



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### List of issues in relation to the second periodic report of Ethiopia\*

#### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. With reference to the Committee's previous concluding observations (CCPR/C/ETH/CO/1, para. 5), please indicate whether the State party plans to ratify the Optional Protocol to the Covenant. In light of the information provided in the State party's report (CCPR/C/ETH/2, para. 23), please elaborate on the role of the National Mechanism for Monitoring, Reporting and Follow-up in preparing the State party's periodic report and in implementing the Committee's previous recommendations.

2. With reference to the Committee's previous concluding observations (para. 6), please report on the measures taken to enable the Ethiopian Human Rights Commission to function fully in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including information on the steps taken to enhance its independence and impartiality. Please explain how the State party ensures the effective implementation of amendments made in July 2020 to the Ethiopian Human Rights Commission Establishment Proclamation No. 210/2000.

#### States of emergency (art. 4)

3. With reference to the information provided in the State party's report (paras. 43–44), please describe the main restrictions on the exercise of rights protected under the Covenant that were imposed in connection with the states of emergency declared in October 2016, February 2018 and April 2020 and their compatibility with the Covenant. In this respect, please respond to allegations of undue restriction of Covenant rights during the states of emergency, such as the retroactive application of criminal laws, restrictions on the prohibition of torture and detention of journalists covering the Government's response to the coronavirus disease (COVID-19) pandemic. Please also elaborate on the activities of the State of Emergency Inquiry Board during the states of emergency, including the statistics on the arrested persons in respect of whom it received notification, the inspections it carried out and the recommendations it made to the Council of Ministers.

#### Anti-corruption measures (arts. 2 and 25)

4. Please provide information on the progress made in preventing and combating corruption effectively. Please describe the mandates of the State party's anti-corruption bodies at both federal and regional levels, including the Federal Ethics and Anti-Corruption Commission and the Corruption Directorate within the Federal Police Commission, and their effectiveness in fighting corruption. Please respond to allegations of: (a) politically motivated prosecutions of high-level public officials on corruption charges; (b) solicitation of bribery by the police and the judiciary; (c) lack of transparency in the field of land use and allocation;

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\* Adopted by the Committee at its 130th session (12 October–6 November 2020).



and (d) inadequate protection, in law and in practice, of whistle-blowers against retaliation and criminal prosecution.

**Non-discrimination (arts. 2, 19–20 and 26)**

5. Please provide further information on the steps taken to ensure that the State party's legal framework: (a) provides full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant, including sexual orientation and gender identity; and (b) provides for effective remedies in judicial and administrative proceedings for victims of discrimination. Please indicate if the State party intends to adopt comprehensive anti-discrimination legislation to address the above requirements.

6. Bearing in mind the Committee's previous concluding observations (para. 12), please indicate whether the State party intends to consider decriminalizing sexual relations between consenting adults of the same sex. Please report on the measures taken to: (a) address social stigmatization, harassment, violence and discrimination against lesbian, gay, bisexual and transgender persons and persons living with HIV/AIDS; (b) combat and prevent homophobic and transphobic rhetoric by politicians and other public officials; and (c) encourage the reporting of acts of violence and discrimination against lesbian, gay, bisexual and transgender individuals, investigate all allegations of such acts and prosecute and punish perpetrators.

**Violence against women and domestic violence (arts. 2–3, 6–7 and 26)**

7. With reference to the Committee's previous concluding observations (paras. 8–10), please provide further information on the measures taken to prevent and combat violence against women, including domestic and sexual violence, such as those committed by security forces, and on the impact of those measures. In particular, please report on the steps taken to: (a) explicitly criminalize marital rape; (b) abolish, in law and in practice, polygamous marriages; and (c) strictly enforce legislation prohibiting harmful traditional practices, such as female genital mutilation and early marriage, especially in rural areas. Please include statistical information on cases of such traditional harmful practices, along with information on investigations conducted, prosecutions pursued, convictions secured and punishment imposed on perpetrators during the reporting period. Please also specify what concrete measures have been taken under the National Harmful Traditional Practices Strategy, mentioned in the State party's report (para. 36).

**Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 6–7 and 14)**

8. In light of the Committee's previous concluding observations (para. 16), please describe the status and outcomes of criminal investigations conducted into the past human rights violations committed by the law enforcement and security forces in the Somali Region, including at the "Jail Ogaden". Please include information on any forms of redress provided to victims. Please also respond to the continued reports of extrajudicial killings by law enforcement personnel, including members of the regional police special force, and security forces, especially in the Amhara and Oromiya Regions.

9. With reference to the Committee's previous concluding observations (para. 19) and the information provided in the State party's report (paras. 51–52), please provide additional information on the measures taken to ensure that the death penalty is imposed only for the most serious crimes and in compliance with article 14 of the Covenant. Please indicate whether the State party intends to abolish the death penalty and accede to the Second Optional Protocol to the Covenant.

10. With reference to the Committee's previous concluding observations (para. 18) and the information provided in the State party's report (para. 57), please update the Committee on the current legislative framework on the use of force and describe its compatibility with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Please indicate whether the State party has established an independent accountability mechanism that receives and investigates allegations of excessive use of force by law enforcement and security forces. In this connection, please provide an update on the

current status of the new law on the use of force that was being drafted in 2019 and indicate whether it has since been enacted. Please report on the outcomes of criminal investigations conducted into cases of excessive use of force by law enforcement and security forces, including during protests that took place: (a) in the Wolayita zone on 9 and 10 August 2020; (b) in the Oromiya Region and in Addis Ababa, following the killing of Haacaaluu Hundeessaa in June 2020; (c) in the Oromiya Region in October 2019; (d) in the Sidama Region in July 2019; (e) in the Amhara Region in January 2019; (f) in Addis Ababa on 17 September 2018; (g) in Weldiya City in the Amhara Region on 20 January 2018; and (h) in the Oromiya and Amhara Regions between November 2015 and October 2016. Please include information on any forms of redress provided to victims.

11. Please report on the steps taken to adopt a definition of torture and ill-treatment in line with international standards such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Please comment on allegations of: (a) torture or ill-treatment committed against detained individuals, especially persons suspected of terrorism; (b) admission as evidence of forced confessions made under torture; and (c) a lack of prompt and effective investigation of allegations of torture or ill-treatment and enforced disappearance, and continued impunity for these alleged practices. Please explain how the State party ensures the independent and impartial investigation of torture allegations when the investigating body includes potential perpetrators.

#### **Liberty and security of person (arts. 9–10)**

12. Please respond to reports that arbitrary arrests and detention of political opponents and their supporters, protestors and dissenting journalists are widespread practices. Please provide information on the steps taken to ensure that all allegations of arbitrary arrest and detention are promptly and effectively investigated and that perpetrators are brought to justice. Please include statistical data in this respect for the reporting period.

13. With reference to the Committee's previous concluding observations (para. 23) and the information provided in the State party's report (paras. 98–99), please update the Committee on the steps taken to: (a) address overcrowding and poor material conditions in places of detention, including pretrial detention centres; and (b) ensure adequate access for detained persons to water, food and health care, including psychiatric care. Please clarify whether juvenile offenders are held strictly separately from adult detainees, without exception. Please clarify whether the International Committee of the Red Cross or other independent organizations have access to all places of detention within the State party.

14. In relation to the Committee's previous concluding observations (para. 20), please respond to reports of: (a) prolonged detention without charge of persons suspected of serious offences; (b) lack of data on the use of alternatives to pretrial detention and on the average duration of pretrial detention; and (c) limited access to free legal aid. Please indicate whether there remains any restriction on the provision of free legal aid by non-governmental organizations under the Organizations of Civil Societies Proclamation No. 1113/2019.

#### **Elimination of slavery, servitude and trafficking in persons (arts. 2, 7–8 and 26)**

15. With reference to the Committee's previous concluding observations (para. 11) and the information provided in the State party's report (para. 27), please provide further information on the measures taken to combat trafficking in persons, forced labour, including child labour, and sexual exploitation of children. In particular, please report on the steps taken to: (a) provide training to police officers and other public officials on how to identify and investigate cases of trafficking, forced labour and other exploitation and to address the protection needs of victims; (b) enhance the availability and accessibility of shelters and other protection services for victims; and (c) collect relevant disaggregated data. Please provide information on any cases in which child victims of sexual exploitation were penalized as offenders.

#### **Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 12–13 and 24)**

16. Please provide information on the measures taken to ensure that all asylum seekers have effective access to the territory of the State party and to fair asylum procedures. In this

respect, please respond to concerns that changes made in January 2020 to the asylum procedures have effectively limited access to asylum procedures for Eritrean nationals, including unaccompanied children. Please describe the living situations of refugees, especially of Eritrean refugees, including information on the implementation and impact of the out-of-camp policy. Please indicate how the State party ensures the effective implementation of the Comprehensive Refugee Response Framework and the Refugees Proclamation No. 1110/2019, particularly the right to work, mentioned in the State party's report (paras. 107–109). Please also report on the progress made in protecting stateless persons and provide statistical information in this regard.

**Internally displaced persons (arts. 2–3, 12 and 24)**

17. With reference to the Committee's previous concluding observations (para. 14) and in light of the significant number of internally displaced persons within the State party, please provide further information on the measures taken to ensure their protection and rehabilitation, including with regard to the provision of shelter, food, health care and other essential services, as well as their voluntary return and local integration. Please elaborate on the role and efficacy in meeting the protection needs of internally displaced persons of the national steering committee and the interministerial body, mentioned in the State party's report (para. 111). Please describe the steps taken to address secondary displacement of internally displaced persons who return to their homes, including as a result of the insecurity and the absence of humanitarian assistance there. Please also provide information on the impact of the COVID-19 pandemic on the situation of internally displaced persons and on any measures taken in this regard.

**Access to justice, the independence of the judiciary and the right to a fair trial (art. 14)**

18. Please describe the measures taken to ensure, both in law and in practice, the full independence and impartiality of judges and prosecutors, and describe the current procedures and criteria for the selection, appointment, suspension and removal of judges and prosecutors. In this respect, please comment on reports of political influence on the judiciary, particularly in the criminal courts. With reference to the information provided in the State party's report (paras. 126–127), please inform the Committee on the implementation of recommendations made by the Judiciary Affairs Reform Task Force and report on the status and outcome of the review of the Federal Judicial Administration Proclamation with regard to its provisions on the selection and appointment of judges.

**Freedom of expression (art. 19)**

19. Please respond to concerns about: (a) harassment, intimidation, arbitrary arrests and prolonged detention of, and threats with criminal charges of terrorism and/or disinformation against, political opponents, activists and journalists who are critical of the Government; and (b) shutdowns of Internet and telephone services, often following controversial political events, and the blocking of social media platforms. Please provide information on the status of the new comprehensive media law and other draft laws aimed at promoting freedom of expression, mentioned in the State party's report (para. 145), and on their compatibility with the Covenant. Please indicate how the new Prevention and Suppression of Terrorism Crimes Proclamation provides sufficient safeguards against arbitrary arrest, detention and criminal prosecution of journalists and government critics. Please respond to concerns about the Hate Speech and Disinformation Prevention and Suppression Proclamation, particularly regarding its overbroad definition of hate speech, criminalization of the dissemination of disinformation and harsh penalties.

**Freedom of peaceful assembly (art. 21)**

20. With reference to the information provided in the State party's report (paras. 154–155), please describe the restrictions imposed on the exercise of the right to freedom of peaceful assembly, including under the Peaceful Demonstration and Public Political Meeting Procedure Proclamation, and their compatibility with article 21 of the Covenant. Please respond to reports of prohibition and cancellation by the police of demonstrations and press

conferences organized by political opponents, and include information on the grounds used for such decisions.

**Rights of the child (arts. 23–24 and 26)**

21. Please report on the steps taken to: (a) prevent and combat child abuse, including sexual abuse of children with disabilities; (b) prohibit corporal punishment in all settings; (c) raise awareness of the prohibition of infanticide, especially in rural areas; (d) address the situation of displaced children and protect those at risk of being victims of child labour and trafficking; and (e) improve the living conditions of institutionalized children and ensure their access to adequate health care. Please indicate whether the State party intends to raise the minimum age of criminal responsibility and comment on reports that children between the ages of 15 and 18 are prosecuted as adults and often are deprived of the right to access free legal aid.

**Participation in public affairs (arts. 25–26)**

22. In light of the information provided in the State party's report (paras. 189–192), please indicate the measures taken to ensure the holding of free, credible and transparent elections, including information on the role of the National Electoral Board in this regard. Please report on the compatibility with the Covenant of the recently adopted Electoral, Political Parties Registration and Elections Code of Conduct Proclamation, No. 1162/2019. Please also inform the Committee on the State party's plan to conduct a national census for the purpose of developing a reliable electoral map. In addition, please provide information on the measures taken to ensure the effective exercise of voting rights for all, especially internally displaced persons.

**Rights of minorities (arts. 2, 6 and 25–27)**

23. With reference to the Committee's previous concluding observations (para. 26) and the information provided in the State party's report (paras. 198–199), please describe the measures taken to ensure the political representation and participation of ethnic and linguistic minorities in each regional State. Please report on the measures taken to mitigate ethnic tensions and conflicts within the State party and curb the use of divisive rhetoric by public officials and politicians. Please respond to allegations of arbitrary arrests and detention, harassment and excessive use of force by police and security forces against members of ethnic minority groups, especially the Sidama and Wolaita groups, during their protests demanding regional autonomy. Please also inform the Committee of the steps taken to address the continued reports of killings of members of the Amhara ethnic group, including in the Oromiya Region on 1 November 2020.

**Rights of indigenous peoples (arts. 6 and 27)**

24. Please report on the legislative and other measures taken to ensure the promotion and protection of the rights of indigenous peoples and their participation in decisions that affect them, particularly in relation to land and natural resources. In relation to the Government's leasing of land to foreign companies and the implementation of development projects in areas where indigenous peoples reside, please respond to allegations of: (a) destruction of their traditional livelihoods and threats posed to their health, including due to the construction of the Gibe III Dam and toxic contamination of water and soil by the Lega Dembi gold mine; (b) a lack of meaningful consultations to secure their free, prior and informed consent; and (c) ineffective regulatory oversight in this regard. Please include information on the corrective measures taken and any forms of redress provided to victims.