

Ethiopia

Summary

Ethiopia lacks a comprehensive system to shield whistleblowers from retaliation and prosecution, despite some legislative efforts seeking to protect citizens who report crime and corruption.

Issued in 2011, the **Proclamation to Provide for the Protection of Witnesses and Whistleblowers of Criminal Offences** only applies to witnesses who provide information in connection with certain criminal proceedings. In this regard, the inclusion of “whistleblowers” in the title is misleading. It is actually a witness protection law. True “whistleblowers” have no formal protections.

The law does not apply to employees and citizens whose disclosures do not lead to “major investigations” or prosecutions, nor does it protect employees from reprisals at work.

The Proclamation lacks nearly all international standards for whistleblower legislation, including retaliation protection, disclosure channels, remedies, penalties for retaliation, and mechanisms to follow up on disclosures.

Two additional proclamations contain only minor provisions related to whistleblowing.

The Federal Ethics and Anti-Corruption Commission (FEACC) accepts reports and information from the public, but it lacks a formal role in protecting whistleblowers and its role in investigating disclosures and retaliation complaints is unclear.

Journalists, bloggers, and other media workers are subject to persistent oppression, prosecution, and threats by the government, forcing dozens into exile.

Legal and Policy Framework

What is often cited as a whistleblower protection law, the **Proclamation to Provide for the Protection of Witnesses and Whistleblowers of Criminal Offences does not provide protections for whistleblowers in the workplace or for people whose reports do not lead to investigations or prosecutions of serious crimes. It is more appropriately a witness protection law that confuses “whistleblower” with “witness.”**

The Proclamation applies only to people who provide information or serve as a witness in an investigation or trial in which the suspect faces at least 10 years in prison or the death penalty. In such cases, the witness and his or her family may receive financial assistance, physical protections, relocation, and even a change of identity. The measure does not cover disclosures by employees or citizens that do not lead to such investigations or prosecutions.

Ethiopian Law says that an employment contract cannot legally be terminated if a person submits a “grievance” or participates in a judicial or other proceeding against an employer. This law could apply in certain whistleblower cases, though its practical applications are unknown and it has not yet been attempted.

Another measure, the Revised Proclamation to Provide for Special Procedure and Rules of Evidence on Anti-Corruption, includes a section on “Protection of Whistle-blowers” that gives “appropriate consideration to the rights and interests of the person who made the disclosure.” Again, these rights and interests are not specified or explained, nor have they been invoked in court.

Additionally, the Federal Ethics and Anti-Corruption Commission (FEACC) accepts reports of corruption and other misconduct from the public.

FEACC said in October 2016 that it had received 16,000 reports from “whistleblowers” during the previous five years. The agency did not define what is meant by a whistleblower. Its Ethics Liaison Unit records and reports to the Commissioner incidents of corruption reported through “whistleblowing” and follows up on the cases.

According to a 2008 report by Global Integrity, the most recent year for which there is data, FEACC has conducted training and awareness-raising workshops, and its staff members are “qualified and well-trained in concepts of corruption.” The independence of the agency is unclear, however, and most civil servants and business people interviewed by Global Integrity said they would “never” report corruption to FEACC because of a lack of confidence in the process.

Global Integrity reported that some whistleblowers have faced workplace and safety “difficulties,” and that people should take care if disclosing information on high-ranking or politically well-connected individuals, or information on politically sensitive cases. “A whistleblower is in a precarious position with few protections,” the organization said, including the possibility of being murdered.

Legal, Legislative, and Policy Gaps

Ethiopia has no law to adequately protect employees and workers whose reports of crime and corruption in the workplace do not lead to serious criminal prosecutions. Consequently, whistleblowers who are fired, demoted, harassed, or otherwise victimized in the workplace have no protections from retaliation, no formal disclosure channels, and no remedies to be reinstated or receive financial compensation for their losses.

There is no government agency that specializes in receiving and investigating reports of crime and corruption from workplace whistleblowers, lend support and legal advice, or offer protection from retaliation.

Potential Legal Improvements

Rather than amend the current Proclamation, which applies only to witnesses in serious criminal investigations and prosecutions, a new law on whistleblower rights and protection that meets prevailing international standards should be drafted and enacted.

This new law should:

- permit the reporting of a broad range of crime and misconduct that concerns or threatens the public interest;
- protect employees and citizens from all forms of retaliation and adverse consequences;

- provide for a range of internal and external disclosure channels;
- require investigation and follow-up of valid disclosures and retaliation complaints;
- provide compensation for victimized whistleblowers; and
- punish those who retaliate against whistleblowers.

An agency specializing in receiving and handling disclosures and retaliation complaints, particularly from employees and workers, should be assigned or established.

Whistleblower cases

Abdullahi Hussein was serving as the head of state-run media in Ethiopia's Ogaden Region when he began filming security forces committing atrocities against Somali villagers. He also filmed political prisoners and the concocted arrests of two Swedish journalists. Subject to death threats, he left the country in August 2012 with 100 hours of video and became a political refugee in Sweden. The footage was used to produce the documentary, "Dictatorship Prisoners," broadcast on Sveriges Television (SVT). In 2014 Hussein received the Anna Politkovskaya Award. He remains in exile in Sweden in 2018.

Laws and Policies Governing Speech and Press

Many media workers, including bloggers and citizen journalists, have suffered persistent oppression and persecution at the hands of Ethiopian authorities. Censorship, criminal prosecution and other threats to media independence are common.

Ethiopia ranks very low in Reporters Without Borders' 2018 World Press Freedom Index – 150th out of 180 countries surveyed, a drop of eight spots in two years. One of the government's main weapons against journalists is the 2009 anti-terrorism law, which has been used systematically to prosecute media workers and hold them without trial for long periods. Reporters Without Borders reports "little improvement" since the "purges" of 2014, when six newspapers were closed and 30 journalists were forced into exile.

In its 2018 Freedom of the Press **report**, Freedom House labels Ethiopia's media as "not free," scoring 88 on a scale of 0 to 100, with 100 being the worst. Calling the media environment "one of the most restrictive in sub-Saharan Africa," the organization says the government censors newspapers and the Internet, arbitrarily detains and intimidates journalists and bloggers, taxes publishers heavily, and controls every single seat in parliament, thus writing and enforcing laws with an iron fist.

At the end of 2017 Ethiopia was the second-worst jailer of journalists in the region after Eritrea, with 10 behind bars and more than 30 in exile. In addition, "Another six-month state of emergency was proclaimed in February 2018, which the government could again use to arrest critical journalists and ban the public from watching or listening to certain broadcast media. The internet and social networks are often disconnected while physical and verbal threats, arbitrary trials, and convictions are all used to silence the media."

Relevant legislation

- Proclamation to Provide for the Protection of Witnesses and Whistleblowers of Criminal Offences

- Labour Proclamation
- Revised Proclamation to Provide for Special Procedure and Rules of Evidence on Anti-Corruption

Organizations of Interest

Human Rights Council of Ethiopia

This NGO works toward building a democratic system, promotes rule of law and due process, and encourages and conducts human rights monitoring.

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Keeping Score: How Ethiopia’s Whistleblower Protection Laws Compare to International Standards

The following standards for whistleblower laws are derived from guidelines developed by the OECD, Council of Europe, Government Accountability Project, Blueprint for Free Speech and Transparency International.

Key

1 = National law is recognized as consistent with international standards

2 = National law is partially recognized as consistent with international standards

3 = No national law or national law is not recognized as consistent with international standards

	Standard	Public Sector	Private Sector
1.	A broad range of organisations and workplaces are covered	3	3
2.	A broad range of offenses may be reported as whistleblowing	3	3
3.	The definition of who may qualify as a whistleblower is broad	3	3
4.	A range of disclosure channels to report internally or to regulators is in place	2	2
5.	People who make disclosures to external organizations, the media or the public are protected	3	3

6.	The threshold for protection is a reasonable belief that the information disclosed is true	3	3
7.	There are opportunities and protections for anonymous disclosures	3	3
8.	Whistleblower confidentiality is protected unless expressly waived	3	3
9.	Organizations are required to establish internal disclosure procedures	3	3
10.	Whistleblowers are protected from a broad range of retaliatory acts	2	2
11.	Victimized whistleblowers have access to a full range of remedies and compensation	3	3
12.	Those who retaliate against a whistleblower are subject to sanctions	3	3
13.	A whistleblower oversight or regulatory agency has been designated	2	2
14.	Whistleblower laws are administered and reviewed transparently	3	3