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## General situation of LGBTI people

LGBTI persons in Ethiopia are living in a country where homo- and transphobia is widespread, in general society, politics as well as in religious settings. The state criminalises sex between men and Pew Research Centre's 2007 Global Attitude Survey found that 97% of Ethiopians harboured some homophobic beliefs. Interviews with LGBTI persons in Ethiopia provide evidence of the invisibility of LGBTI persons, the impossibility to be open to your family, and violence against LGBTI persons in society, and not at least, in prisons.

The largest percentage of Ethiopia's population identifies as Orthodox Christian, while Muslims make up around 34% of the population, and Protestant 19%. The Ethiopian Orthodox Church plays a very important role in society. Over the past few years, Ethiopia has witnessed a small but growing campaign against homosexuality. At the forefront is the Weyneye Abune Teklehamanot Spiritual Association, a religious society linked to the Orthodox Church. Recently, some religious leaders have moved toward emphasizing so-called "rehabilitation" for homosexuals. They claim to have "helped" hundreds of gay people leave their homosexuality behind and want the government support to continue their work.

While the state criminalise same-sex sexual acts, the government in April 2014, acted to prevent a religiously motivated anti-homosexuality rally that had been planned for. There are indications that the state was afraid of possible cuts to Ethiopia's aid, as human rights groups had advocated on behalf of LGBTs in the country.

## Legal and human rights instruments

### Constitutional provisions and legal framework

The Constitution (from 1991) guarantees certain human rights for all Ethiopians, for example Article 24 on right to Honour and Reputation:

1. *Everyone has the right to respect for his human dignity, reputation and honour.*
2. *Everyone has the right to the free development of his personality in a manner compatible with the rights of other citizens.*
3. *Everyone has the right to recognition everywhere as a person.*

And Article 25, the Right to Equality:

*All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, colour, sex, language, religion, political or other opinion, property, birth or other status.*

Despite this, both male and female same-sex sexual activity is illegal in the country since 2004, with a penalty of imprisonment of 10 years or more, according to The Criminal Code (Proclamation No. 414/2004 Art. 629, 630,106). However, there are indications that no one has been charged or convicted of the crime since this legislation was introduced. Human rights lawyer Abebe Hailu explains this to a journalist from Good Governance Africa that Ethiopia's criminal system is overloaded, and that therefore is little judicial appetite to prosecute homosexuality.

In March 2014, Ethiopian lawmakers considered changing the legislation so that someone convicted for same sex acts could not be pardoned,

but this did not happen. Information Minister Redwan Hussein is quoted by the Guardian as having said that homosexuality is not a serious crime, and that it is not as widespread as some people suggest. He continued to say that it is already a crime with a punishment prescribed for it, and so the government therefore thinks the current jail term is enough.

In February 2009, the Government adopted the *Proclamation to Provide for the Registration and Regulation of Charities and Societies (CSP)*, Ethiopia's first comprehensive law governing the registration and regulation of NGOs. The law violates international standards relating to the freedom of association. Notably, the Proclamation restricts NGOs from engaging in essentially all human rights and advocacy activities if they receive more than 10% of their financing from foreign sources. The CSP includes barriers to engage in activities that include gender and religion, the promotion of conflict resolution or reconciliation, and the promotion of the efficiency of the justice and law enforcement services. This law could be an obstacle in supporting the work of LGBT rights.

### **Regional or international human rights instruments**

Ethiopia has ratified several conventions, including the ICCPR, CEDAW, ICESCR and CAT, conventions of special importance when it comes to human rights for LGBTI persons. Inhabitants of Ethiopia and their representatives are able to invoke their human rights through these bodies, which could be addressed e.g. through UPR processes. However, Ethiopia has rejected the United Nations member states' genuine concerns about freedom of expression in the country and it is not likely to listen to recommendations on LGBTI rights. Ethiopia was one of the countries to vote "No" on the LGBTI rights resolution for human rights on combatting

human rights violations on the basis of sexual orientation and gender identity, adopted by the United Nations Human Rights Council in September 2014.

All inhabitants of Ethiopia may turn to the UN Human Rights Committee through procedure 1503, to the Special Rapporteurs for violations of specific human rights or to ECOSOC for women's rights violations. Ethiopia is a member state of UNESCO, and citizens may use the UNESCO procedure for human rights. These avenues are yet to be tried by the LGBTI community.

In May 2014, the African Commission on Human and Peoples' Rights adopted a resolution condemning violence based on sexual orientation and gender identity. The resolution calls on "*State parties to ensure that human rights defenders are able to work in an environment free from stigma, reprisals or criminal prosecution as a result of their human rights protection activities.*" Additionally, States are urged to no longer tolerate acts of violence and abuse by executing laws to prohibit and punish these forms of violence directed toward people on the basis of their sexual identity. States are advised to investigate and prosecute perpetrators of violence and have the necessary judicial means to support victims. This resolution is a milestone, but it has yet to be followed up in member states.

### **Sexual and Reproductive Health and Rights and HIV/AIDS**

According to UNAIDS statistics, the HIV prevalence in Ethiopia is relatively low, around 1,2% for the adult population. However, it was increasing in large towns including Addis Ababa, from 2005 to 2011. The HIV epidemic in Ethiopia is becoming more concentrated in urban areas and along major transport corridors.

Information about MSM is lacking in Ethiopia, as reliable data are not available. The group is vulnerable, little researched and under-served. In Sub-Saharan Africa, available data show that men who have sex with men (MSM) face high HIV prevalence and incidence. In most countries with reliable data, HIV prevalence amongst MSM is higher than or nearly equal to prevalence in the general population. In the region as a whole, aggregated HIV prevalence for MSM is more than three times that of the general population. It could be assumed that this would be the case in Ethiopia as well. Studies have seen that criminalisation of sex between men, together with stigma and discrimination is one factor driving the pandemic in vulnerable groups. The criminalisation of MSM effectively disempowers their access to services and hurts the clinics that could potentially offer them the specialised services necessary. There is limited ability for MSM to openly participate in shaping the national processes that appropriate programs and financing.

At an event organised in July 2014, by the Ethiopian Interfaith Forum for Development Dialogue and Action and UNAIDS in collaboration with Christian Aid, Norwegian Church Aid and Dan Church Aid, the leaders of the major religious groups of Ethiopia announced their united stance to end the AIDS epidemic by 2030. Religious leaders produced a joint position paper calling on the Ethiopian government to uphold principles of human decency and equality, and to make a commitment toward reducing HIV in the post-2015 agenda for sustainable development. Making sure to include MSM as a group at high risk could be an entry point for LGBTI rights and it is a positive sign that religious leaders address human rights in the work of HIV/AIDS.

## **Civil society organisations and institutions active in LGBTI field**

There are not many organisations openly working for LGBTI persons in Ethiopia. There are some Internet based forums, but no LGBTI organisations working in the country. There are, however, some programmes that address the health related needs of those most at risk and those most marginalised, especially MSM.

The Sida supported East African regional organisation UHAI, which is supporting LGBTI initiatives and organisations, has not yet engaged with Ethiopia. The LGBTI community in Ethiopia needs allies nationally and regionally who can help champion their cause.

## **What Sweden can do – 10 questions to consider**

Within the framework of the new results strategy for Ethiopia, Sweden has a great opportunity of including the rights of LGBTI persons. Within the areas of a) democratic development and increased respect for human rights as well as b) access to justice and rule of law, Questions to discuss:

- Could Sweden do more to stay updated on the legal and security situation by conducting a dialogue with LGBTI activists and allies?
- Could Sweden do more to bring up LGBTI rights in the dialogue with the government in cooperation with the UN and other donors?
- Could Sweden do more to promote and support inclusion of LGBTI rights in reporting to the African and UN human rights systems?
- Could Sweden do more to encourage and support Swedish faith-based organisations operating in Ethiopia to include the issue of LGBTI rights?

When addressing LGBTI rights where there is a non-supportive government, it is very important to consult LGBTI organisations in the country to make sure not to overrule their agenda. While there is a lack of organisations based in Ethiopia, it could be wise to contact regional organisations, like Pan-African ILGA, CAL and UHAI for advice and consultation in order to help an emerging LGBT movement to become part of a pluralistic civil society

- Could Sweden do more to encourage and support mainstream Human Rights organisations and agencies in Ethiopia to work with promotion and protection of LGBTI rights, and support them to nurture emerging LGBT organisations?
- Could Sweden do more to include LGBT persons and the MSM group into work of sexual and reproductive health and rights or HIV prevention initiatives? In gender equality and GBV initiatives?

Presently, discrimination within the labour market is a factor that strongly contributes to the marginalisation of LGBTI persons, and puts them at risk of poverty.

- In the support to private sector development and entrepreneurship, could Sweden do more to bring up anti-discrimination concerning codes of conduct and labour legislation, with the aim that it does not discriminate people due to sexual orientation or gender identity?

For further advice on dialogue regarding LGBT issues, download the Sida the [Sida 'Human Rights of Lesbian, Gay, Bisexual and Transgender persons - Conducting a Dialogue](#) and the Ministry of Foreign Affairs [Dialogue brief](#). Also refer to the [EU tools](#) and guidelines in the reference list.

More specific advice and support measures, as well as contact information to mentioned groups, can also be provided through ILGA or RFSL, should the Embassy wish for a dialogue.

## References

### General references

MSM Global Fund <http://www.msngf.org>

RFSL, *LGBT in Development*, An introduction in how to include LGBT in programming in development: [http://www.rfsl.se/public/LGBT\\_in\\_development.pdf](http://www.rfsl.se/public/LGBT_in_development.pdf)

Sida 'Human Rights of Lesbian, Gay, Bisexual and Transgender persons - Conducting a Dialogue and the Ministry of Foreign Affairs [Dialogue brief](#)

EU news, tools and guidelines: [http://eeas.europa.eu/human\\_rights/lgbt/index\\_en.htm](http://eeas.europa.eu/human_rights/lgbt/index_en.htm)

The EU Guidelines (2013): [Guidelines for supporting LGBTI persons' human rights](#)

### Specific references

ILGA, 2014, *State-sponsored Homophobia: A world survey of laws prohibiting same sex activity between consenting adults*. (See updated version at [www.ILGA.org](http://www.ILGA.org))

PEW Research Centre, <http://www.pewresearch.org/>

Rainbow Ethiopia An online magazine, <http://rainbowethiopia1.net>

USAID -Democratic and Health Surveys Programme, <http://dhsprogram.com/>

UNAIDS *Ethiopian religious leaders call for ending the AIDS epidemic by 2030*, 11 July 2014, <http://www.unaids.org/en/resources/presscentre/featurestories/2014/july/20140711fbo>

UNDP Joint Programme on Gender Equality and Women Empowerment, [http://www.et.undp.org/content/ethiopia/en/home/operations/projects/democratic\\_governance/project\\_GenderEqualityandWomenEmpowerment/](http://www.et.undp.org/content/ethiopia/en/home/operations/projects/democratic_governance/project_GenderEqualityandWomenEmpowerment/)

UNESCO2010, *Claiming Human Rights - in Ethiopia*, <http://www.claiminghumanrights.org/ethiopia.html%3F%26L=0>

UNHCR Ref World Ethiopia: Declines to accept UN member states' recommendations on free expression, 8 July 2014, <http://www.refworld.org/docid/53d0e86f4.html>

The human rights of LGBTI persons have been a Swedish government priority since 2009. As a service to staff, guidance notes have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include LGBTI rights in diplomacy and programming.