



**International Covenant on  
Civil and Political Rights**

Distr.: General  
30 January 2020

Original: English  
English, French and Spanish only

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**Human Rights Committee**

**Second periodic report submitted by Ethiopia  
under article 40 of the Covenant, due in 2014\***


[Date received: 22 October 2019]

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\* The present document is being issued without formal editing.

GE.20-01399(E)



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## List of acronyms

|        |  |
|--------|--|
| ACRWC  | African Convention on the Rights and Welfare of Children                                 |
| ANC    | Anti-Natal Care  |
| CAT    | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CPU    | Child Protection Units   |
| CRC    | Convention on the Rights of the Child  |
| CRRF   | Comprehensive Refugee Response Framework   |
| CSA    | Central Statistics Agency  |
| CSO    | Civil Society Organization   |
| EHRC   | Ethiopian Human Rights Commission  |
| FDRE   | Federal Democratic Republic of Ethiopia  |
| FGM/C  | Female Genital Mutilation/Cutting  |
| HoF    | House of Federation  |
| HoPR   | House of Peoples' Representatives  |
| HTP    | Harmful Traditional Practice   |
| ICCPR  | International Covenant on Civil and Political Rights                                     |
| ICESCR | International Covenant on Economic, Social and Cultural Rights                           |
| ICRC   | International Committee of the Red Cross   |
| IDPs   | Internally Displaced Persons   |
| IOM    | International Organization for Migration   |
| MOLSA  | Ministry of Labour and Social Affairs  |
| MOWCY  | Ministry of Women, Children and Youth  |
| NHRAP  | National Human Rights Action Plan  |
| NHRIs  | National Human Rights Institutions   |
| NISS   | National Intelligence and Security Service   |
| OFAG   | Office of the Federal Attorney General   |
| OHCHR  | Office of the High Commissioner for Human Rights   |
| UNHCR  | United Nations High Commissioner for Refugees  |
| UNICEF | United Nations International Children's Emergency Fund                                   |
| UNODC  | United Nations Office for Drugs and Crime  |
| UPR    | Universal Periodic Review  |

## **Introduction**

1. This is the 2nd and 3rd combined periodic report of Ethiopia prepared pursuant to Article 40 of the International Covenant on Civil and Political Rights (ICCPR). It is prepared according to the Compilation of Guidelines on the Form and Content of Reports to be Submitted by State Parties to the International Treaties HRI/GNE/2/Rev.6 of 3 June 2009, the Human Right Committee's Guideline for Reporting CCPR/C/2009/1, issued on 22 November 2010 as well as the various general comments of the Committee. Efforts are also made to accommodate and give explanations to the concerns raised in the concluding observations of the human rights committee as was reported in the document CCPR/C/ETH/CO/1.
2. An Inter-Ministerial group of experts led by the Office of the Attorney General shouldered the assignment of preparing the report. Accordingly, experts from the Office of the Attorney General, Ministry of Foreign Affairs, Ministry of Health, Ministry of Education, Ministry of Labour and Social Affairs, Ministry of Women, Children and Youth, Ministry of Peace, the Central Statistics Agency and the Federal Charities and Societies Agency were amongst the drafters of the report. Technical assistance of the East Africa Regional Office of the United Nations Office of the High Commissioner for Human Rights (OHCHR) was also instrumental in preparing the report.
3. National consultative meetings were organized on the draft report with government and non-governmental organizations to enrich the document and ensure it accurately describes the current state of civil and political rights in Ethiopia.
4. Ethiopia had already submitted its 3rd Cycle National Report in January of this year pursuant to paragraph 5 of the annex to Human Rights Council Resolution 16/21 and is also working to meet its duty of reporting with respect to other treaties the reporting time of which has already lapsed or about to lapse. The Government welcomes clarification sought on the contents of this report.

## **Article 1 The Right to Self-determination**

5. Ethiopia's previous report provided a detailed description of the constitutional framework for the recognition and protection of the right to self-determination. There are no new developments with respect to the constitutional guarantees in the reporting period.
6. By way of providing additional information to the previous report, the right of ownership of rural and urban land, as well as of natural resources is exclusively vested in the state and in the people of Ethiopia. Ethiopian peasants and pastoralists have the right to obtain land without payment for cultivation and grazing as well as protection from eviction or displacement from their own land.
7. The Constitution requires the Government to consult and participate the people at all times in the formulation of national development policies and programmes. Their prior informed consent is sought before the commencement of any development initiatives affecting their rights and interests under the Covenant.
8. While these Constitutional principles and the Government's unreserved endeavour towards their realization still remain valid, a number of issues pertaining to demands of self-governance have become subject of an increasing attention since the last report. These demands include forming one's own local government, a shift in administrative demarcation and claims of recognition as one of the regional states constituting the federal government. Since the previous report, the House of Federation has received and entertained eleven requests for recognition and self-governance from various ethnic groups and communities.
9. In addition to information stated in the previous report relating to mechanisms in place to monitor progress towards the full realization of the right to self-determination, the Administrative Boundaries and Identity Issues Commission was established in December 2018 through Proclamation No. 1101/2018 to thoroughly address the increasing number of

self-rule and recognition claims, to conduct studies and provide recommendations to the House of Federation (HoF) and other government organs.

## Article 2

### Non-discrimination in the Application of the Covenant

10. The Constitution of the FDRE guarantees equality of all persons before the law and non-discrimination on the grounds of race, nation, nationality or other social origin, colour, sex, language, religion, political or other opinion, property, birth or other status.

11. The Government has taken a series of administrative measures to ensure the effective realization of the rights guaranteed by the Covenant. A key priority in this respect has been the institutional reforms carried out in all government institutions as well as NHRIs such as the Ethiopian Human Rights Commission and the Institution of Ombudsman. The latter two are currently reviewing their establishing proclamations. The draft laws will allow these institutions to enhance their independence and implementation of their findings and recommendations as well as build their institutional capacities to provide or ensure the provision of remedies to violations of rights guaranteed by the Covenant.

12. Within the reporting period, courts and the House of Federation (a body charged with the interpretation of the Constitution) have passed a number of decisions relating to protection against discrimination. The House of Federation passed two landmark rulings which upheld the equality of persons before the law. In *MelakuFenta et al Case*, the House has found that the trial of government officials for crimes at the Federal Supreme Court as a court of first instance was unconstitutional as it denies suspects of the right to appeal and thereby deprive them the right to equality before the law. In another case, the House found a directive that prohibited visually impaired persons from serving as judges to be discriminatory and unconstitutional.

13. The existing electoral laws provide for a number of incentives to political parties which nominate women candidates. One of such motivation is allotment of more campaign funds from the Government to political parties based on the number of women candidates they nominate. As a result, representing different contending political parties, 1,270 women candidates were registered during the 2015 elections. The laws, currently being amended with the participation of governing and opposition political parties, are expected to provide for more incentives to enhance women's participation in politics.

14. Non-nationals residing in Ethiopia enjoy most of the rights guaranteed by the Covenant in the same way as Ethiopian nationals except for the right to vote and be elected, own immovable property and serve in the civil service and security forces. Ethiopia adopted a new refugee proclamation, Proclamation No. 1110/2019, which allows refugees to obtain work permits, access primary education, obtain driver's licenses, legally register life events such as births and marriages and access national financial services such as banking. The new law has been recognized as one of the most progressive in Africa.<sup>1</sup>

### Implementation of the Covenant at National Level

15. International human rights instruments signed and ratified by the Country are integral part of the laws of the land. With the aim of determining the status and application of international instruments, the FDRE Constitution under Article 9(4) provides that 'all international agreements ratified by Ethiopia are an integral part of the law of the land'. It is with this framework that the Convention acquired its legitimacy as a national legislation. Additional elaboration has been provided in the replies to the list of issues provided by the government to the previous report (CCPR/C/ETH/Q/1/Add.1, Paras. 1 & 2).

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<sup>1</sup> UNHCR Press Release: accessed at <https://www.unhcr.org/news/press/2019/1/5c41b1784/unhcr-welcomes-ethiopia-law-granting-rights-refugees.html> on 26 January 2019.

16. The Covenant is directly applied by Ethiopian courts at various levels. For example, the Cassation Bench of the Federal Supreme Court based its decision on articles of the Covenant in a number of cases. To mention but a few, the Bench made verbatim use of Article 15(1) of the Covenant on non-retroactivity of criminal laws,<sup>2</sup> Article 18(1) of the Covenant pertaining to right to hold one's own religion,<sup>3</sup> and Article 14(3)(b) of the Covenant dealing with right to defend oneself and communicate with counsel of one's own choice.<sup>4</sup>

17. Pursuant to Article 6(8) of the EHRC's Establishment Proclamation, translating International Human Rights Instruments into local languages and dispensing the same is the prerogative of the Commission. In the reporting period, the EHRC has translated and disseminated the Covenant and all UN core human rights treaties ratified by Ethiopia into two local languages. As a result, the total number of local languages in which the Covenant is available has reached five.

18. Regular radio programmes organized by the Federal Attorney General and the EHRC disseminate information about the Covenant and remedies enabling individuals to obtain redress in case their Covenant rights have been violated.

19. The EHRC works with all branches of government to raise awareness on human rights including the Covenant. In 2017/18, the Commission provided human rights awareness, trainings and workshops to more than 32,088 members of police, prison officers, National Defense Forces, community elders, school children, women, persons with disabilities, and others. The Federal Attorney General has also provided trainings to more than 4,500 government officials, experts and the general public on human rights and Ethiopia's National Human Rights Action Plan (NHRAP) in 2017/2018 (these figures are not inclusive of awareness created through media).

20. Concerted efforts are also made to raise levels of awareness about the Covenant among public officials and state agents. In particular, the Federal and regional Justice and Legal Research and Training Institutes as well as police and prison Officers Training Institutes across the country provide regular pre-service and on-job trainings on the Covenant and other human rights instruments to judges, prosecutors, public defenders, and police and prison officers.

21. Civic education at primary and secondary schools incorporates rights guaranteed by the Covenant. Human rights education is provided in all law schools at undergraduate level and as a specialization at post graduate level. To further entrench human rights education, the Ministry of Education and the EHRC are jointly undertaking a review of the national educational curriculum.

22. Ethiopia has been taking continuous measures to ensure that laws and practices confirm to the Covenant and other Human Rights Instruments it is a party to. A commendable leap forward in this respect is the adoption of the NHRAP which is now at the end of its 2nd term lasting until 2020.

23. The Federal Attorney General is responsible for overseeing the implementation of all human rights instruments ratified by Ethiopia. Accordingly, a National Mechanism for Monitoring, Reporting and Follow-up has been designed which coordinates the implementation of human rights treaties, accepted UPR recommendations and Concluding Observations provided to Ethiopia by treaty bodies.

24. The Federal and regional offices of attorney general, the EHRC and the police are empowered to receive complaints of violations of the rights under the Covenant. For example, since the commencement of political reforms in Ethiopia in April 2018, the Federal Attorney General has received several complaints and directed the initiation of a

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<sup>2</sup> Cassation File No. 73514, Reported in Federal Supreme Court Cassation Decisions Series Vol. 14 PP 240–244.

<sup>3</sup> Cassation File No. 85979, Reported in Federal Supreme Court Cassation Decisions Series Vol. 15 PP 286–290.

<sup>4</sup> Cassation File No. 95921, Reported in Federal Supreme Court Cassation Decisions Series Vol. 18 PP 247–252.

number of criminal investigations against senior members of the National Intelligence and Security Service (NISS), the National Defense Forces, police and prison institutions for crimes of extrajudicial killings and torture. In most of these cases, charges have been filed and suspects are being tried in federal courts.

### **Article 3**

#### **Equal Rights of Men and Women**

25. Equal enjoyment of opportunities and rights between men and women as well as non-discrimination on the basis of sex are one of the core principles of the Constitution. During the reporting period, the government has taken steps that guarantee better protection of women's rights under the Covenant. Various legislative, judicial and administrative measures were taken to this effect.

26. Ethiopia's previous report highlighted the major legislative and policy measures taken to guarantee equal protection of the Covenant rights for men and women. In the current reporting period, the Revised Federal Civil Servants Proclamation enacted in 2018, requires all government agencies to provide nursery in office facilities and extends maternity leave from 90 days to 120 days and paternity leave from 5 days to 10 days. Reference is also made to para.13 which states legislative measures taken to enhance the participation of women in the electoral process.

27. In addition, the country has passed a comprehensive legislation against trafficking in persons and smuggling of migrants with a particular emphasis on protecting women and children. The proclamation envisages strict measures on perpetrators of these crimes and provides redress for victims. A national committee and task forces at regional and federal level have been established to follow up the implementation of this legislation. Since the promulgation of the proclamation, 2,686 persons have been indicted at both federal and regional levels out of which 1178 have so far been convicted. However, despite the extensive efforts, human trafficking has remained a serious challenge for the country.

28. Ethiopia ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) in February 2018. Ethiopia is also working to accede to the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention).

29. Ethiopia is a party to seven core international human rights treaties. Work is underway to accede to the remaining two: namely, the International Convention on the Protection of All Persons from Enforced Disappearances (CED) and the International Convention on the Rights of All Migrant Workers and Their Families (CMW). Ethiopia acceded to the Optional Protocol to the Convention of the Rights of the Child on the involvement of Children in Armed Conflict and the Optional Protocol to *the Convention on the Rights of the Child* on the Sale of Children, Child Prostitution and Child Pornography on May 14, 2014 and March 25, 2014 respectively.

30. Within the reporting period, Ethiopia has ratified two protocols pertaining to trafficking in persons and smuggling of migrants. The UN Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, both of which supplement the UN Convention against Transnational Organized Crime, were ratified respectively by Proclamations 736 and 737 of 2012. The protocols in turn served as a basis for drafting a domestic law on trafficking in persons and smuggling of migrants which was finally been adopted as proclamation 909 of 2015.

31. The Federal Supreme Court Cassation Division has set several binding legal precedents as to the effective implementation on equal division of common property upon divorce.<sup>5</sup>

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<sup>5</sup> Cassation File No. 107840, Reported in Federal Supreme Court Cassation Decisions Series Vol. 18, PP 145–147; Cassation File No. 102652, Reported in Federal Supreme Court Cassation Decisions

32. In 2018, Ethiopia marked a major milestone for the participation of women in politics by achieving gender parity at federal cabinet level by appointing women to 50% of the ministerial posts in the new and slimmed down cabinet of 20 ministers. Women now head key national institutions such as the Ministry of Peace (which oversees the intelligence, police and other security apparatus), Ministry of Revenue, and Ministry of Trade and Industry. Moreover, currently the Country has the first Female Supreme Court President and a Chair Person of National Electoral Board of Ethiopia amongst others. In October 2018, Ethiopia also elected its first female president in its history. These efforts have been and will continue to be replicated at regional levels. Women's representation in the national parliament has risen from 138 in 2010 to 202 in 2015 including equal number of headship positions out of the 10 Standing Committees of House of Peoples Representatives (HoPR).

33. Efforts have also been exerted towards economic empowerment of women during the reporting period. In 2017/18 alone, more than 6 million women participated in large scale awareness and advocacy platforms on the subject of economic empowerment at federal and regional levels and 13,421,215 women were able to save 3,252,050,038 Birr through Small Scale Micro Finance Associations throughout the country while 2,140,105 women were given credit opportunity and received a total of 13,325,717,507 Birr. Currently, 439,117 women are engaged in small scale enterprises out of which 144,597 were provided with market access and networking opportunities.

34. Women are increasingly becoming owners of houses or possessors of land in both rural and urban areas of the country. 16% of women between the age of 15 and 49 own a house themselves, and 35% own a house jointly with someone. From the total beneficiaries of the low-cost housing program at federal level, 52% of the beneficiaries are women. Concerning possessory rights of land, the possession rate of women is 40%, while 25% possess land jointly with other persons. In rural areas, 1,383,937 women had received land possession certificate on their own or jointly with their husband. The Government is focused on structural reforms on land management and administration as the majority of rural land right holders still do not have title deeds for their possession.

35. Regarding the provision of medical services to women, over the current reporting period, significant developments have been registered in the ante-natal care, skilled delivery, reduction of maternal and child mortality, contraceptive use and other indicators. The number of health stations and health centres at *kebele* level has increased leading to better access of the facilities for women. As a result, the proportion of women aged 15–49 in Ethiopia who received antenatal care (ANC) from a skilled provider has increased from 27% in 2000 to 34% in 2011, and 62% in 2016. During the same period, home deliveries decreased from 95% in 2000 to 90% in 2011, and 73% in 2016. 17% of women and 13% of new-born received a postnatal check within the first 2 days of birth.

36. Harmful traditional practices (HTPs) such as Female Genital Mutilation or Cutting (FGM/C) and early marriage are still widely practiced and remain a major challenge. Ethiopia is committed to eliminating harmful practices through strategic and programmatic measures. These include putting in place a National Harmful Traditional Practices Strategy founded on the three-pillar approach: prevention, provision, and protection. This targeted approach guides the national effort and helps to galvanize the support of stakeholders to end the practice as well as mitigate the impact of FGM/C.

37. Apart from the other measures, continuous and wide-ranging dialogue forums and trainings pertaining to women's rights has been undertaken during the reporting period. In 2017/18 alone, awareness creation activities that involved 4, 502,655 people were conducted across the nation on human trafficking, HTPs and gender based violence issues.

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Series Vol. 17 PP 304–306; Cassation File No. 74451, Reported in Federal Supreme Court Cassation Decisions Series Vol. 14 PP 160–162 are few examples.



## Article 4

### Non-derogation of Rights

38. Information on the constitutional mechanism, legal procedures for the imposition and lifting as well as the extent and effect of state of emergency in Ethiopia has been adequately provided in paragraphs 26–31 of the previous report.

39. Ethiopia has declared national state of emergency twice during the reporting period. These declarations were made based on the constitutional framework that empowers the Council of Ministers to declare a state of emergency in the wake of a breakdown of law and order endangering constitutional governance to the point of not being controlled by the regular law enforcement measures.

40. The first state of emergency was declared on October 9, 2016. The Government has immediately notified the other State Parties through the intermediary of the Secretary General of the United Nations on October 17, 2016 but was not formally communicated when it was terminated on August 2017. The second state of emergency was declared on February 16, 2018 but was lifted two months earlier than determined by the HoPR in June 2018. However, the Government formally communicated neither the imposition nor the lifting of the second state of emergency to other state parties to the Covenant.

41. The necessity for such declarations arose from the breakdown of law and order which threatened the life of the nation and caused the loss of lives, destruction of institutions and infrastructures, unrest and disorder endangering the constitutional order as well as public peace and security which could not be prevented and controlled through the regular law enforcement mechanism.

42. The proclamations established the State of Emergency Command Post that comprised members from relevant bodies and led by the Prime Minister with a responsibility to lead and enforce various measures when it assumes that it is necessary for the observance of the constitutional order and for maintenance of peace and security of the public and citizens. These measures include but not limited to the closure or termination of any means of communication, determining security protection conditions of institutions and infrastructures, arresting any person without a court warrant upon suspicion of causing disturbance to the peace and security of the people.

43. With a view to evaluate and limit the exercise of extraordinary powers of the authorities during a period of emergency, State of Emergency Inquiry Board was established to whom the command post was duty bound to notify the names of arrested persons and the place where they are detained. Subsequently, the Board made public within one month the names of all individuals arrested on account of the state of emergency together with the reason for their arrest. In addition, it inspected the measures taken during the state of emergency and, based on the findings, recommended to the Council of Ministers to take corrective measures.

44. The proclamations reinforced the non-derogability of Article 1 (the nomenclature of the state), 18 (Article 7 of the Covenant), article 25 (Article 2 paragraph 1, Articles 3, 17 and 26 of the Covenant) and Article 39 (1) and (2) (Article 1 of the Covenant) of the Constitution. Despite the fact that the list of non-derogable rights under the Constitution falls short of the Covenant, Ethiopia, as a state party to the Covenant and by virtue of Article 9(4) of its Constitution understands all non-derogable rights enumerated under article 4(2) of the Covenant to be applicable to the full extent domestically.

45. The first State of Emergency was proclaimed to remain in effect for six months starting from its promulgation by the Council of Ministers while the House of Peoples Representatives holds the power to renew the time limit every four months when the time limit ends and when it finds it necessary. Due to the unsettled circumstances in that period, the declaration remained in effect for ten months until August 2017.

46. As part of the ongoing reforms aimed at widening the political space and ensuring better protection of human rights, the Anti-Terrorism Proclamation 652/2009 is being reviewed to bring it into compliance with all international human rights instruments including this Covenant. The draft law is being prepared by an independent advisory

council to the Office of the Federal Attorney General composed of prominent legal professionals through the participation of civil society, the academia and all political parties in the country.

47. A Financial Intelligence Center was established in 2009 with a mandate to coordinate the various institutions involved in the fight against money laundering and financing of terrorism. Furthermore, a proclamation was adopted in 2013 for the Prevention and Suppression of Money Laundering and Financing of Terrorism which is in line with Financial Action Task Force standards.

48. The Proclamation sets out procedural safeguards to be followed in conducting criminal investigations related to financing of terrorism. Accordingly, all investigations that involve monitoring of bank or other similar accounts, accessing of computer systems, networks and servers, placing under surveillance or intercepting communications, taking audio or video recordings, photographs, conversations and intercepting and seizing correspondences are conducted only for limited period and with a prior authorization of courts.

## **Article 5**

### **Limitations on the Covenant Rights**

49. Article 9(4) of the Constitution provides that all international agreements ratified by Ethiopia are an integral part of the law of the land. Article 13 (2) of the Constitution further spells out that the fundamental rights and freedoms specified in it shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and International instruments adopted by Ethiopia. Thus, in applying the human rights including the rights incorporated in the Covenant, all government organs are required to ensure that the application and interpretation of the rights is in line with the principles enshrined in the human rights instruments.

50. Although the Government endeavours to uphold fundamental rights, there were circumstances where legislations such as the anti-terrorism, the freedom of information and mass media and civil society organizations proclamations were criticized for undermining fundamental rights and for being not in line with international human rights standards. As a result, amendments to some of these legislations have already been made while the amendment process for the remaining is still underway to make them compatible with the standards.

## **Article 6**

### **Right to Life**

51. There has not been any shift with respect to imposition of death sentences since the last Country Report. In the period 2009/2010 to 2017/18, there were a total of 211 offenders (204 men and 7 women) sentenced to death by the courts. Despite these figures, there has been no execution of prisoners during the reporting period.

52. Ethiopia's Constitution, criminal law and the Sentencing Manual issued by the Federal Supreme Court ensure that death penalty is imposed only on the most serious criminal offences and in the absence of any extenuating circumstances. The sentencing manual in particular, has served to narrow the disparities that used to be witnessed in the type and length of criminal sentences imposed by courts for similar crimes committed under similar circumstances and thereby enhances Ethiopia's compliance with international standards relating to the imposition of death sentences.

53. Recent political reforms reinvigorated commitment towards respect for human rights. This begins with the public admittance by the Country's Prime Minister of the commission of numerous atrocities by state actors and the sincere apology he extended to victims and their families. Following this, criminal investigations were commenced against senior leadership and members of the NISS, the National Defense Forces, police and prison

officials suspected of extrajudicial killings, enforced disappearances, torture and arbitrary detention.

54. A number of disturbances occurred across the country in the reporting period which led to the loss of life. Accountability for extra-judicial killings committed during these disturbances in particular and over the past two dozen years in general is one of the key priorities of the criminal investigations being carried out against members of the security forces. For example, six members of the National Defense Force are currently on trial for killing 9 and wounding 6 civilians in Moyale town. In addition to the criminal prosecutions, the Ministry of Defense has also established a committee to identify family members of victims of the extra judicial killing and wounding for the purpose of compensation.

55. Following the political reforms in April 2018, numerous cases of enforced disappearances have also been reported to the Office of the Federal Attorney General and the Federal Police and are currently being investigated.

56. Ethiopia is committed to regional peace, security, development and socio-economic integration of the sub-region. In order to fulfil its duty of preventing war and avoid any further potential loss of life due to conflicts, Ethiopia took a vibrant step to end a two-decade no-peace no-war stalemate related to boarder conflict with Eritrea and resumed peaceful relations in mid-2018.

57. The existing legal framework for the use of force and firearms in Ethiopia is inadequate and does not meet human rights standards. Accordingly, a new use of force law is being drafted by the Office of the Federal Attorney General along with a new system of police accountability. These laws are being drafted in close collaboration with the OHCHR, UNODC, ICRC and local CSOs to ensure compliance with international human rights standards and draw on the best experiences from across the globe. It is expected that the drafting process will be completed in 2019.

58. A Proclamation to Control Elicit Flows of Fire Arms has been drafted and tabled before the parliament for adoption. In addition, a proclamation to provide for the Prevention and Suppression of Financing the Proliferation of Weapons of Mass Destruction has been adopted in 2019. Furthermore, Ethiopia has ratified the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts, and Components and Ammunition in 2012.

59. As a result of the country's health policy and increasing attention given to maternal and child care services, infant, children and mothers mortality rate remained at a constant decline since the last report period confirming the State's determination to guarantee the right to life to all its citizens. Data from the Central Statistics Agency (CSA) released in 2016 shows infant mortality rate in Ethiopia has declined from 77/1000 during 2005–2010 to 48/1000 during 2011–2016. Similarly, the pregnancy related mortality rate has declined to 412/100,000 live births during 2011–2016 compared to 676/100,000 during 2005–2010.

## **Article 7**

### **Prohibition of Torture**

60. In addition to the discussion on the previous report about the definition of torture, Ethiopia's stand is further elaborated in the context of its Constitution. The Constitution under Article 9(4) provides that '*all international agreements ratified by Ethiopia are an integral part of the law of the land*'. It is with this framework that the Convention against Torture acquired its legitimacy as a domestic legislation. Despite the fact that the Constitution and other laws of Ethiopia clearly safeguard individual rights against torture, the Convention with its entirety and the definition provided under Article 1 in particular, already form part of the domestic law.

61. Article 19(5) of the Constitution, dealing with safeguarding the rights of persons arrested, prohibits the use of any form of compulsion as a means of getting confession. Pursuant to Article 28 of the Constitution, criminal liability of persons suspected of committing torture is neither bared by statute of limitation nor is subject to amnesty or pardon of the legislature or any other state organ.

62. The Criminal Code of Ethiopia prohibits act of torture in a number of provisions. Accordingly, Articles 243 (3), 270 (a), 271 (1) (a), 272 (a), 407 and 424 of the Code are amongst the provisions. In addition, Article 9 of the Corruption Crimes Proclamation No. 881/2015 similarly criminalizes the act of torture. Thus, a person who organizes or orders or engages in acts of torture or inhuman treatment breaching these prohibitive provisions will be punished with the penalties specified under each provision of the legislations.

63. The Criminal Code stipulates that a subordinate should be liable to punishment if he/she was aware of the illegal nature of the superior's order. Thus, there is no room for principal offender to invoke a superior order to justify the violation of human right which constitutes a criminal act of torture.

64. Further elaborating the prohibition of torture, the Criminal Procedure Code of Ethiopia under Articles 27, 31 and 34 states that while examining a person, investigating or recording a confession, police officers or any court, should ensure the person making the confession is doing so voluntarily. Article 27(1) of the Code provides that during interrogation, suspected persons shall not be compelled to answer and they should be informed their right to remain silent. Article 31, on the other hand, prohibits the use of inducement, threat or any other improper method by any police officer during examination of a person. Article 35 of the Code further provides that a court entrusted with recording a confession has a duty to confirm that the suspect is making the confession voluntarily.

65. Ethiopia's law prohibits the use and admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment. Article 19(5) of the Constitution explicitly states any evidence obtained under coercion shall not be admissible. The Criminal Justice Policy adopted in 2011 reiterates the principle that in any criminal proceeding, evidence should be gathered in a manner provided by law and that any evidence collected in contravention of the law shall be made inadmissible.

66. The Government officially closed the Federal Investigation Centre commonly known as '*Maekelawi*', a crime investigation office and detention facility where several criminal suspects had been tortured. In addition, detention centers and prisons in the Somali Regional State that had been used for torturing individuals were also closed. Furthermore, seven secret detention and torture centers used by members of NISS were also publically disclosed and shut down. The Federal Police in collaboration with the Office of the Federal Attorney General has been conducting criminal investigation and criminal charges have already been instituted against most of the perpetrators.

67. The office of the NHRAP, based in the Office of the Federal Attorney General also monitors places of detention across the country to ensure compliance with human rights standards. Police, prison and other security and justice sector institutions regularly prepare their annual work plans in accordance with their duties under the national plan aimed at preventing and ensuring accountability for incidences of torture.

68. Office of the Federal Attorney General adopted a prosecution manual in April 2016. This manual provides guidance on proper procedures for the investigation and prosecution of all crimes and emphasizes the protection of suspects and detainees including the right to be protected from torture. Regular pre-service and on-job trainings are provided to prosecutors based on the manual. Likewise, the Federal Police Commission has finalized an investigation manual which is validated and expected to be put in place soon.

69. Ethiopia has been signing bilateral and multilateral agreements relating to cooperation in criminal matters. Accordingly, the right of the individuals not to be subjected to torture and the prerogative of Ethiopia to refuse to extradite the suspect or convict to another state where he/she may face torture, cruel, inhumane or degrading treatment is always a key element of the bilateral agreements and extraditions based on the principle of reciprocity.

70. The right to human dignity and prohibition against torture and inhuman treatment forms the core of the *curricula* in Federal and regional police and prison training institutions. Pre-service and on-job trainings are provided to their members to ensure that they do not commit violations and are able to prevent violations by third parties.

71. EHRC is mandated as per Proclamation No. 210/2000 to undertake investigation, upon complaint or in its own initiation, in respect of human rights violations and to give recommendations to the concerned governmental agencies. Accordingly, the Commission regularly visits prisons and police detention facilities and investigates allegations of torture.

### **Complaint Mechanisms Pertaining to Torture**

72. Complaints and investigation of alleged acts of torture, cruel, inhuman, and degrading treatment follows the formal rules prescribed under the Criminal Procedure Code of the Country. Complaints are filed by the victims or any other concerned citizens. The police and public prosecutors' offices are the principal organs where complaints are lodged. The police are duty bound to make investigation into the facts once a complaint is submitted. Where necessary, protective measures towards the victim or other witnesses are provided. If there is fear of retaliation, police officers may be assigned to protect victims, their families and witnesses. In cases where the police refuse to investigate a complaint, the victim or the person who raised the alarm has the right to complain to higher authorities in the police. Likewise, the victim may petition to higher officials of prosecution offices if a prosecutor fails to institute a legal action after having obtained the necessary evidence.

73. Besides the above mentioned complaint mechanisms, NHRIs such as the EHRC and local CSOs serve as a complaint outlet for victims of torture or ill-treatment so as to correct the wrongs done and to help in affording redress. The EHRC, in this regard, has a special desk with the prerogative to receive complaints from the victims of torture or ill-treatments. This desk is also empowered to conduct investigation following the complaints and forward corrective measures.

74. Furthermore, the recent amendment of the law governing civil societies will enhance engagement of local as well as international CSOs in monitoring the human rights situation throughout the country.

## **Article 8 Prohibition of Forced Labour**

75. The Constitution guarantees everyone the right to protection against being held in slavery or servitude and clearly prohibits trafficking in human beings. The Constitution also states, under article 18(3), that no one shall be required to perform forced or compulsory labour. However, any work or service normally required of a person who is under detention in consequence of a lawful order or of a person during conditional release from such detention, service provided by conscientious objectors in lieu of compulsory military service, any service exacted in cases of emergency or calamity or any economic and social development activity voluntarily performed by a community within its locality will not be considered as compulsory labour.

76. To further prevent the crime of trafficking in persons, Ethiopia issued the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909/2015. The law imposes harsher punishments for traffickers and creates a national protection, rehabilitation and compensation regime for victims of human trafficking.

77. The Proclamation established a National Committee and Task Force for Anti-human Trafficking and Smuggling of Migrants. The establishment of both the Committee and Task Force is aimed at better coordination of activities designed for victims' protection, assistance and rehabilitation, for advising in policy, plans and implementation framework formulations process, and to accommodate the interest of victims and combat the crime of human trafficking and smuggling of migrants. The proclamation has also established a fund for protection of victims of trafficking in persons. The proclamation is currently being reviewed to afford greater protection to victims of human smuggling.

78. The Government has also been taking a series of measures to raise awareness about the dangers of human trafficking through awareness raising campaigns and job creation. For example, in 2017/18, the Anti-human Trafficking Taskforce Secretariat based in the Office of the Federal Attorney General, in collaboration with the National Theatre and funding

from the Netherlands Government has carried out awareness raising trainings respectively for 9,964 and 20,848 members of the most vulnerable communities in the Southern Nations, Nationalities and Peoples and Amhara National Regional States through round table discussions, theatre and poetry. Similarly, from 2015–2018, the Oromia Regional State has conducted public awareness campaigns to more than 8,471,162 persons focusing on women, youth, students, farmers and other members of the community.

79. The prosecution of traffickers also takes center stage in combating human trafficking and smuggling of persons. Accordingly, in 2017/18, criminal charges were filed in 731 cases against human trafficking suspects at the federal level, the Amhara, Oromia and the Southern Nations, Nationalities and Peoples Regional States. Of these, convictions were passed in 312 cases, while the defendants in 62 cases were acquitted and the remaining 357 cases are still pending.

80. Consent is one of the essential conditions for formation of a valid marriage in Ethiopia. All family laws at both federal and regional levels prohibit forced marriage. Abduction of a woman with intent of concluding a marriage is also criminalized under Article 587 of the Criminal Code. Where the victim is a minor, this establishes grounds for the aggravation of the penalties (Article 589). The principle of material concurrence applies and additional charge will be brought against the perpetrator if abduction of a minor was committed for the purpose of concluding a marriage.

## **Article 9**

### **Right to Liberty and Security of Persons**

81. The previous report has addressed most of the legislative and administrative measures put in place for the protection of the right of liberty and security of persons especially on the deprivation of liberty in relation to criminal cases.

82. Pre-trial detention is an exception in Ethiopia. And where it is allowed, the laws of Ethiopia contain provisions to limit the period of detention reasonably short and to allow the suspect to be released as it is stated in the previous report. In addition to this, some legislations provide the maximum period where a person could be detained on remand. Accordingly, although the investigating police officer may request a remand of 28 days to investigate persons who are suspected of committing acts of terrorism, the total time shall not exceed a period of four months pursuant to the Anti-Terrorism Proclamation No. 652/2009.

83. Similarly, Article 7 of the Vagrancy Control Proclamation No. 384/2004 states that the investigating police officer who has arrested a person on suspicion of vagrancy shall complete his investigation and submit the investigation file to the public prosecutor within twenty-eight days after the arrest.

84. Both the Constitution and the Criminal Procedure Code require arrested persons to be brought before courts of law within 48 hours. As a result, police officers are obliged to bring accused and arrested persons before the court immediately or at least within the 48 hours' limit. Nevertheless, among other factors, failure to bring detained persons within the time limit remained a challenge as the working days of courts were limited to five lasting from Monday through Friday. Taking this into consideration, a measure has been taken by the judiciary to extend the official working days to Saturdays to solve such and other related problems. In addition, in order to shorten pre-trial detention, an accelerated procedure has been put in place by prosecutors and courts under which priority is given to cases of detained persons who fail to produce the bail bond requirement.

85. The percentage of prisoners on remand to the general prison population differs from year to year since the last report. For instance, it was 6.28%, which is the least, during 2012/13 fiscal year while the highest was 37.46% on 2010/11. The recent data of 2017/18 shows that it remains an average of 24.01%.

86. Regarding persons with mental illness, the Government has launched a National Mental Health Strategy of 2012/13–2015/16. This document took the need to protect human rights as its core component among others. The strategy also indicated the development of

legislations to protect the human rights of persons with mental illness. It also obliges all medical centers to provide treatment to mentally ill persons in a way compatible with international human rights conventions including the Covenant. Currently, the Ministry of Health is in the process of revising the Strategy to further strengthen the protection accorded to persons with mental illness.

87. Ethiopia, being a federal polity, has independent prison administrations across the regional states in addition to the federal prison administration commission. Taking this structural set up in mind, each prison administration holds its own central register of prisoners. Currently, the Government is developing a National Integrated Justice Information System with a view of coordinating the data base of all justice organs including prison administrations.

88. In order to prevent acts of detention incommunicado, different safeguarding mechanisms and measures have been implemented. In this regard, the law does not recognize the practice of detention incommunicado as legitimate act in any way. Consequently, acts amounting to it will be regarded as illegal *per se*. In addition to this, the Constitution acknowledges the right of arrested, accused and convicted persons which include the right of *habeas corpus*, the right to be visited by spouses, relatives, friends, legal & religious counsellors and physicians. Furthermore, the Government has closed down seven secret detention centers that were administered by the NISS, which served as places where detention incommunicado was conducted contrary to domestic and international legal obligation of the Country. In relation to this, while a number of individuals have already been indicted before courts of law; further criminal investigation is underway to bring to justice the rest of perpetrators of grave violation of human rights.

89. Along with the Constitution, CRC and its General Guideline adopted by the committee, the protection against deprivation of liberty for children and juveniles is a matter of serious concern for the Government. Accordingly, the Criminal Code gives ample recognition to the special situation of the juvenile accused by dedicating a section on how to deal with children in conflict with the law. While detention is used as a last resort and for the shortest period of time, the law puts stronger emphasis on the conditions of children being detained obliging the Government to set separate facilities for their detention. Moreover, a special section of the Criminal Procedure Code provides for rules of procedures that are exclusively designed to deal with juvenile offenders.

90. The establishment of child friendly courts and child protection units in police institutions that give primary consideration to a child's right to protection has also further advanced a prompt and effective judicial procedure which minimizes arbitrary and prolonged detention of children. Such protection from arbitrary detention is not limited to criminal or juvenile justice detention but also applies in all cases where the Government deprives children their liberty because of mental illness, vagrancy, drug addiction, and immigration control.

91. Currently, federal and regional correction centers have a separate detention facility for juvenile offenders who are above the age of 15 years. Similarly, there is a separate rehabilitation center for children from the age of 9–15 years who are in conflict with the law. On the other hand, rehabilitation centers for drug addiction provide the service based on the free and full consent of the beneficiaries.

92. The Vagrancy Control Proclamation No. 384/2004 provides that individuals may be deprived of their liberty while awaiting trial for alleged vagrancy crimes or already serving their sentences in a center. The objective of this Proclamation is to control vagrancy crimes by bringing offenders to justice and imposing punishment proportionate to their crimes and to create conditions for their transformation into law-abiding and productive citizenry. Accordingly, a person who is found guilty of vagrancy is required to serve the sentence in a center and not in prison. However, the law also states that until such time that each regional state establishes its own centers, decisions given by courts pursuant to the proclamation shall be executed in a federal rehabilitation center.

93. The Immigration Proclamation No.354/2003 provides that a foreign national may be detained pending deportation or expulsion from the country where he has no viable means of support or is likely to become a public burden, is found to be a notorious criminal, has

been declared to be a drug addict, has been subjected of suffering from a dangerous contagious disease, has been found to be a threat to national security or has furnished false information.

94. The order of deportation by the Immigration Authority shall specify the reason for the deportation of the foreigner. A foreigner who is aggrieved by a deportation or expulsion order issued by the Immigration Authority may submit a petition against the order to the Grievance Hearing Committee, composed of representatives of the Ministry of Foreign Affairs, the Office of the Federal Attorney General and the Authority, within three working days from the date of receipt of the deportation order.

95. Under Ethiopian legal system, the Federal Supreme Court has the power of Cassation over any final decision of courts or quasi-judicial tribunals containing basic error of law. The Appeal Hearing Council, being a tribunal with a power to entertain and give final decision on cases related to refugee and asylum, its decisions are appealable before the Cassation Bench of the Federal Supreme Court.

96. In addition, the Council of Constitutional Inquiry and the House of Federation are endowed with the power of constitutional review against any law or decision given by any government organ or official which is alleged to be against the Constitution. Therefore, from this arrangement, the decision of the Appeal Hearing Council can be contested before these institutions on ground of constitutionality, on which the explicit and categorical prohibition of inhuman treatment is part of the Constitution.

## **Article 10**

### **Humane Treatment of Persons Deprived of their Liberty**

97. The previous report has provided detailed information on national legislative and administrative provisions regarding the treatment of all persons deprived of liberty and these frameworks are still in force.

98. However, following the commencement of the political reforms, one of the first areas spotlighted was the treatment of detained, arrested persons and prisoners. Ethiopia recognizes that the conditions of detention centers and prison facilities such as overcrowding, inadequate or obsolete infrastructure, lack of sanitary conditions, disease, malnutrition and violence between prisoners require significant improvement to meet international standards.

99. Thus, the Federal Government is building four new prison facilities to ensure prisoners are kept in conditions that respect their human dignity. Similar efforts are underway in all regional states and city administrations to improve the conditions of detention including through the improvement of water supply, medical and sanitation services, sporting facilities, libraries and the likes.

100. Despite the existence of broad legislative framework and institutions vested with the protection of rights of persons deprived of liberty, serious human rights violations have been witnessed during the reporting period. The existing complaint mechanisms, even those that were considered impartial were revealed to have been ineffective in preventing rampant human rights violations in police detention centers and prisons in many parts of the country. A system of virtual impunity existed for perpetrators of human rights violations against persons deprived of liberty especially by the intelligence, police and prison officials.

101. Therefore, major initiatives were launched after the reform to strengthen the legal framework and enhance the capacity and compliance of institutions for the protection of the rights of persons deprived of their liberty. The removal and replacement of senior management in police, prison and intelligence institutions with new management committed to the protection of human rights was the first step. This was immediately followed with the launching of criminal investigations against some of the former senior leadership of these institutions suspected of crimes such as torture, inhuman and degrading treatment as well as extra-judicial killings.



102. Reform initiatives are also being carried out at the EHRC to strengthen its capacity to carry out regular, meaningful and consequential monitoring of detention places. To this end, the EHRC is currently reviewing its establishing proclamation to strengthen its mandate and enhance its compliance with the Paris Principles. Furthermore, the HoPR, as recently as the end of June 2019, has appointed a new commissioner with reputation for human rights activism to head the EHRC.

103. As described under paragraph 57 of this report, the drafting of a new police use of force law and a new system of accountability is also a key part of the effort. Regulating police and prison officers' interactions with persons deprived of their liberty and narrowing the wide discretions existing laws provide to law enforcement regarding what type of force to use is the main objective of the draft legislation. The draft law aims to establish an internal affairs unit within the police institution to enhance accountability for human rights violations.

### **Article 11 Prohibition of Imprisonment Merely for Inability to Fulfill a Contractual Obligation**

104. As it is stated in the previous report, Ethiopian law does not allow civil arrest or imprisonment merely on the ground of inability to perform a contractual obligation. However, there are few exceptions to this rule. Pursuant to Article 386(4) of the Civil Procedure Code, where an application is made for the execution of a decree for the payment of money and the judgment-debtor fails to appear in answer to the summons, the court may order the person be arrested and brought before it for the purpose of being examined as to his/her means.

105. Moreover, Article 387 of the Code states that the court may forthwith order the arrest of the judgment-debtor on being satisfied, by affidavit or otherwise, that, with the object or effect of obstructing or delaying execution, the judgment-debtor is about or likely to abscond or leave the local limits of the jurisdiction of the court or to dispose of or remove his/her property or any part thereof from such limits.

### **Articles 12 and 13 Right to Freedom of Movement and Residence (COB Para. 13 & 14, RG Para. 71 & 72, GC 15 of 1986, GC 27 of 1999)**

106. The Constitutional principles and rules set under other substantive and procedural laws such as the Civil, Family and Criminal Codes as well as the Immigration and Refugee Proclamations explained under paragraphs 107 through 119 of the previous report remain valid. Thus, the right to freedom of movement; to choose one's principal residence including in spousal relationships and the cases of minors; penal provision against any trespass to the enjoyment of the right to freedom of movement committed by public officials or any other private citizen; conditions to leave out of and enter to the country under various scenarios such as immigrating, asylum seeking and expulsion or deportation were broadly discussed in the previous report.

107. The 2016 New York Declaration for Refugees and Migrants is considered a milestone for global solidarity on refugees' protection which sets out key elements of the Comprehensive Refugee Response Framework (CRRF) and lays the groundwork for the Global Compact on Refugees. Following the adoption of the declaration, Ethiopia co-hosted a leader's summit where it made nine pledges to improve the lives of refugees. The CRRF was officially launched in Ethiopia in November 2017. Currently, with 950,000 refugees, Ethiopia is host to the second largest refugee population in Africa, the majority of whom come from South Sudan, Somalia and Eritrea.

108. Ethiopia has already made progress in implementing the CRRF. First, civil registration of refugees, including birth, marriage, divorce and death, started in October 2017. More than 13452 refugees have had their birth registered including retroactive

registration. Secondly, the Biometric Information Management System, a countrywide refugee registration infrastructure, was initiated in 2017. The system records information on refugees' education and professional skills as well as profiles of their family members. Both civil registration and the new biometric system will enable refugees to access CRRF opportunities. Thirdly, the Government has been working towards a mechanism to allow refugees' access to work.

109. In February 2019, the HoPR adopted a new Refugee Proclamation No. 1110/2019 which allows refugees to obtain work permits, access primary education, obtain driver's licenses, legally register life events such as births and marriages and access national financial services such as banking. The new law has been recognized as one of the most progressive in Africa.<sup>6</sup>

110. Ethiopia is a signatory to the African Union Convention for the Protection and Assistance of Internally Displaced Persons (IDPs), and the process for the ratification of the Convention is currently undergoing. Before the commencement of the political reform in March 2018, there already were 1.2 million internally displaced persons mainly due to internal conflicts and natural hazards. This figure almost doubled to 2.3 million in the first few months following the reform.

111. Ethiopia has introduced institutional mechanisms to help meet IDPs' immediate and longer-term needs for both humanitarian and development assistance. Amongst these initiatives are a national steering committee (under the leadership of the Deputy Prime Minister) and an inter-ministerial coordinated by Ministry of Peace to support, resettle and rehabilitate internally displaced persons. In addition to this, the Government is closely working with development partners towards the same end. Moreover, to prevent and resolve further internal conflicts that catalyse displacement, a National Reconciliation Commission and an Administrative Boundary and Identity Issues Commission have been established in December 2018 through Proclamation No. 1102/2018 and Proclamation No. 1101/2018, respectively.

112. Ethiopia adopted Disaster Risk Management Policy to reduce risks associated with disasters and to protect those at risk in such circumstances. The Government also works closely with national and international counter parts to prevent internal displacement through early warning mechanisms and to provide care and resettlement for IDPs.

113. Accordingly, the Federal as well as the regional governments have been allocating funds from government coffers and raising funds through contributions and telethons. Regional states particularly have been building houses for repatriation and resettlement, facilitating voluntary resettlement of the IDPs and providing humanitarian care and assistance for those who remain temporarily displaced.

114. As a result of strong commitment of the Government and its concerted efforts in collaboration with development partners, most of the internally displaced persons have been voluntarily resettled and only a little more than hundred thousand remain in temporary shelters. Furthermore, the Government is taking legal and administrative measures to hold accountable for the displacement of citizens.

## **Article 14**

### **Equality before Courts and Tribunals**

115. The information provided in the previous report paragraphs 120–152 pertaining to equality before courts and tribunals, fair and public hearing by a competent, independent & impartial tribunal, presumption of innocence, rights of persons charged with criminal offences, review by higher tribunal and the principles of *Ne bis idem* (Double Jeopardy) still remain valid.

116. To address the recommendations and concerns of the Committee (CCPR/C/ETH/CO/1 Para. 20–22), Article 78(5) of the Constitution stipulates that the

<sup>6</sup> UNHCR Press Release: accessed at <https://www.unhcr.org/news/press/2019/1/5c41b1784/unhcr-welcomes-ethiopia-law-granting-rights-refugees.html> on 26 January 2019.

HoPR and State Councils can establish or give official recognition to religious and customary courts. It is further stated that those religious and customary courts which had State recognition and were functional prior to the adoption of the Constitution would be organized on the basis of the recognition the Constitution accorded to them.

117. Thus, while there exist no formally recognized customary courts so far, Islamic *Sharia* courts are established as part of the independent courts both at the Federal and Regional level, in the case of the former, by the Federal Courts of *Sharia* Consolidation Proclamation No. 188/1999.

118. Accordingly, Federal First Instance, High and Supreme Courts of *Sharia* are established pursuant to Article 2(4) of the aforementioned Proclamation. However, these courts have no jurisdiction in criminal cases, and their civil jurisdiction in addition to being confined to family and succession cases, is subject to the consent of both of the litigating parties. Furthermore, the litigants in family disputes, and the deceased whose estate is to be liquidated in succession cases, need to be followers of Islam. Decisions rendered by Regional States' and Federal Courts of *Sharia* are subject to further scrutiny as an appeal against such decisions can be lodged to the cassation bench of the Federal Supreme court on the basis of basic error of law witnessed in the decisions.

119. To this effect, the decisions of *DireDawa* City Federal First Instance, High and Supreme Courts of *Sharia* relating to a dispute of possessory right were quashed for lack of jurisdiction of the courts on the subject.<sup>7</sup> In another case relating to dissolution of marriage though, the applicant lodged the appeal based on lack of consent and *Res Judicata*, accepting the second claim, the cassation bench of Federal Supreme Court quashed the decisions of Afar Regional State High and Supreme Courts of *Sharia* in favour of the applicant, as the case had already been brought before and decided by the First Instance Court of the Regional State before it was brought to the attention of the *Sharia* courts.<sup>8</sup> Therefore, it is possible to safely conclude that any fear of departing from Article 14 of the Covenant or paragraph 24 of the general comments of 2007 are rightly addressed from the perspective of the jurisdiction of customary and religious courts.

120. The Defense Councillors' Offices of Federal Courts as well as regional courts renders free legal representation to indigents accused of criminal offences. However, due to limitation of resources the offices are still forced to be selective in their representation and only those persons accused of grave offences benefit from the service as of right.

121. It is believed that the role of CSOs in providing legal aid and representation is indispensable to the proper dispensation of justice. The recently adopted Civil Society Organizations Proclamation No. 1113/2019 is expected to significantly boost the participation of CSOs in this respect and complement the ever-increasing resources allocated by the Government to this end.

122. Coordinated by the Office of the Federal Attorney General a *Pro Bono* legal representation has also been undergoing to indigents unable to claim their rights before courts of law due to financial constraints. Between 2010 and 2018, 4961 indigents were provided with free legal representation by private advocates on *Pro Bono* basis. Regional Attorney General Offices also provide representation in civil cases for indigent citizens either through assigning public prosecutors or advocates through *pro-bono* administration.

123. Another concern of the Committee in relation to Article 14 is conviction of an accused person on the basis of plea of guilty. Admittedly, Article 134(1) of the Criminal Procedure Code stipulates to the same effect and Article 185(1) of the Code denies the possibility of lodging an appeal against such convictions.

124. However, Article 134(1), in permitting conviction based on plea of guilty, obliges the adjudicating court to make sure that the plea was made unequivocally. To use the exact words of the provision the accused needs to "admit without reservation every ingredient in

<sup>7</sup> Cassation File No. 36677, Reported in Federal Supreme Court Cassation Decisions Series Vol. 9 PP 111–112.

<sup>8</sup> Cassation File No. 93779, Reported in Federal Supreme Court Cassation Decisions Series Vol. 15 PP 247–250.

the offence charged.” Even in cases where the plea is judged to be unequivocal, pursuant to the subsequent sub-article 134(2), the adjudicating court still has the prerogative to “require the prosecution to call such evidence for the prosecution as it considers necessary and permit the accused to call evidence.” Courts usually exercise this prerogative especially when the charges brought against the accused entail severe punishments.

125. Though lodging an appeal from such convictions is prohibited in principle, it does not preclude the convict to challenge the legality of the convictions on the basis of basic error of law. In fact, the Cassation Bench of the Federal Supreme Court has been handling such kinds of appeals brought to its attention. An instance in this regard would be a case where the decisions of the Federal High and Supreme Courts were quashed because the accused was not legally represented and the plea of guilty was not properly entered. As a result, the Federal High Court was ordered to summon the evidences of both sides of the litigants and re-adjudicate the case.<sup>9</sup>

126. Courts are currently undergoing deep rooted reforms to ensure their independence and improve their efficiency. The Federal Supreme Court has recently established a Judiciary Affairs Reform Task Force. The Task Force is composed of 20 prominent independent legal professionals in the country and is mandated to identify and recommend measures that will enhance the independence and professionalism of the courts.

127. To enhance their accessibility, video conference and e-litigation centers are being expanded across the country and a study to connect all federal courts via Wide-Area Network (WAN) is underway. The Federal Judicial Administration Proclamation is also being reviewed with the aim of ensuring transparency and credibility in the recruitment and appointment of judges, to guarantee the independence, neutrality and accountability of the judiciary and curtail any undue interventions in its functioning.

128. As part of affirming its institutional independence and in keeping with the law, the Federal Supreme Court, for the first time, presented its 2019/2020 budget request directly to the Parliament and not to a branch of the executive as was the practice.

## **Article 15**

### **Non-Retroactivity of Laws**

129. The explanation given under paragraphs 153 and 154 of the previous country report pertaining to the principle of non-retroactivity of laws remains valid. Article 22 of the Constitution and Articles 5 and 6 of the Criminal Code are the governing provisions in the applicability of the principle. As stated in the previous report, the principle is practiced in two dimensions. While no person is held criminally liable for an act or omission by a subsequently issued law, on the other hand, courts are obliged to apply a law promulgated subsequent to the commission of an offence in cases where the provisions of the new law are more favourable to an accused person.

130. Accordingly, courts have been effectively carrying out their responsibilities. In the period this report covers, the cassation bench of the Federal Supreme Court for instance nullified the decision of both the Federal High and Supreme Courts regarding conviction of an accused for violating the 2004 Criminal Code as the act the convict was indicted for was committed before the coming into force of the Code.<sup>10</sup>

131. Likewise, with the adoption of Customs Proclamation No. 859/2014 (which repealed Customs Proclamation No. 622/2009), a number of acts and omissions which used to entail criminal liability were decriminalized. As is enshrined under part seven chapter one (Articles 148–165) of the new law, such acts as failure to comply with restrictions on import and export goods, opening of parcels and removal of marks, failure to return samples and misuse of duty free goods which at times were punishable with a maximum

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<sup>9</sup> Cassation File No. 77842, Reported in Federal Supreme Court Cassation Decisions Series Vol. 14 PP 237–239.

<sup>10</sup> Cassation File No. 73514, Reported in Federal Supreme Court Cassation Decisions Series Vol. 14 PP 240–244.

imprisonment of up to fifteen years were de-categorized and made to have only administrative consequences. Thus, prosecutors closed 48 files with 81 accused while courts functioning at various levels have set 95 accused individual free as per the principle of applicability of the more favourable law to the accused. Another notable instance is the selective retroactive application of the Federal Supreme Court Sentencing Guidelines of 2010 and 2013 in favour of convicted felons.

## **Article 16**

### **Recognition as a Person**

132. All information stated in the previous report as to the legal framework concerning the recognition as a person remains valid. Within the reporting period, registration of births, death and marriage has been made mandatory throughout the country. The Vital Events Registration Agency began registration of the same in mid-2016. In 2017/18, a total of 538,983 births, 95,719 marriages and 94,042 deaths were registered. Ethiopia also began providing birth, death and marriage registration for refugees in 2017. Accordingly, 4,852 births, 802 marriages and 100 deaths of refugees have been registered in 2017/18.

## **Article 17**

### **Right to Privacy, Honour and Reputation**

133. While the rules of the Country pertaining to right to privacy, honour and reputation remain the same as what has been stated in the previous report, the right to privacy was temporarily restricted by the declaration of state of emergency for the maintenance of public peace and security twice at a national level.

134. The declaration had temporarily limited the full enjoyment of rights through for instance allowing search without warrant of any house, place and carrier with a view to seize any material used or may be used to perpetrate a crime as well as stop any person to search and to ascertain his identity. Such measures were only permitted during the state of emergency and only to the extent necessary for the observance of the constitutional order and for maintenance of peace and security of the general public.

135. The Ethiopian legal system provides meaning to the term “domicile” in a way very much similar to the meaning given under General Comment 16 of the committee. According to the 1960 Civil Code, domicile of a person is defined as “a place where such person has established the principal seat of his business and of his interests, with the intention of living there permanently.” On the other hand, though there is no single definition given to the term “family,” different provisions of the Revised Family Code, regional family codes and other relevant proclamations give due recognition to it according to the understandings of the respective community.

136. Ethiopia has passed Computer Crimes Proclamation in 2016 which extended better protection for the right of privacy, honour and reputation. According to this proclamation, illegal access, illegal interception, interference with computer system and causing damage to computer data are recognized as punishable offences. Moreover, intentional acts of intimidating or threatening of another person or his/her family by disseminating or sending repeatedly any writing, video, audio or any other image which are of defamatory nature through a computer system and acts of keeping another person’s computer communication under surveillance are made punishable up to 10 years of imprisonment.

137. The Anti-Terrorism Proclamation No. 652/2009, which itself is under revision to address other concerns, with court warrant allows NISS as well as the police to gather information for the purpose of preventing and controlling a terrorist act, to intercept or conduct surveillance on the telephone, fax, radio, internet, electronic, postal and similar communications of a person suspected of terrorism; enter into any premise in secret to enforce the interception; or install or remove instruments enabling the interception.

138. With the permission of the Director General of the Federal Police and for the purpose of preventing a reasonably suspected terrorist act, the Proclamation also allows

police officers to stop any vehicle or pedestrian in a specific area and conduct sudden search and seize relevant evidences at any time.

139. The other legislation which is relevant to the right to privacy is the Prevention and Suppression of Money Laundering and Financing of Terrorism Proclamation No. 780/2013. The legislation provides that for the purpose of obtaining evidence of money laundering or financing of terrorism or tracing proceeds of crime, the judicial organs may authorize crime investigation authorities, for a specific period, to monitor bank accounts and other similar accounts; to access computer systems, networks and servers; to place under surveillance or to intercept communication; to take audio or video recording or photographs of acts, behaviours and conversations; and to intercept and seize correspondence.

140. However, this is only allowed when there are serious indications that such accounts, computer systems, networks and servers, telephone lines or documents are being used or may be used by persons suspected of participating in money laundering or financing of terrorism.

## **Article 18**

### **Freedom of Thought, Conscience and Religion**

141. The Constitution guarantees freedom of thought, conscience and religion unequivocally as well as assures secularity of religion and the freedom to hold one's own belief. Information on the legal and administrative framework on the freedom of thought, conscience and religion in Ethiopia has been provided in paragraphs 172–184 of the previous report.

142. Registration and licensing of religious groups is the mandate of the Ministry of Peace. Currently there are 2477 religious organizations and associations registered in Ethiopia. In the reporting period, no request for registration has been denied. The Ministry requires religious groups requesting registration to submit a founding document, the national ID cards of its founders, and the permanent address of the religious institution and planned regional branches. The registration process also includes an application letter, information about the board members, meeting minutes, information about the founders, offices, name, and emblem. Religious group applicants must have at least 50 members for registration as a church and 15 for a ministry or association to be considered.

143. Discussions are organized and conducted by the Government on religious freedom and their roles in society with religious groups and faith-based CSOs, religious leaders and followers. The Government considers religious groups indispensable partners in development and peace building and seeks their active participation and engagement regularly.

144. Followers have freedom to commence their own religious television and radio broadcasting services. In this manner, the number of religious television programs has been increasing including Satellite television broadcast.

## **Article 19**

### **Freedom of Expression**

145. Information on the Constitutional protection of freedom of expression has been provided in the previous report paragraphs 185–187. In the reporting period, Ethiopia's legal framework for guaranteeing freedom of expression drew repeated criticisms both locally and internationally for being repressive. Accordingly, following the commencement of the political reforms in April of 2018, the Justice and Legal Affairs Advisory Council started the drafting of a new and comprehensive media law. The Broadcasting Service Proclamation No. 533/2007 and the Freedom of the Mass Media and Access to Information Proclamation No. 590/2008, Press Proclamation No. 34/1992 and also the Criminal Code in relation to regulating Media and the Anti-Terrorism Proclamation No. 652/2009 are also being revised.

146. These draft laws are anticipated to address the shortcomings of their predecessors. The drafting process is being undertaken through broad consultations and active participation of the media, civil society, academia and other stakeholders to ensure the free exercise and full enjoyment of the right to freedom of expression.

147. Apart from the legislative measures being undertaken, the Government allowed access to more than 246 websites and TV channels including news outlets and blogs that were previously blocked because of their political contents. As a result, Ethiopia is witnessing a surge in the number of private print and electronic media outlets. At the national level, there are currently 9 public and 15 commercial television stations as well as 10 public and 9 commercial radio stations. Furthermore, 31 community radio stations are also operating. There are also 30 print media currently operational in the country. It is hoped that the amendment of the Mass Media and Access to Information Proclamation coupled with the overall political reforms will significantly boost the number and type of both print and electronic media and thereby contribute to the better protection and exercise of the freedom of opinion and expression in the Country.

148. Since the deep-rooted political reforms began, large numbers of journalists, bloggers, members and leaders of opposition or formerly banned political groups have been released from prison through pardon, dropping of charges and amnesty. Members and leadership of opposition political parties now have complete freedom of expression, association and peaceful assembly.

149. Notwithstanding all the progressive measures explained in the preceding paragraphs, hate speech and dangerous disinformation, on the contrary, have increasingly become issues of serious concern especially subsequent to the reform measures. Such acts have already resulted in a number of communal crashes, mass-displacement and even killings of innocent citizens in the worst scenarios. These incidents undoubtedly undermine the on-going efforts to bring about the much needed social integrity, political stability, national unity, respect for human dignity and equality in the Country.

150. Thus, the Justice and Legal Affairs Advisory Council alongside its efforts to secure exercise of freedom of expression, it, to the extent necessary for inhibition of such atrocious acts, is also drafting a proclamation to ward off hate speech and disinformation through various mediums.

151. Accordingly, the draft law aims at reminding citizens to refrain from defying the dignity, security and peaceful life of others while exercising the right to freedom of expression and to further hold those who fail to observe the law legally accountable for their acts. Three sessions of discussion had been held with stakeholders on the draft before it was finally submitted to the Council of Ministers. The draft further awaits approval of the HoPR to be adopted as a binding law.

## **Article 20**

### **Prohibition of Propaganda of War and Advocacy on National, Religious or Racial Hatred**

152. The legal framework Ethiopia designed to tackle the propaganda of war was explained under paragraphs 204 and 205 of the previous report. Recent inter-ethnic tensions and conflicts frequenting the country, however, are vastly ignited and spread through irresponsible social media activism, inciting public speeches and similar discourses. These phenomena have highlighted the deficiencies in the criminal code that do not permit the prosecution of hate speech and fake news as an instrument of inciting national, racial or religious violence. As a multi-ethnic country with a complex history, the exacerbation of ethnic tension and racism particularly through online social media platforms constitutes a significant national security threat to Ethiopia. Hence, Office of the Attorney General is preparing a draft law which governs hate speech and fake news as instrument of incitement for ethnic, racial or religious violence.

## **Article 21**

### **Peaceful Assembly**

153. The Peaceful Demonstration and Public Political Meeting Procedure Proclamation enforce since 1991 and the guarantee to the right enshrined under Article 30 of the Constitution, explained in the previous report, remain valid. Accordingly, regulations in the interest of public convenience in line with the Constitution, and prior notifications the Proclamation requires for exercising the right are still effective.

154. However, while the preconditions set by the Constitution and the Proclamation are in tandem and within the ambits of permitted level of restrictions suggested by Article 21 of the Covenant, during the report period a series of complaints have been lodged against various city administrations for failure to make the necessary preparation in order to maintain peace and security during exercise of this right and failure to in due time give a written justification for postponement of intended events as is set down by the Proclamation. Furthermore, the 2016 and 2018 states of emergency had undoubtedly negatively affected enjoyment of this right as well.

155. After the commencement of the political reforms, one of the Covenant rights that saw immediate improvement is the freedom of assembly. Citizens have been able to freely exercise their right to hold peaceful demonstrations and assemblies irrespective of the political opinions they espouse. Recent experiences have shown, however, that ensuring demonstrators' observance of the rules of peaceful assembly and that those with opposing views to demonstrators' respect this right remains a challenge as some "peaceful" demonstrations have turned violent or legal demonstrations cancelled from threats by members of the community with opposing views; sometimes necessitating intervention by the authorities.

## **Article 22**

### **Freedom of Association**

156. It has already been brought to the attention of the Human Rights Committee that the right to Freedom of Association is embedded in Articles 31 and 42 of the Constitution. Article 31 guarantees a person's "right to freedom of association for any cause or purpose", while Article 42 specifically deals with the right to form trade unions and employers' associations. Specific laws continue to govern formation, functions, registrations and cancellation of the associations depending on their membership and purpose of formation.

157. To this end, Labour Proclamation No. 377/2003 remains valid pertaining to Trade Unions and Employers' Associations. Article 113 of the Proclamation, in addition to confirming the Constitutional guarantee to the right, further recognizes the right to form Federations and Confederations respectively of basic trade unions and employers' associations. Details are covered under subsequent articles of the law and there is no new development since the last report in this respect. At present, there are 1774 basic, 9 federations and 1 confederation of trade unions while 14 federations and 2 confederations of employers' associations registered by Ministry of Labour and Social Affairs (MOLSA) remain active.

158. Cooperative societies voluntarily formed by persons united to jointly meet their common economic, social, cultural and other aspirations and operated on the basis of cooperative principles are long standing traditions amongst the Ethiopian society.

159. The Government of Ethiopia has at different times been providing laws that govern the legal regimes under such cooperatives are formal and administered, which currently is Cooperative Societies Proclamation No. 985 of 2016.

160. The Federal Cooperative Agency and regional states' organs established to execute the Cooperative Societies Proclamation are duty bound to register cooperative societies. According to the latest data (March 2019), there are 88,811 primary cooperatives, 338 cooperative unions and 3 cooperative federations registered and functioning throughout the country.



161. Societies formed for the benefit of their members and Charities formed for the benefit of the general public used to be governed by Charities and Societies Proclamation No. 621/2009. Although adoption of this law was mentioned in the last country report, specific activities were reported based on provisions of the Civil Code which were previously governing the regime. However, it was the Charities and Societies Proclamation that had been subject to major concern and recommendations of the Human Rights Committee.

162. Thus, cognizant of the need to enact a law which gives full effect to the freedom of association enshrined under its Constitution and the instrumental role the freedom plays for the full exercise of other rights, Ethiopia recently issued Organizations of Civil Societies Proclamation No. 1113/2019 which repealed the Charities and Societies Proclamation No. 621/2009.

163. The new Proclamation coined the generic term “Organizations of Civil Societies” to refer to entities defined as “Charities” and “Societies” in the repealed Proclamation. Accordingly, Organizations of Civil Societies are defined as “Non-Governmental, Non-Partisan, Not for Profit entities established at least by two or more persons on voluntary basis and registered to carry out any lawful purpose, and include Non-Governmental Organizations, Professional Associations, Mass Based Societies and Consortiums”. The organizations can also be either locally formed or foreign organizations registered to operate in Ethiopia.

164. Funding ceilings on local CSOs and restrictions to work in the field of human rights, which were raised as major concerns against the repealed law, have now been removed and operational freedom of the organizations is guaranteed under Article 62 of the new law. Local organizations are now permitted to operate in the Country or abroad, or implement objectives having global, regional or sub regional nature.

165. Pursuant to Article 63 of the Proclamation, organizations are further allowed to engage in any lawful business and investment activity in order to raise funds for the fulfilment of their objectives. This is subject only to relevant trade and investment laws and no restriction is made based on the specific field the organization is registered to be engaged in.

166. Since 2009 a total of 3432 Charities, Societies and Consortiums (2924 Charities, 455 Societies and 53 Consortiums) were registered by the Charities and Societies Agency at the Federal level. Out of these, 2933 of them were operational during the coming into force of the new law in April 2019. The Agency itself has now been re-established as Civil Societies Organizations Agency and is expected to commence registration of the CSOs on the basis of their new classification.

167. As was indicated in the previous Country report, observance of the laws of the land still remains as the prior prerequisite to form and participate in political parties. As part of strengthening exercise of the right, the National Election Board was re-established by a new proclamation and a new management was appointed to it. The political parties’ registration law is also under revision. At present there are 107 political parties which have either completed or are in the process of registration.

## **Article 23**

### **Protection of the Family**

168. The Constitution, the Revised Family Code and the Regional Family Laws govern marriage and family relations in Ethiopia. Although the Federal Family Code was further amended by Proclamation No. 1070/2018, there has been no change in terms of the protections accorded to the family during the reporting period. The contents of the Constitutional protections also remain intact.

169. The Federal Supreme Court Cassation Division in line with its mandate of providing mandatory interpretations of laws applicable in all federal and regional courts has provided interpretations of the family law that ensure effective protection of the rights of women.

170. Recognizing reliable, timely, updated and regular statistical information is necessary to make relevant policy and decision-making, including resolving court cases regarding succession, paternity and others, the Government has enacted Vital Events and National Identity Card Proclamation No. 760/2012. The Proclamation provides for compulsory, permanent, and universal registration and certification of vital events that include birth, death, marriage, and divorce. The vital registration system became operational in August 2016 pursuant to the Proclamation.

171. The Vital Events Registration Agency is entrusted with directing, coordinating and supporting the registration of vital events at national level. However, the Proclamation envisages for the registration of vital events at the lowest level of the administrative hierarchy (*Kebele*). The Agency works in close collaboration with international partners such as UNICEF to train professionals that set up the system for vital registration and for facilitating the institutional system.

172. In relation to social security programs, the country implemented two subsequent food security programs the first from 2010–2014 and the second lasting 2015–2020. The second food security program introduced specific gender and social development provisions to address the severe impacts of food insecurity on vulnerable women and children. The gender provision of the food security program addresses the demands of female heads, pregnant women, and women in marriage. The program has a special emphasis on female heads of households, people living with HIV and AIDS, divorced women, and women with disabilities. The program provides for joint client card entitlement for husband and wife in order to ensure women in married households have equal say.

## **Article 24**

### **Protection of Children**

173. Children’s wellbeing and protection continue to be the main area of concern for the Government. Apart from the Constitutional, international and regional agreements as well as other legislative protection of child rights mentioned in the previous report, the Country has further adopted a comprehensive National Child Policy in 2016 and its implementation Strategy which adds up to the Government’s commitment to this effect.

174. The Child Protection Policy set key strategic focus areas in terms of development and growth, prevention and protection, rehabilitation, care and support. With due consideration of the principles and provisions of the CRC and ACRWC, it has fostered the work of various actors dealing with children and also promote the rights of children. The document particularly aims to promote the healthy living conditions of children which consist of the reduction of infant mortality rate, the provision of access to primary education and quality of education at national level as well as protection of children from child labour and exploitation.

175. Moreover, the Government undertakes measures to ensure special protection and assistance for children who are deprived of their family environment. With the view of protecting the best interest of the child and providing permanent family environment, the Government has also undertaken a measure to ban inter-country adoption under the revised Family Code Amendment Proclamation No. 1070/2018.

176. Accordingly, Ministry of Women, Children and Youth has focused on strengthening domestic adoption within the country. The Ministry adopted a new foster care manual which suggests a hierarchy of options. Firstly, family relatives, including older children as in the case of child-headed households should be considered. Secondly, substitute family through fostering and adoption. Finally, consideration may be given to appropriate institutional care as a last resort.

177. The launching of a permanent, compulsory and universal registration and certification of vital events aligns with the design and implementation of children’s vital registration indicated in the policy. In 2017/18, a total of 538,983 births, 95,719 marriages and 94,042 deaths were registered. Ethiopia also began providing birth, death and marriage registration for refugees in 2017.

178. Courts of law are rendering judgments based on relevant provisions of the CRC and ACRWC. In particular, the Cassation Bench of the Federal Supreme Court has rendered various decisions relying on these international instruments. For instance, in December 2013, the court has rendered a judgment based on Articles 3 and 6/1/ of the CRC and Articles 4/1/ and 5/1/ of the ACRC.<sup>11</sup>

179. The National Criminal Justice Policy promulgated in 2011 has included various changes to address a number of gaps observed in the criminal justice systems and ensure compatibility with the provisions of the CRC and ACRWC. The policy devoted a separate section for care and special handling of victims of crimes and children in conflict with the law. For instance, section 6 of the policy focuses on the circumstances of vulnerable children, the rights of victims to participate in criminal investigation and procedures for charging and trial, legal protection and handling of children in conflict with the law, alternative remedial measures and establishment of special units for children. Most of these provisions provide protection to children who are victims of FGM, early marriage, child labour, neglect and abuse.

180. The expansion of child friendly institutional structures in the justice system has complimented the comprehensiveness of service delivered to children. Currently, Child Protection Units in all police stations are working together with special investigation and Prosecution units at federal level and in some regional states. Moreover, the number of child friendly courts has expanded throughout the country. In line with these structures, there are 9 One-Stop Centers and 16 safe houses throughout the country to ensure the safety and rehabilitation of victims of sexual violence and psychological abuse.

181. The Government has also taken organizational measures to facilitate the effective implementation of the laws and procedures that deal with the respect of rights and protection of the special needs of children in conflict with the law.

182. In addition, the Government is also committed to take measures to implement Article 28 of Federal Prisons Commission Establishment Proclamation No. 365/2003 which provides that a dependent infant not beyond eighteen months and that needs close maternal care may stay with its mother who is in custody where its interest so requires. In this regard, the Government took various institutional measures on the realization of interests of children who are separated from their family when there is little possibility for the children to be given to their close relatives.

183. The revised Federal Civil Servants Proclamation No. 1064/2017 increased the duration of maternity leave. Accordingly, a woman is entitled both for medical checkup and prescribed prenatal paid leave. The Proclamation also obliges any government institution establish nursery where any female civil servant could breast feed and take care of her baby. As indicated under article 48(6) of the Proclamation, the details to regulate the condition of the day care have been determined by the directive of Ministry of Women Children and Youth.

184. Since the promulgation of the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909/2015, 2,686 persons have been indicted at both federal and regional levels out of which 1178 have so far been convicted.

## **Article 25**

### **Participation in Public Affairs and Elections**

185. Constitutional principles pertaining to election, as well as the powers and duties, objectives, membership criteria of the National Electoral Board of Ethiopia enshrined under Electoral Law of Ethiopia Amendment Proclamation No. 532/2007 remain intact. The Electoral Code of Conduct for Political Parties Proclamation No. 662/2009 confers additional responsibilities upon the Board regarding awareness creation and dispensation of the contents of the law on code of conduct.

<sup>11</sup> Cassation File No. 92020, Reported in Federal Supreme Court Cassation Decisions Series Vol. 15 PP 323–326.

186. The power to issue regulations and directives by the National Electoral Board and those accordingly issued rules were discussed in the previous report. Nonetheless, these rules are subject to periodic changes in line with the periodicity of elections. Thus, the regulation to determine structure and operation of grievance hearing committees at all levels – Regulation No. 1/2007/08 was amended in August 2009, while Regulations 2 and 3 of 2007/08 were amended in January 2010. Furthermore, at least two directives, Directive No. 5 of July 2009 and Directive No. 6 of April 2010 were issued since the last report.

187. Pursuant to the Criminal Code, depending on the nature and the circumstances under which the crime was committed, courts of law may impose deprivation of civic rights including voting and the right to be elected as additional punishment. These same factors determine whether the deprivation of rights would be temporary or permanent. However, temporary deprivation cannot exceed a maximum of five years.

188. Opposition political parties including those in exile have formally been invited to actively participate in a continuing national dialogue in an endeavour to realize the right of the people to free and fair election. With the same view, representatives of various competing parties have recently had a consultation and constructive dialogue with the Prime Minister of the Country. Accordingly, in March 2019, 107 Ethiopian political parties including the ruling party have signed a code of conduct that will guide their operations and political activities. The document will govern the relationship between and among political parties and establishes a joint council where each party is represented.

189. In addition, a new management has been appointed to the National Electoral Board with the above intention. In consultation with all the concerned organs, four new board members, who are considered to be impartial and with professional integrity, have been appointed by the HoPR. The selection process of these board members involved popular participation.

190. A proclamation to re-establish the National Electoral Board was adopted by the parliament in 2019. The new Organizations of Civil Societies Proclamation that was adopted by the HoPR in 2019, in addressing previous concerns, significantly expanded the platform for the participation of civil society organizations in the electoral process as observers and key providers of voter education.

191. Ethiopia is committed to ensure that all national and regional elections are free and fair. Prime Minister Abiy Ahmed has repeatedly stated that the Government's primary focus will be ensuring the upcoming national elections in 2020 are free, fair and credible. A key part of the on-going political reforms is the widening of the political space to allow complete freedom to all political parties irrespective of their ideologies. Accordingly, a number of formerly banned political parties some of whom had been designated as terrorist organizations by the HoPR have had their terrorist designations cancelled and returned to the country to pursue peaceful political struggles.

192. The current national electoral laws are being amended through consultations between the ruling and opposition parties. The revised laws are expected to shift Ethiopia's electoral system from first-past-the-post to a mix between proportional and first-past-the-post systems; thereby opening up opportunities for diverse voices to join the national parliament. The on-going revision of the media law and the electoral laws, apart from creating more room for civil society engagement, will improve public and commercial media access to opposition political parties to ensure more inclusive electoral debates.

193. In the 2015 national elections, 58 national and regional political parties took part with 5,819 candidates of whom 1,270 and 4,549 were women and men respectively. Voter registration and voter turnout rates saw significant numbers rising from 31 million in 2010 to 36.8 million (26% increase) in 2015. 48% of registered voters were women. 500 hours of radio, 100 hours of television and 700 columns of government owned print media were allotted free of charge to political parties to conduct their election campaigns in a fair and proportional manner.

## Article 27

### Minority Rights

194. The legal and other measures that are taken to implement the rights of minorities discussed in the previous report are still valid. Minority nationalities enjoy all the rights belonging to nations, nationalities and peoples which are provided in the Constitution. Accordingly, the Constitution provides for special representation of minority nationalities and peoples which should constitute at least 20 seats out of the total parliamentary seats that does not exceed 550. Thus, as per the result of May 2015 elections, 22 seats in the House of Peoples' Representatives have been occupied by minority nationalities.

195. Each Nation, Nationality and People shall be represented in the House of the Federation by at least one member. Accordingly, currently there are seventy-six nationalities represented by at least one member in the House. This enables minority nationalities to promote as well as protect their rights in the interpretation of the Constitution.

196. Ethiopia is a multi-religious country where a culture of respect and tolerance has developed over centuries of peaceful mutual coexistence. Judaism, Christianity, Islam were accommodated in the nation and there are also considerable number of believers on traditional religions in the country.

197. Article 27 of the Constitution guarantees the right of everyone to freedom of thought, conscience and religion which include the freedom to hold or to adopt a religion or belief of his/her choice, and the freedom, either individually or in community with others, and in public or private, to manifest his/her religion or belief in worship, observance, practice and teaching.

198. To address the Committee's recommendations regarding the rights of ethnic and linguistic minorities residing in regional states as to the recognition and participation in public life (CCPR/C/ETH/CO/1 Para. 26), in *Benishangul-Gumuz* Regional State, 'nationalities' who speak Amharic, Tigrigna, Affan Oromo, often referred as 'highlanders' had to be excluded from the regional politics because of the allegation that they were not versed in the local language of one of the ethnic groups of the regional state. In this case those who were excluded from the political process (by a decision of the Election Board) applied for constitutional interpretation to the HoF.

199. The HoF ruled that for any Ethiopian to elect or to be elected what the Constitution requires is the minimum year of residence and the knowledge of the official language of the region, and not the knowledge of the language of the local ethnicities, thus reversing the decision of the Board. This decision, therefore, has set a precedent that a member of any ethnic or linguistic minority residing in a certain regional state can run for office as far as he/she has the knowledge of the official language of the concerned state.