areas, due to various difficulties stated by NEBE, required a second election date, which was set for the 30<sup>th</sup> of September. On 21 June and 30 September 2021, registered Ethiopians cast their votes for the House of Peoples' Representatives, the Regional State Councils, and two City Councils. There were 38,234,910 million registered voters from an estimated population of 115 million. They voted in 40,365 polling stations. In total, 52 political parties registered to compete for the federal parliament or regional and city councils, with 9,505 candidates (including 1,987 women and 148 private candidates). Registration of voters and candidates of the political parties and independent candidates ended on 5 March 2021.

The 6<sup>th</sup> general election was held against the backdrop of humanitarian crises resulting from the internal armed conflict against the Tigray People Liberation Front and OLA, both armed groups labeled as terrorist organizations by the HPR. According to multiple reports, the ongoing conflict has resulted in countless casualties, displacements, and human rights violations in various parts of the country. The 6<sup>th</sup> general election wasn't conducted in Tigray, West Wollega Woredas of Oromia Region, Harari and some parts of the Somali Region due to internal armed conflicts as well as voter registration irregularities in the case of Harari and Somali Regional States. Furthermore, some political parties, the Oromo Federalist Congress (OFC) and Oromo Liberation Front (OLF), have withdrawn from the election. This was amidst the ongoing COVID-19 pandemic.

Several opposition parties claimed that their members have faced considerable restrictions and human rights abuses in the pre-, on, and post-election days. This was particularly true in remote rural areas outside the gaze of the international community and the media, which was primarily centered in Addis Ababa. Out of the 42 political parties and 15 independent candidates that took part in the 6<sup>th</sup> general election, 30 political parties and 7 independent candidates submitted a formal complaint concerning the irregularities committed across 165 constituencies on the day of the

election. The complaints were submitted to NEBE demanding administrative action, cancellation of results, and re-election. The following section will discuss the major human rights violations committed in contradiction of the international and national standards of human rights.

### **3. At the Pre-Election Time**

Several opposition parties, such as the National Movement of Amhara (NaMA), Balderas for Genuine Democracy (Balderas), Enat and Ethiopian Citizens for Social Justice (EZEMA), have reported that they encountered politically-motivated restrictions on their campaign activities. They were not able to give press releases in some instances and their candidates and members were restricted from campaigning in different parts of the country including the capital city, Addis Ababa. Furthermore, their members and supporters have been harassed and intimidated. They claimed to have suffered human rights violations on account of their peaceful and lawful political activities with civil servants dismissed from their jobs or threatened with dismissal on the account of being a member of an opposition party.

A joint statement by Enat, EZEMA, and NaMA on April 13 claimed that they weren't able to conduct their campaign freely because of the harassment and intimidation they faced from the Woreda militias in South Gondar Zone of Lay Gaynt Woreda. There were assassination attempts members of NaMA on 28 April 2021 while they were campaigning in Welela Bahir Woreda by the Woreda Militias. Members of EZEMA and Enat Party were also threatened and intimidated in different Woredas of South Gondar Zone by the local militias.

Investigators of this report have interviewed leaders and candidates of opposition parties and victims of human rights violations. Ato Fantahun, an Enat Party candidate running for Regional Council in Lay Gaynet Woreda, stated that party members, supporters, candidates, and their families faced several arrests, verbal and physical assault, and restriction on freedom of movement. They faced pressure and threats because of their membership, candidacy, and support and they were restricted in their movement and from the full exercise of their political rights while campaigning. The violations were routine activities conducted by the militia and kebele chairpersons who were members of the Prosperity Party.

Mr. Getahun, a member of Enat Party in Northern Wello Shale Election Center was intimidated and pressured to leave his party and join Prosperity Party. When he refused, he was harassed at his workplace and threatened to have his employment contract terminated. His monthly salary was

suspended and after getting his salary after three months and much struggle, he was transferred to a remote area. However, the harassment continued even after his transfer to a remote area. He was continuously pestered while trying to use public transport to travel to his work. They continuously pressured the drivers not to take him on board, claiming that the drivers could face arrest for transporting a known terrorist. Because of these incidents, he was forced to walk more than 10 km to his workplace and back on many occasions.

Another case was Ms. Butrikuan Chula's, a candidate for Sidama People Unity Party in Bursa Woreda of Sidama Regional State. According to Mr. Solomon, President of the party, she was beaten by Mr. Bekele Beza and his nine-armed groups who are members of the ruling Prosperity Party. She was forced to withdraw from the election and admitted to a hospital. Party members and supporters of the Sidama People Unity Party also faced restrictions on movement.

EZEMA released a statement on June 29, 2021, detailing that EZEMA party candidates, supporters, and their family members were severely mistreated and harassed by the local government representatives and the militia on account of their political stance in different parts of the country. The report stated that it was most severe in SNNPR's Konso, Basketo, and Gamo Zones and North Gonder, South Gonder, Awi, East Gojjam, and West Gojjam in Amhara Regional State.

The Ethiopian Social Democratic Party, another opposition party, expressed their frustration on the violation committed on their party candidates, supporters, and members because of their political opinion in the pre-election period. The interview, given to Addis Zeybe by a party official who did not want to disclose his name, recounted what had happened at that time in Hadiya, Gofa, and Gamo. Damage to property, unlawful detention, and harassment was particularly common to party members and supporters according to the interview.

Ethiopian Women's Lawyer Association was involved in the election in its project called VAW-E, Violence Against Women in Elections. The Association presented its preliminary findings of the situation pre-election time. During this period there was violence against women candidates, supporters, and members of opposition parties by local government representatives and other party leaders and members.

The findings of the report included a response from women candidates and supporters who were asked if they received any remedies for the mistreatment they faced and the property they lost, all

of whom spoke on the lack of response and cooperation from local police. The only solution they were offered was from the NEBE head office; specifically, the chair of the board, Ms. Birtukan Mideksa. When the parties reported to the NEBE about what they were facing, the unlawful detention was resolved with other cases left with no remedies, as it fell outside the Board's jurisdiction. Therefore, the intimidation and harassment perpetrated by local government representatives could not be resolved by NEBE intervention.

#### **4. On Election Day**

Election Day was reported to be mostly peaceful and calm in most parts of the country. However, various opposition political parties reported that government officials beat, harassed, and imprisoned many opposition and civic society election observers. While the accounts of human rights violations reported by the opposition parties are countless, this report will only cover selected ones.

Opposition party election observers were chased out of the polling station by government officials after they expressed concerns regarding irregularities, they noticed at the polling stations.

Most of the complaints submitted by opposition parties and civic society observers around the election were on irregularities of election procedures and protocols. These included: campaigning on election day using social and economic government program structures; campaigning near and in election polling stations; opening ballots without all observers present; intimidating economically less fortunate voters; going into the voting station with weapons; buying and stealing voting cards from elders, pretending to assist and voting for the elderly and the handicapped; providing insufficient information for voters. These and many other violations were committed by local government representatives, militants and polling station facilitators.

The second most reported violation was election observers being kicked out from polling stations at gunpoint by opposition parties. To conduct an election without the presence of a responsible observer is a violation of the election procedure. For instance, in Lay Gayint Woreda more than

200 election observers readied by Enat party were forced to leave the polling stations by Enat Party itself due to threats and harassment by local government representatives. In areas inaccessible for transportation many observers spent election day in prison as the party convoys dispatched to take those out of the election station couldn't reach it in time.

In Amhara Regional State, in a place called Estie, South Gonder, three bullets were fired on the house and family of election observers and facilitator of Enat party, Mr. Gebremariam. There was an attempted assassination on Enat Party's candidate in Qoma Woreda, South Gonder.

In Addis Ababa, Bole Woreda 9, Koye Feche, Enat Party's mobile observer Mr. Elias Alemu was jailed by police.

In Sidama Regional State, the house of a candidate of the Sidama People Unity party named Mr. Kabede Kashure, suffered damage to his property.

## **5. Post-election**

After the election, many opposition parties have released statements and submitted complaints regarding the mistreatment they received from authorities. There were also press releases after the election result was announced. Some refused to accept the result of the election in certain parts of the country. According to the complaints submitted by the opposition parties and witnesses accounts of the victims.

Enat Party said, "after the election they observed certain intimidation and verbal assaults on its members". In Estie 3 Woreda, where the election was repeated in August, members of the party said they were persecuted by the local authorities.

Canceling membership from certain social associations, refusing to give out benefits due to every citizen, physical assault, and unlawful detention has also been committed.

Physical assault and unlawful detention in Konso, Basketo, and Arba Minch have continued even after the election on account of supporting and being a member of EZEMA party. Interviewing party members has corroborated the claims along with photographs of victims who suffered bodily injury at the hands of local government authorities.

In Bensa election site, Hameraro, Woreda 8, members of the Sidama People Unity party were still in prison as of June 5. In these situations, the victims have no means of protecting themselves and seeking redress for the injustice they suffer. They say this was because the local police are not supportive.

## **6. Conclusion and Recommendation**

### **Conclusion**

What distinguishes human rights from the other types of rights is the fact that it imposes obligations only on the government. Whether it's violated by the government, individuals, or juridical persons, the ultimate responsibility lies on the government.

The report clearly discloses gross human rights violations perpetrated during the 6<sup>th</sup> Ethiopian general elections. The report is vindicated by several interviews and other sources that indicated the 6th general election of Ethiopia has been rife with abuses, unlawful detention, sexual harassment, bodily injury, attempted murder, intimidation of opposition party members, candidates, and their families on account of their political opinion.

Based on the claims and the decision of the NEBE it can be deduced that the country is not conforming to one of the pillars of a democratic system; free, fair, and periodic elections. The political and legal scrutiny of the FDRE Constitution has made the HoF veridiction on the postponement of the election contestable.

Moreover, the claims from opposition parties in the pre, during and post-election period is a backslide for this developing nascent democratic system. For instance, some opposition parties have corroborated their claims by photography. Lay Gayint Woreda in Amhara Regional State, and Konso, Basketo, Welayat, and Gamo zones in SNNPR are some areas in which the local government has taken an active role in the infringement of the election procedure, as well as the constitutional and human rights of the people. In short, the aforementioned claims by several oppositions and individuals, and other stakeholders, reveal the fact that the human rights situation of the 6<sup>th</sup> Ethiopian general election was alarming.

With these, the writer has forwarded the following recommendations with the firm belief that if properly considered, can rectify the identified problems.

## **Recommendation**

The government shall establish a robust human rights protection system. This is imperative for both the people and the government. The government needs to implement an ethical conduct directive to its lower cadres and party members. It should train and equip its members on human rights obligations and proper election campaigning. There is also a need for a check and balance mechanism or inner-party disciplinary measures to control the actions of its cadres and party members. It should closely work with the NEBE, opposition parties and security officials to assess the human rights situation on the ground during election times.

The NEBE should work on a strong and efficient system that facilitates the flow of information from rural kebeles to head offices. This will enable the NEBE to address human rights abuse and other complaints during election time. The NEBE should try to modernize itself by adapting new technology and ensuring a transparent election procedure taking into consideration human rights situations at election times.

The justice system needs to be impartial and neutral in addressing the complaints that reach its office and in conducting its assessment during election times.

Human rights organizations and observers such as the Ethiopian Human Rights Commission, Ethiopian Human Rights Council, ombudsman etc. are responsible in addressing the issue of human rights abuses, conducting assessments, following-up and ensuring all the local and international human rights laws are upheld.

Opposition parties need to play their part in adhering to election laws, and respecting the constitution, even though most are running to amend or change it.

They should gather data, report on human rights to relevant bodies and conduct follow up of proceedings in a timely manner.

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- International convention on the civil and political rights (ICCPR)
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- The American human rights systems (AHRS)
- Universal declaration of human rights (UDHR)

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[1] FDRE Constitution, article (38)

[2] Professor Mohammed Hassan, taken from his speech made at Oromo study association conference

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[4] UDHR (Article 21)

[5] UDHR (Article (21(3))

[6] ICCPR (Article 25(b))