

PRESS STATEMENT

AFRICA'S PREMIER HUMAN RIGHTS INSTITUTION MAKES LANDMARK DECISION ON THE RIGHT TO VOTE IN ETHIOPIA

Right to vote upheld in Robert F. Kennedy Human Rights and Institute for Human Rights in Africa (for the people of Ethiopia) v. The Federal Democratic Republic of Ethiopia

August 5, 2024: RFK Human Rights and the Institute for Human Rights and Development in Africa (IHRDA) welcome the African Commission on Human and Peoples' Rights' (the Commission) [landmark decision](#) finding that the Government of Ethiopia violated the rights of all Ethiopians to participate freely in the 2015 elections. This decision marks the first time a human rights mechanism has found a violation of the right to vote for an entire electorate class.

The applicants filed the case before the Commission following Ethiopia's 2015 election in which the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) "won" 100 percent of the seats in parliament. [During the election period](#), the government used a combination of violence, intimidation, and repressive legislation to restrict the democratic and political space. The government jailed journalists and bloggers and harassed and detained peaceful protestors. Voter education groups were defunded, human rights NGO work was criminalized, and opposition leaders were arrested. [After the election](#), the government continued to repress critical voices, using a myriad of laws to repress civil society organizations and the free flow of information. Journalists and citizens who opposed the government continued to be threatened, and hundreds were arrested, detained, and killed.

In addition to finding a violation of the right to participate in government (otherwise known as the right to vote), the Commission found violations of freedom of expression, association, and assembly under the African Charter on Human and Peoples' Rights (the Charter). It concluded that "each unlawful restriction to civic space and the broader chilling effect produced by this systematic pattern of repression prevented the free flow of information, public debate, and dialogue from taking place in the 2015 electoral period". As a result, it added, "no Ethiopian was able to fully exercise their right to vote."

"This landmark decision by the African Commission puts states and election monitors on notice: the protection of civic space is a fundamental element of the people's right to vote," said Wade McMullen, SVP of Programs and Legal Strategy for RFK Human Rights. "When you suppress freedoms of expression, association, and assembly it is impossible to have a 'free and fair' election under a rights-based framework."

Moreover, the Commission found that Ethiopia's use of "practical barriers," such as internet restrictions, as well as crackdowns on journalists and media, interfered with the free flow of information and discouraged citizens from participating in the electoral process. While States can restrict media and other modes of expression when the restrictions have explicit

justifications provided by law, serve a legitimate interest, and are necessary and proportionate, Ethiopia demonstrated no concrete threat to a legitimate interest, amounting to a violation of freedom of expression under Article 9 of the Charter.

On freedom of association, Article 10 of the Charter, the Commission stressed that States have a duty to create an environment conducive to exercising freedom of association and that Ethiopia did not take appropriate measures to protect these rights. Ethiopia also violated Article 11 of the Charter, the right to freedom of assembly, by disrupting peaceful demonstrations and using excessive force against demonstrators and voters. The Commission highlighted the States must protect and respect the right to assembly by preventing any unwarranted interference including from non-state actors.

“This decision marks an important advance in strengthening democracy in Africa, through its powerful affirmation of the right to political participation through voting,” Julia Harrington Reddy, Acting Executive Director of IHRDA, added.

The Commission acknowledged some legislative steps taken by the Ethiopian government since 2015 to address some of the issues raised in this case but noted that the laws in place should be more effectively implemented and requested that the government inform the Commission within 180 days of the decision of all actions taken or being taken to implement the decision.

The right to vote decision creates strong standards for a human rights-based assessment of elections within and beyond Africa. Coming ahead of key elections around the world, the decision firmly. With this decision, RFK Human Rights and IHRDA will continue to partner with regional and national civil society organizations to promote a thriving civic space and uphold democracy.