Human Rights Committee

Concluding observations on the second periodic report of Ethiopia*

1. The Committee considered the second periodic report of Ethiopia¹ at its 3929th and 3930th meetings,² held on 17 and 18 October 2022. At its 3946th meeting, held on 31 October 2022, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of Ethiopia and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party’s high level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies³ to the list of issues,⁴ which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative measures:

   (a) Proclamation 1234/2021, which inter alia defines the institutional framework for litigating violations of human rights, in 2021;
   (b) Proclamation No.1224/2020, which aims to strengthen the independence and autonomy of the Human Rights Commission of Ethiopia, in 2020;
   (c) The Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No. 1178/2020, which establishes various preventive and corrective mechanisms for combating trafficking in persons in 2020;
   (d) The Refugee Proclamation No. 1110/2019, which allows refugees to obtain work permits, access primary education, obtain driver’s licenses and legally register life events, in 2019.

4. The Committee also welcomes the State party’s ratification of, or accession to, the following international instruments:

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* Adopted by the Committee at its 136th session (10 October–4 November).
¹ CCPR/C/ETH/2.
² See CCPR/C/SR.3929 and CCPR/C/SR.3930.
³ CCPR/C/ETH/RQ/2.
⁴ CCPR/C/ETH/Q/2.
(a) The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), on 13 February 2020;


(c) The Optional Protocol to the Convention of the Rights of the Child on the involvement of Children in Armed Conflict, on 14 May 2014;


C. **Principal matters of concern and recommendations**

**Constitutional and legal framework within which the Covenant is implemented**

5. The Committee welcomes the measures taken to raise awareness of the Covenant among state agents and the general public, including the translation of the Covenant into two additional national languages. The Committee further welcomes the establishment in 2016 of a national mechanism for reporting and follow-up to coordinate and support effective implementation of human rights instruments to which Ethiopia is party. Regarding the Ethiopian Human Rights Commission, the Committee takes note that it was awarded ‘A’ status by the Global Alliance of National Human Rights Institutions in December 2021, following measures taken to strengthen its independence, effectiveness and transparency under Proclamation No. 1224/2020 (art. 2). The Committee takes note of the particular circumstances in which the State party’s second periodic report is being considered, namely the conflict situation that is ongoing since November 2020 in the north of the country and the difficulties that the central Government has encountered in regaining control over the full extent of its territory. Recalling General Comment No. 31 (2004), the Committee nonetheless wishes to underline that any difficulties impeding the State party’s effective control over certain parts of the country do not absolve it of the obligation to use all available means to ensure the full observance of the rights set forth in the Covenant in respect of all persons within its territory. The Committee regrets that the State Party has yet to ratify the first Optional Protocol to the Covenant (art. 2).

6. **The State party should:**

   (a) Institutionalize the establishment of the national mechanism for reporting and follow-up and further strengthen its operational capacity to ensure that it fulfils its mandate, including the systematic, regular, and coordinated follow-up of implementation of treaty obligations and recommendations of international and regional human rights mechanisms;

   (b) Continue providing support to the Ethiopian Human Rights Commission, including by ensuring adequate funding to enable it to carry out its functions and by taking the required policy, legal, administrative or other measures to implement recommendations emanating from the Commission’s reports;

   (c) Continue its efforts aimed at disseminating the Covenant, including through translation into all national languages and awareness-raising activities in the regional states;

   (d) In the light of the Committee’s general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, ensure that its obligations under the Covenant are fulfilled throughout the national territory;

   (e) Consider ratifying the First Optional Protocol to the Covenant.

**State of emergency**

7. The Committee is concerned that a number of provisions adopted during States of Emergency declared during the reporting period failed to respect the State party’s obligations regarding notification, legality, necessity and proportionality. In particular, the Committee is concerned that the State of Emergency declared under Proclamation No. 05/2021 (2
November 2021 – 15 February 2022), called in the context of the conflict in the north of the country, contained excessively broad provisions allowing for mass arrest and detention of persons purportedly supporting rebel groups, and disproportionate sentences for minor offences such as “moving around without an identity card”. Furthermore, the Committee is concerned that the State party instituted a total suspension of judicial review on the enforcement of the proclamation, including review of legality of arrest and detention. The Committee is also concerned by reports of ongoing restrictions of the State party’s human rights obligations without any formal declaration of a state of emergency. The Committee is further concerned by the lack of information provided with regard to the State of Emergency Inquiry Boards required to be set up by the Constitution during the respective States of Emergency and that the State Party did not consistently inform States parties to the Covenant of derogations adopted under States of Emergency, in conformity with article 4 (3) of the Covenant (art. 4).

8. The State party should:

(a) Formulate state of emergency restrictions, prohibited acts and sanctions in clear and precise terms and ensure due regard to the principles of legality, necessity and proportionality, and respect for non-derogable rights;

(b) Refrain from blanket suspension of judicial review, in particular review of legality of arrest and detention, in order to fulfil the obligation to protect non-derogable rights in times of emergency;

(c) Promptly inform other States parties to the Covenant, through the intermediary of the United Nations Secretary-General, of the rights it has derogated from in time of public emergency and the reasons therefor, in accordance with article 4 (3) of the Covenant.

Anti-corruption measures

9. The Committee acknowledges that a number of measures have been taken to address corruption but it is concerned that corruption remains significant in the State party. While welcoming the statistics provided by the State party on corruption cases investigated in the past year, the Committee regrets that the incomplete nature of data received does not enable it to assess progress in combatting corruption. The Committee welcomes the adoption of the Protection of Witnesses and Whistle-blowers of Criminal Offences Proclamation No. 699/2010 and the establishment of a system for protection of witnesses and whistleblowers, and looks forward to receiving information regarding its implementation at the next review (arts. 2 and 25).

10. The State party should strengthen implementation of legislation and preventive measures to combat corruption and promote good governance, transparency and accountability, including in the management of land resources. The State party should also ensure that effective coordination mechanisms are in place to link up relevant entities at federal and state level, including those with investigative and preventative mandates.
11. The Committee is concerned by the absence of a comprehensive anti-discrimination law that provides full and effective protection against direct, indirect and multiple discrimination in all forms, and the seemingly low number of discrimination cases brought before competent tribunals. The Committee also expresses its concern that the broad powers granted to law enforcement authorities during the State of Emergency under Proclamation 05/2021 resulted in ethnic profiling and mass arbitrary detention, in particular targeting Tigrayans living outside of Tigray region, some of whom had their private enterprises forcibly closed down. Recalling its previous recommendations, the Committee remains concerned by the criminalisation of same-sex relations “or any other indecent act” between consenting adults, and acts of discrimination, violence and hate speech against lesbian, gay, bisexual and transgender people within society (arts. 2, 19, 20 and 26).

12. The State party should:

   (a) Implement measures to increase awareness of and access to judicial and administrative avenues for bringing cases of alleged discrimination;

   (b) Avoid the granting of excessively broad powers to law enforcement authorities during States of Emergency and implement training programmes for law enforcement officers on the prevention of ethnic profiling in police work;

   (c) Carry out awareness campaigns, including campaigns targeting religious institutions, to address social stigmatization, hate speech, harassment, violence and discrimination against the lesbian, gay, bisexual and transgender community;

   (d) Decriminalize sexual relationships between consenting adults of the same sex and ensure that lesbian, gay, bisexual and transgender persons have effective access to justice.

Violence against women and harmful practices

13. While taking note of the range of measures being implemented in the framework of the recently adopted National Strategy and Action Plan on Prevention and Response to Violence against Women and Children (VAWC), the Committee is concerned at the widespread incidence of sexual and gender-based violence against women and girls, including in places of detention. The Committee is deeply concerned by the use of sexual and gender-based violence, including rape, gang rape, sexual slavery, and intentional transmission of HIV, as a method of warfare in the context of the ongoing conflict in the north of the country, notably in the regions of Tigray, Amhara and Afar, committed by all parties to the conflict, including the Ethiopian National Defence Force. The Committee further expresses its concern in relation to the lack of effective access to emergency health care, rehabilitation and redress mechanisms for victims. The Committee is concerned that female genital mutilation, polygamy, and early marriage remain prevalent, particularly in rural regions, and that the incidence of female genital mutilation increased during the coronavirus (COVID-19) pandemic. The Committee is deeply concerned that marital rape remains legal on the basis of “the consummation obligation of spouses in marriage” (arts. 2, 3, 6, 7, 24 and 26).

14. The State party should:

   (a) In regard to sexual and gender-based violence against women and girls in the context of the conflict in the north of the country, expedite implementation of the corresponding recommendations listed in the joint investigation report of the Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission (2021), ensuring effective access to rehabilitation and redress for all victims of sexual and gender-based violence, and to prevent further violations;

   (b) Strengthen implementation of the National strategy on traditional harmful practices, and the National Roadmap to End Child Marriage and

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5 CCPR/C/ETH/CO/1, para.13.
FGM/Cutting by 2025, including through targeted measures to address discriminatory attitudes at community level, including among actors of customary justice systems;

(c) Strengthen measures aimed at ending polygamy and ensuring effective implementation of the legislation which proscribes it (article 11 of the Revised Family Code and article 650 of the Criminal Code), including through outreach and awareness-raising in rural areas where it is still prevalent. The State party should also support regional administrations in this endeavour, including by assisting in the development of appropriate legislation at the regional level where necessary;

(d) Criminalise marital rape;

(e) Provide members of the judiciary, prosecutors and law enforcement officials with effective training on women’s rights and on gender-sensitive investigation and interrogation procedures in cases of sexual and gender-based violence;

(f) Collect and publish data on cases of sexual and gender-based violence.

Death penalty

15. While acknowledging a de facto moratorium on the death penalty in place since 2007, the Committee reiterates its concern that, despite its previous recommendations, the death penalty is still in force and imposed by courts on a regular basis. The Committee is further concerned that the death penalty can be imposed for crimes other than the most serious crimes within the meaning of article 6 (2) of the Covenant, understood to be crimes involving intentional killing. The Committee is concerned, for example, that, under the Prevention and Suppression of Terrorism Crimes Proclamation No. 1176/2020, the death penalty can be imposed for crimes such as “causing damage to property, natural resource or environment” (art. 6).

16. In accordance with its general comment No. 36 (2018) on the right to life, in which the Committee reaffirmed that States parties that are not yet totally abolitionist should pursue an irrevocable path towards complete eradication of the death penalty, de facto and de jure, the State party should consider:

(a) Establishing a de jure moratorium on the death penalty with a view to abolishing it;

(b) Acceding to the second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. In the meantime, the State party should revise its legislation so as to make it strictly compliant with article 6 (2) of the Covenant and restrict the crimes for which the death penalty may be imposed on perpetrators to the most serious crimes, understood to be crimes involving intentional killing;

(c) Taking steps towards commuting to life imprisonment the death penalty imposed on persons on death row.

Fight against impunity and past human rights violations

17. While welcoming the initial steps undertaken by the State party to address impunity for widespread past human rights violations, including the excessive use of force against protesters, mass arbitrary detention, torture, rape, enforced disappearance and extrajudicial killings, the Committee is concerned at the slow pace of progress in holding perpetrators to account, including police and prison officers and members of security forces. While also welcoming the establishment of a number of investigations into past human rights violations, including a commission of investigation into violations in the Somali region and measures to lay the ground for transitional justice, the Committee is concerned by the lack of publicly disseminated information on the progress of investigations and the low number of convictions. The Committee is concerned about reports of continuing violence by security forces, notably paramilitary Regional Police Special Forces, from September 2018, including extrajudicial killings, amid inter-communal violence in many parts of Ethiopia, such as Oromia and Amhara regions. In regard to redress, and notwithstanding the specific examples highlighted by the State party, the Committee is further concerned at the lack of a

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6 CCPR/C/ETH/CO/1, para.19.
comprehensive mechanism of redress for victims of human rights violations, to ensure all victims have access to appropriate compensation, rehabilitation and other measures as required (arts. 2, 6, 7, 9 and 14).

18. The State party should:
   (a) Establish a comprehensive mechanism of redress to ensure that all victims of past human rights violations have access to an effective remedy, and that they can benefit from appropriate compensation, restitution and rehabilitation measures, taking into account the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law;
   (b) Redouble its efforts to bring perpetrators to justice, ensuring trials are transparently and fairly conducted in line with international standards, and widely disseminate information on progress to the general public;
   (c) Ensure that the transitional justice process under discussion is designed and implemented with the meaningful participation of conflict-affected populations, especially victims, their families, and other sections of civil society; ensure that amnesty for gross violations of international human rights law and serious violations of international humanitarian law is prohibited. In this respect, the Committee stresses that transitional justice mechanisms do not obviate the need for criminal prosecution of the perpetrators of serious human rights violations.

Right to life and protection of civilian populations

19. The Committee is concerned by reports that serious and widespread human rights violations against civilians, including rape and other forms of sexual violence, arbitrary detention, torture, trafficking in human beings, enforced disappearance and extrajudicial killings, have been and continue to be committed by all parties to the ongoing conflict in the Tigray region and parts of Afar and Amhara to which the conflict has spread. The Committee acknowledges that initial steps have been taken to provide support to victims and hold perpetrators to account, notably through the work of the Inter-Ministerial Task Force established in November 2021, but is concerned that progress remains limited, partly due to the ongoing nature of the conflict in the Tigray region (arts. 2, 6, 7, 9 and 14).

20. The State party should:
   (a) Conduct prompt, impartial and effective investigations into alleged violations of international human rights law and international humanitarian law committed in the context of the conflict in the Tigray region and surrounding areas, both by non-State and State actors, in order to identify, prosecute and punish those responsible, and ensure that victims have access to effective remedies and full reparation;
   (b) Take steps to increase the transparency of the investigations, including by publishing their findings;
   (c) Take appropriate measures to ensure the safety and security of the population affected by the conflict and to prevent violations of their human rights by any party to the conflict;
   (d) Ensure full and unconditional humanitarian access to all conflict-affected areas.

Excessive use of force

21. Reiterating its previous recommendations, the Committee is concerned that excessive use of force, including lethal force, by police and security forces remains widespread, notably in the context of protests, and that the existing legal framework for the use of force and firearms by state agents in Ethiopia is inadequate and not in line with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Noting the information provided by the State party according to which a new law on use of force is

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7 CCPR/C/ETH/CO/1, para.18.
currently being drafted by the Office of the Attorney General, along with a new system of police accountability, the Committee is nonetheless concerned at the slow progress in adopting a framework which is in line with international standards (arts. 6 and 7).

22. The State party should:

(a) Expedite the adoption of the draft law on the use of force by state agents, ensuring it is in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(b) Ensure that all state entities which are mandated to receive complaints of excessive use of force by state agents are fully independent;

(c) Ensure that all instances of excessive use of force are investigated promptly, impartially and effectively, that those responsible are brought to justice and victims granted full reparations;

(d) Provide effective training to law enforcement and security forces on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Prohibition of torture and other cruel, inhuman or degrading treatment

23. While welcoming certain steps by the State party, such as increased access for bodies mandated to inspect places of detention, the Committee reiterates its previous concerns regarding reports of the continued prevalence of acts of torture and cruel, inhuman or degrading treatment. The Committee expresses its concern regarding allegations that the use of torture during interrogation and pre-trial detention remains widespread. The Committee is further concerned by the high degree of impunity enjoyed by perpetrators, including high-ranking officers, and the slow progress in providing effective remedies and rehabilitation to victims of torture and ill-treatment. The Committee is also concerned at reports that objections to the admissibility of forced confessions as evidence are frequently rejected during trials, particularly in terrorism trials. The Committee regrets that the State party lacks legislation on torture and ill-treatment which is fully in line with international standards, and has yet to ratify the Optional Protocol of the Convention against Torture and the Convention for the Protection of All Persons from Enforced Disappearance (arts. 2, 6, and 7).

24. The State party should take urgent and robust measures to eradicate torture and ill-treatment, including by:

(a) Revising its legislation with a view to ensuring that it contains a definition of torture that is fully compliant with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and with article 7 of the Covenant;

(b) Conducting prompt, thorough, effective, transparent and impartial investigations into all allegations of torture and ill-treatment, in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), ensuring that perpetrators are prosecuted and, if convicted, punished appropriately and that victims receive full reparation;

(c) Ensuring that evidence obtained through torture is inadmissible in legal proceedings, without exception, in line with the Guidelines on the Role of Prosecutors;


Liberty and security of person

25. The Committee is concerned by multiple reports of large-scale arbitrary detention of political opponents and protesters, enforced disappearances, as well as reports of the arbitrary detention of human rights defenders and journalists, despite the adoption of the Media Proclamation No. 1238/2021 which aims to ensure better protection for journalists from

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8 CCPR/C/ETH/CO/1, para. 17.
being arbitrarily detained. The Committee is also concerned that the removal of legal safeguards during the state of emergency declared on 2 November 2021 led to the mass arbitrary arrest and detention of several thousands of people suspected of supporting outlawed opposition groups, such as the mass targeting of Tigrayans in Addis Ababa and other cities, thousands of whom were subjected to prolonged arbitrary detention in camps lacking basic provision of adequate food and medical care (art. 9)

26. The State party should:

(a) Investigate all allegations of arbitrary arrest and detention, and ensure that perpetrators are prosecuted and, if convicted, punished with appropriate penalties;

(b) Ensure that anyone who was detained arbitrarily is released without conditions and adequately compensated;

(c) Ensure that the period of initial police custody is shortened and does not exceed 48 hours;

(d) Systematically ensure that persons being held in police custody or pretrial detention are informed of their rights and that basic legal safeguards are respected, particularly the right of access to counsel and the right to bail;

(e) Use, when appropriate, non-custodial measures as an alternative to pretrial detention and ensure pretrial detention is not excessive in length.

Conditions of detention

27. While noting the construction of additional detention facilities and the increased use of bail, the Committee remains concerned about continued reports of prison overcrowding in the State party, particularly following the armed conflict, and of detention of individuals in crowded makeshift facilities during states of emergency. It is also concerned about reports that, despite the increased budget for the provision of essential services, detainees still lack adequate access to food, water and medical care and suffer from poor sanitation and that psychiatric treatment is unavailable for those with psychosocial disabilities. It regrets information indicating that child offenders are detained together with adults (arts. 7, 10 and 24).

28. The State party should:

(a) Ensure that the conditions of detention, including with regard to access to food, clean water, hygiene and health care, are in compliance with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

(b) Reduce prison overcrowding, particularly through the wider application of non-custodial measures as an alternative to imprisonment;

(c) Ensure that all places of detention remain subject to independent, effective and regular monitoring and inspection, including by the Ethiopian Human Rights Commission and other independent bodies, without prior notice and on an unsupervised basis;

(d) Ensure that child offenders are strictly separated from adult prisoners.

Elimination of slavery, servitude and trafficking in persons

29. While noting the State party’s efforts made to combat trafficking in persons, such as the establishment of special benches for hearing trafficking cases and the provision of relevant training for law enforcement officials and members of the judiciary, the Committee remains concerned about the continuing prevalence of trafficking in persons, particularly migrants and internally displaced persons, forced labour, child labour and sexual exploitation of children. Furthermore, it is alarmed by reports of the systematic practice of trafficking of children in the conflict-affected regions, such as Tigray, Amhara, Afar and Oromia, particularly for the purpose of sexual exploitation and slavery and economic exploitation. It notes with concern the underreporting of trafficking cases by female victims and the insufficient measures in place to identify victims and to ensure victims’ access to justice and
support services, including necessary medical care for victims of sexual exploitation and slavery (art. 2, 7 and 8).

30. The State party should strengthen its efforts to combat, prevent and punish trafficking in persons, particularly concerning women and children and for the purpose of sexual exploitation and slavery, and forced labour. In particular, it should:

   (a) Strengthen investigations, prosecutions, convictions and punishments of those responsible for trafficking and provide victims with full reparation;

   (b) Identify victims of trafficking and ensure that they are provided with protection and assistance, including access to shelters and to legal, medical and psychological services;

   (c) Provide adequate training, including on standards and procedures for the identification and referral of victims of trafficking, to all relevant State officials, including judges, prosecutors, law enforcement officials and security forces.

Rights of the child

31. The Committee regrets that the State party maintains the minimum age of criminal responsibility at nine years and continues to try and prosecute children aged 15-18 years as adults. It is also concerned about reports of harmful practices against children, including female genital mutilation, forced marriages, infanticide and corporal punishment, particularly in remote areas; increased domestic violence, including sexual violence, against children during the COVID-19 pandemic, due in part to school closures; and abuse and ill-treatment of children living in residential institutions and children with disabilities. Furthermore, it is concerned by reports that, since November 2020, children have been subjected to grave and systematic human rights violations by security forces and private armed groups in Tigray, Amhara, Afar and Oromia regions, including abduction, forced separation from families, recruitment as child soldiers, torture and forced marriage. It notes with concern that children living in the conflict zones lack adequate access to school, food, healthcare and other essential services that meet their specific needs (arts. 7, 14 and 24).

32. The State party should intensify its efforts to:

   (a) Ensure that its juvenile justice system is in line with the Covenant, particularly article 24 thereof, and other international standards, and that children in conflict with the law are treated in a manner commensurate with their age, such as by raising the minimum age of criminal responsibility and setting up specialized courts with trained specialized judges for all children, including those aged 15-18 years;

   (b) Effectively enforce legal provisions prohibiting female genital mutilation, forced and early marriage, infanticide and corporal punishment, and conduct awareness-campaigns throughout the country;

   (c) Ensure that all cases of torture, ill-treatment, harmful practices and any acts of violence, including domestic and sexual violence, against children are promptly and effectively investigated, perpetrators are prosecuted and, if convicted, punished with appropriate penalties, and that victims have access to effective remedies, including rehabilitation and compensation, and means of protection and assistance;

   (d) Detect and eradicate the recruitment and use of child soldiers, ensure their prompt disarmament, demobilization, rehabilitation and reintegration and reunite them with their families, with respect for the principle of the best interests of the child;

   (e) Ensure that children in the conflict zones have adequate access to school, food, healthcare and other essential services.

Treatment of aliens, including refugees and asylum seekers

33. The Committee commends the State party’s commitment to protecting refugees and asylum seekers, as demonstrated by its hosting of approximately 870,000 of them as of June 2022. It, however, is concerned about the severe impact of the ongoing armed conflict on the situation of this population, especially those who were displaced from refugee camps in Tigray region without adequate support or protection measures. The Committee is concerned
by reports of targeted violence against Eritrean refugees by parties to the armed conflict, resulting in their deaths, displacement, disappearances and refoulement. While noting the statistical information provided by the State party, the Committee remains concerned by reports that, since January 2020 when the refugee status determination procedures were revised, arrivals from Eritrea have no longer been offered *prima facie* refugee status, leading to a reduced number of Eritrean asylum-seekers being registered, particularly among unaccompanied and separated children. It regrets the lack of specific information as to the steps taken to address the issues pertaining to stateless persons (arts. 2, 6–7, 9, 13, 24 and 26).

34. The State party should take necessary measures to:

   (a) Ensure the safety and security of the refugees and asylum seekers affected by the conflict, particularly those who are displaced, effectively prevent and address violations of their human rights by any party to the conflict, and provide them with adequate access to essential services;

   (b) Facilitate access to asylum procedures and strictly uphold the principle of non-refoulement in both law and practice, particularly as regards those arriving from Eritrea and unaccompanied children;

   (c) Take concrete steps to ascertain the extent of the problem of statelessness, with a view to reducing and preventing it, especially for children.

Internally displaced persons

35. The Committee is concerned by the substantial number of internally displaced persons and their dire humanitarian conditions and reliance on aid agencies for their survival. It is particularly concerned about reports that, in the conflict-affected regions experiencing severe food shortages and reduced services, displaced persons were forced to return to their places of origin without adequate protection measures or sustainable solutions, which leads to their secondary and tertiary displacement. It regrets that, other than such returns, displaced persons lack viable options for local integration or relocation. While noting the steps taken to domesticate the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), the Committee regrets the reported delay in this process (arts. 12 and 26).

36. The State party should intensify its efforts to find and provide durable solutions for internally displaced persons, including through ensuring satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity, in accordance with relevant international standards, including the Covenant, the Guiding Principles on Internal Displacement and the Kampala Convention. It should also expedite the implementation of the Kampala Convention in the domestic legal framework, including through developing and adopting national strategies and legislation on internally displaced persons and designating an authority or body responsible for coordinating activities aimed at protecting and assisting internally displaced persons.

Access to justice and independence of the judiciary

37. While noting the measures taken to strengthen the independence of the judiciary, such as the adoption of the Federal Judicial Administration Proclamation No 1233 of 2021 and the Federal Courts Proclamation No. 1234/2021, the Committee remains concerned about reports that, in practice, law enforcement officials do not fully cooperate with the judiciary in enforcing court orders and decisions. While noting the steps taken to expand access to legal aid, including a free legal aid strategy pending approval of the Council of Ministers, it regrets that the provision of free legal aid is currently mandatory only for persons accused of serious crimes (art. 14).

38. The State party should continue its efforts to:

   (a) Ensure the full independence and impartiality of the judiciary and the public prosecution in practice and guarantee that they are free to operate without undue pressure or interference, including by ensuring the implementation and enforcement, including by law enforcement officials, of court orders and decisions;
(b) Ensure, in law and in practice, that all persons without means who are brought before the courts have access to legal aid and that members of the public, including persons living in remote areas and persons from vulnerable and minority groups, are aware of the existence of such legal services, and that they can make use of them in practice.

Freedom of expression

39. The Committee is concerned by continued reports of harassment and attacks against and arbitrary arrests and detention of journalists, human rights defenders, government critics and activists. It is concerned about numerous reports of arrests of journalists, including of 39 journalists from June 2021 to June 2022 in Addis Ababa, Amhara and Oromia Regions, and of prominent journalists critical of the government during a crackdown on the media between January and May 2022. It is further concerned by reports that the authorities resorted to criminal provisions, including those of the Prevention and Suppression of Terrorism Crimes Proclamation No. 1176/2020 and the Hate Speech and Disinformation Prevention and Suppression Proclamation No. 1185/2020, to suppress dissenting opinions and critical reporting, including about the ongoing conflict. It regrets information received about shutdowns of the Internet and phone services without a clear legal basis, which are disproportionate in their range and duration (art. 19).

40. The State party should ensure that everyone can freely exercise the right to freedom of expression, in accordance with articles 19 of the Covenant and the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression. In doing so, it should:

(a) Protect journalists, human rights defenders, government critics and activists against harassment, attacks or undue interference in the exercise of their professional activities or of their right to freedom of opinion and expression, and ensure that such acts are promptly, independently and thoroughly investigated and that those responsible are brought to justice and victims are provided with effective remedies;

(b) End the practice of arresting, detaining and prosecuting journalists, human rights defenders, government critics and activists as a means of deterring or discouraging them from freely expressing their opinions, and immediately release those who are detained for merely exercising their right to freedom of expression;

(c) Review and revise the Prevention and Suppression of Terrorism Crimes Proclamation No. 1176/2020 and the Hate Speech and Disinformation Prevention and Suppression Proclamation No. 1185/2020 to avoid the use of vague terminology and overly broad restrictions on the right to freedom of expression;

(d) Ensure that any restriction on access to Internet and phone services strictly adheres to the principles of legality, proportionality and necessity and is subject to independent oversight.

Right of peaceful assembly

41. The Committee is concerned about the State party’s broad position that demonstrations should not interfere with the legal rights of third parties, while its general comment No. 37 (2020) on the right of peaceful assembly affirms that private entities and broader society may be expected to accept some level of disruption as a result of the exercise of this right. The Committee also expresses concern about reports of excessive use of force against and arbitrary arrests and detention of protestors. While taking note of the State party’s information that 3,560 persons were arrested during the protests following the killing of Oromo singer Hachalu Hundessa in June 2020, the Committee remains concerned by contrary reports of the arrests of 9,000 individuals, including journalists, activists and government critics. While also noting the State party’s information that, despite allegations of excessive use of force by the police during these protests, private individuals were found responsible for killings, injuries and destruction of properties, the Committee remains concerned about the impartiality and effectiveness of those investigations (art. 21).

42. In accordance with article 21 of the Covenant and in light of the Committee’s general comment No. 37 (2020), the State party should ensure that:
(a) Any restrictions on the right of peaceful assembly, including through the application of administrative and criminal sanctions against individuals exercising that right, comply with the strict requirements of article 21 of the Covenant;

(b) All allegations of excessive use of force and arbitrary arrest and detention in the context of peaceful assemblies are investigated promptly, thoroughly and impartially, that those responsible are prosecuted and, if found guilty, punished, and that the victims obtain redress;

(c) Individuals who are detained for exercising their right of peaceful assembly are immediately released and provided with adequate compensation, and that those awaiting trials for relevant charges are tried without delay and with the respect of all due process guarantees;


Participation in public affairs

43. The Committee commends the State party for the steps taken to promote the representation of women in public life, in particular their increased representation, at around 40 per cent, in the parliament. While also noting the adoption of the Proclamation No.1162/2019 to facilitate transparent and fair elections, it is concerned about reports of the unlawful restrictions placed on members of the opposition parties with regard to their participation in public affairs and elections. It is particularly concerned about reports of arbitrary arrests and prolonged detention of leaders, members and supporters of the opposition parties, especially during the run up to the national election in 2021, and denial of their release despite the charges having been dropped, which barred more than 330 persons from participating in the general election. It also regrets reports of intimidation, harassment and violence against opposition members, supporters and election officials, and of their limited access to the media, meeting halls and assembly places. Furthermore, it is concerned at reports that 20 per cent of the polling stations and voter registration centres were inaccessible for persons with disabilities, pregnant women and elderly voters. While noting the State party’s efforts made to facilitate the voting of internally displaced persons, including the establishment of special polling stations, the Committee remains concerned about the reported insufficiency of such measures (arts. 2, 6 and 25).

44. The State party should bring its electoral regulations and practices into full compliance with the Covenant, particularly article 25, including by:

   (a) Ending arbitrary arrests and detention of and harassment, intimidation and violence against members and supporters of opposition political parties, immediately releasing those who remain in detention, conducting prompt, thorough and independent investigations into such cases, bringing the perpetrators to justice and providing the victims with effective remedies;

   (b) Ensuring that all political parties can conduct an equal, free and transparent electoral campaign, including by providing equal access to the media and public resources;

   (c) Ensuring full accessibility of polling stations and voter registration centres for voters requiring mobility and other assistance;

   (d) Strengthen its efforts to guarantee the full scope of voting rights to internally displaced persons.

Rights of minorities

45. The Committee is alarmed by the recent surge in killings and other acts of violence on the ground of ethnicity, perpetrated by rival security forces and militant groups. It is concerned by reports that investigations and prosecutions in these cases have not been effective, thereby fostering a climate of impunity. The Committee is also concerned about reports that, despite guarantees of equality in the Constitution of the Federal Democratic
Republic of Ethiopia for all ethnic groups, many regional state constitutions confer rights only on the dominant ethnic groups, which excludes members of non-dominant minority groups from participation in political and public affairs and contributes to the ethnic tensions (arts. 26).

46. **The State party should:**

   (a) Ensure that all allegations of killings and other acts of violence on the ground of ethnicity are promptly and effectively investigated, perpetrators are prosecuted and, if convicted, punished with appropriate penalties, and that victims have access to effective remedies;

   (b) Provide law enforcement officials and security forces training on identifying and resolving ethnic tensions that may lead to violent conflicts and on the use of force, on the basis of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;

   (c) Ensure that regional state constitutions and subsidiary laws conform to the guarantees of equality for all, in line with article 25 of the Constitution of the Federal Democratic Republic of Ethiopia and the Covenant;

   (d) Redouble its efforts to end the existing tensions between ethnic groups and discrimination against ethnic minority groups, including through creating opportunities for open dialogue between various ethnic groups, allowing for public discussions on ethnic tensions and conflict, and promoting inter-ethnic harmony and tolerance and overcoming prejudices and negative stereotypes, including in schools and universities and through the media.

**Indigenous peoples**

47. The Committee is concerned at the absence of dedicated legislation recognizing and promoting the rights of indigenous peoples in the State party. It is also concerned by reports that the principle of free, prior and informed consultations was not fully upheld with regard to development projects that may affect the rights of indigenous peoples, including prior to the construction of the Gibe III Dam. It is further concerned at reports that the deficient management of Lega Dembi gold mine combined with the lack of official oversight resulted in toxic contamination of water and soil, leading to grave health, environmental and socioeconomic impacts on adjacent indigenous communities. It is further concerned at reports that, after a temporary closure, the mine has resumed its operations without prior full and meaningful consultations with affected communities, the publication of independent impact assessments or the implementation of necessary safeguards, such as fences around hazardous areas and effective waste disposal systems, that existing contamination has not been sufficiently remediated and that victims have not had access to full redress (arts. 2, 14 and 27).

48. **The State party should take immediate steps to:**

   (a) Develop and adopt a legal framework to recognize and protect the rights of indigenous peoples, including the right to their ancestral lands;

   (b) Ensure that full and meaningful consultations are held with indigenous peoples with a view to obtaining their free, prior and informed consent before the adoption or application of any measure that may affect their rights, including when granting permission for development projects, and that indigenous peoples are consulted prior to the adoption of any regulatory instrument relating to such consultations;

   (c) Put in place a regulatory oversight mechanism to effectively monitor extractive and any other activities that discharge toxic wastes and tailings in indigenous lands, such as the Lega Dembi gold mine, to protect these lands against contamination and destruction and to prevent their adverse impact on the rights of indigenous peoples;

   (d) Conduct and make public and accessible independent health, environmental and socioeconomic impact assessments of the Lega Dembi gold mine,
and provide victims of toxic contamination with full reparations, including adequate compensation and rehabilitation.

D. Dissemination and follow-up

49. The State party should widely disseminate the Covenant, its second periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official languages of the State party.

50. In accordance with rule 75, paragraph 1, of the Committee’s rules of procedure, the State party is requested to provide, by 4 November 2025, information on the implementation of the recommendations made by the Committee in paragraphs 14 (violence against women and harmful practices), 20 (right to life and protection of civilian populations) and 40 (freedom of expression) above.

51. In line with the Committee’s predictable review cycle, the State party will receive in 2028 the Committee’s list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its third periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in 2030 in Geneva.