

Civil society report on the implementation of the International Covenant on Civil and Political Rights in

Ethiopia

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Submitted by:

1. Consortium of Ethiopian Human Rights Organisations (CEHRO)
2. Ethiopian Human Rights Council (EHRCO)
3. Lawyers for Human Rights (LHR)
4. Centre for Justice (CJ)
5. Association for Human Rights in Ethiopia (AHRE)
6. Vision Ethiopia Congress for Democracy (VECOD)
7. Ethiopian Labour Rights Watch (ELRW)
8. Ethiopian Lawyers Disability Association (ELDA)
9. Federation of Ethiopian Association of Persons with Disabilities (FEAPD)
10. Ethiopian Women Rights Watch
11. Inclusive Vision for Democratic Ethiopia (IVIDE)
12. World Organization Against Torture (OMCT)

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I. Introduction

a. Joining organisations

This joint report is prepared by the Consortium of Ethiopian Human Rights Organisations (CEHRO), Ethiopian Human Rights Council (EHRCO), Association for Human Rights Council (AHRE), Center for Justice (CJ), Lawyers for Human Rights, Vision Ethiopia Congress for Democracy (VECOD), Ethiopian Labor Rights Watch (ELRW) Ethiopian Lawyers Disability Association (ELDA) Federation of Ethiopian Association of Persons with Disabilities (FEAPD), Ethiopian Women Rights Advocate (EWRA), Inclusive Vision for Democratic Ethiopia (IVIDE) and World Organization Against Torture (OMCT). We hereby submit this report evaluating the implementation of the International Covenant on Civil and Political Rights (ICCPR) in Ethiopia. This report aims to highlight the main concerns of civil societies in Ethiopia based on the State's submission, while addressing recommendations to the State Party.

b. Country Context

Ethiopia is located in east Africa with a population size of around 115 million, the second most populous country in the continent. It has a long history and is one of the oldest civilizations in the world. Ethiopia is a federal democratic republic with 11 regional states and 2 administrative cities. It is home for more than 80 ethnic and linguistic groups, none of which constitute a numerical majority. Ethiopia is also among a few countries that have their own alphabet and numbers.

Regarding human rights, Ethiopia took positive steps by ratifying the 7 core human rights treaties. It adopted a human rights friendly constitution and established independent bodies to monitor the protection of human rights. The Constitution of the Federal Democratic Republic of Ethiopia (FDRE) largely incorporates the provisions of the ICCPR and declared that all international agreements ratified by Ethiopia are an integral part of the law of the land. Nevertheless, their application has always been an area of great concern for human rights organisations.

In 2018, the government of Prime Minister Abiy Ahmed came to power due to gross human rights violations by the previous government, among multiple factors. The new government took bold measures, including releasing political prisoners, journalists, human right defenders, unblocking online news outlets followed by amending the draconian CSO and anti-terrorism laws, the ratification of the Kampala convention and the reform of the Ethiopian Human Rights Commission (EHRC) and National Election Board of Ethiopia (NEBE). These reforms widened civic and political spaces.

Nonetheless, despite such promising steps, the last four years has seen massive human rights violations committed by state and non-state actors in most parts of the country. This includes the non-international armed conflict between the federal Government army and the Tigray rebel groups, killings of civilians in Oromia, Amhara, Benshangul Gumz and SNNPR by state- and non- state armed groups, arbitrary detention and the denial of fair trial rights of human rights defenders and opposition political party leaders and members. We are very concerned by the continued threat to human rights and the culture of impunity.

c. Methodology

This report is based on extensive desk research and reports and works of the **joining organisations** as well as openly available resources. In addition, with the support of the CCPR, contributors have organised awareness raising, information gathering, and validation sessions. The contributors and partners met twice from 21-22 July 2022 (a hybrid session) and 7-8 September 2022 (an in-person session), where CSOs were introduced to the reporting process, and were subsequently able to participate actively in the drafting of this report based on their fields of expertise. This report is therefore the final deliberation of local human rights CSOs in Ethiopia.

d. Contact details (Address)

1. Consortium of Ethiopian Human Rights Organisations (CEHRO):
 - Address: Bole SUB City, Wereda 02, House No. New, Alex Bldg, 6th Floor, 6A,
 - Website: www.cehro.org
 - Telephone: +251-118-54-58-97
 - Email: cehro2010@gmail.com
2. Ethiopian Human Rights Council (EHRCO)
 - Website: www.ehrco.org
 - Telephone: +251-11 517704
 - Email: info@ehrc.org
3. Center for Justice
 - Website: www.centerforjustice-ethiopia.org
 - E-mail: iisp2@yahoo.com, info.centerforjustice@gmail.com
 - Tel. +251974032233
4. Association for Human Rights in Ethiopia (AHRE)
 - Website: www.ahrethiopia.org
 - Telephone: +251-910921294
 - Email: contact@ahrethiopia.org
5. Vision Ethiopian Congress for Democracy
 - Telephone: +251-911-605873/ 111-246459/ 111-8698795
 - Email: tadelevecod@gmail.com
6. World Organisation Against Torture (OMCT)
 - Website: www.omct.org
 - Telephone: ++41 (0) 22 809 49 20 / Fax.: +41 (0) 22 809 49 29
 - Email: omct@omct.org
7. Lawyers for Human Rights
 - Address: Addis Ababa Bole Sub-city Woreda 13, Alfoz Plaza 5th Floor Office Number 504/C
 - Website: www.https://lhrethiopia.org
 - Email: info@lhrethiopia.org or amehamekonnen78@gmail.com
 - Office phone No. +251116394614

I. Replies of Civil Society to the List of Issues (CCPR/C/ETH/Q/2)

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

Issue 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.*

Comments from Civil Society

There are no visible steps taken by the HPR (House of Peoples' Representatives) to ratify the optional protocol of ICCPR.

The Ministry of Justice is the one empowered to monitor, follow-up and oversee the implementation of international and regional instruments ratified by Ethiopia. This ministerial office in collaboration with the NHRIs prepares the state's periodic report. Though some of the reports and recommendations are not yet put in effect, there are some positive steps taken by the government since the last periodic report. For example, the provisions of the Covenant are being used in courts more often because the government provided some awareness raising (although work still needs to be done), international and regional human rights instruments are being translated and disseminated by the NHRI (which has the primary responsibility in this aspect based on its establishment proclamation), and both the Ethiopian Human Rights Commission and the Ombudsman (the two NHRIs in Ethiopia) are passing through reforms both legally and institutionally to increase their independence.

Recommendations:

The State Party should:

- Ratify the first optional protocol to the ICCPR to allow for individual communications.
- Ratify the Convention on Enforced Disappearances as well as the Convention on the Rights of Migrant Workers.

Issue 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.*

Comments from Civil Society

The government took a positive step towards the EHRC's independence manifested by the appointment of high profile human rights defenders to lead it, amending the law to broaden the mandate and adopting some indications to implement the recommendations.

Recommendations:

The State Party should:

- Continue the support to the Ethiopian Human Rights Commission to perform its mandates and functions by ensuring its independence.

b. States of emergency (art. 4)

Issue 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.*

Comments from Civil Society

As stipulated in article 93 of the FDRE Constitution, a state of emergency derogates from all rights guaranteed in the Covenant, except for a limited number of rights. The only rights according to the Constitution by which derogation is not allowed are Article 1 (the nomenclature of the state), 18 (the prohibition of torture and ill-treatment), article 25 (the right to equality) and Article 39 (1) and (2) (Article 1 of the Covenant) of the Constitution. The non-derogable rights under the FDRE Constitution are very narrow and limited compared with the non-derogable rights incorporated in the ICCPR. In practice, the government of Ethiopia refers to the non-derogable rights enshrined in the FDRE Constitution only, which do not include the right to life. As a result, the emergency measures and prohibitions listed in the three State of Emergencies (SoE) had the tendency to derogate from non-derogable rights in the Covenant. For instance, the emergency measures and prohibitions adopted in the three SOEs had derogated from the principle of legality and non-retroactivity and excessively restricted the freedom of expression and the right to fair trial.¹

The 2016 SoE was declared on 8 October 2016, but its content was not officially available to the public by the end of 2016. The regulation issued on 27 October 2016 was meant to have effect as of 14 October 2016. It also retroactively authorised the detention of people for their involvement and role in coordinating protests against the Ethiopian government since the end of 2015.

A similar trend was also followed in the promulgation and imposition of the 2018 State of [Emergency decree](#). This State of Emergency to 'protect and defend the Constitution and Constitutional Order from Threat' was declared on 16 February 2018, a day after the resignation of former Prime Minister Hailemariam Dessalegn. Since the House of People's Representatives (HPR) was not in session, the approval was made within fifteen days as per the requirement of the FDRE Constitution on 2 March 2018. Nonetheless, apart from media reports the content of the emergency measures, prohibitions, restrictions, and suspension of rights were not officially available to the public until 23 March 2018.

In case of the 2020 SOE too, the [regulation](#), that defined the long-listed measures in terms of prohibitions (prohibited acts) and impositions (prescribed duties), the notification and official proclamation was done on April 20, 2020. It expressly stated that it had an effect as of its adoption by the Council of Ministers on April 11, 2020. Moreover, all the three SOEs, without listing out the actus reus, had stipulated hasty punishment and required the application of the graver punishment when an act is punishable in other law.

Moreover, the decrees incorporated measures and prohibitions which were excessive and unnecessary to overcome the emergencies. For instance, in the case of the 2016 and 2018 SOEs, the emergency situations happened in certain parts of the country. Nonetheless, the decrees were meant to apply to the entire territory of the country without specifying the geographic limit. They further introduced excessive measures like the prohibition of communication with foreign states and foreign Non-Governmental Organisations, the prohibition of 'criticising the state of emergency proclamation and the directive', and 'disseminating and

¹ For detail see Association for Human Rights in Ethiopia (AHRE). *Human Rights in Times of State of Emergency in Ethiopia* (2021).

receiving publications from abroad without the permission of the Command post'. This unnecessarily and excessively restricted access to information and the freedom of expression. In the 2020 SOE too, a similar trend was followed. The [decree](#) prohibited and criminalized the dissemination of any information about COVID-19 and related issues which would cause terror and undue distress among the public.

During all the three SOEs, the State of Emergency Inquiry Board (SEIB) had been established as per the FDRE Constitution. The 2016 SEIB had reported to the HPR that 26 130 Ethiopians were detained under the SOE. Among them 475 were released after getting 'counselling', while 4 996 were brought to court of law. The remainder were released after being detained in different military camps for different durations. The Board also reported 1 107 Ethiopians were detained under the 2018 SOE. In 2020, the SEIB instead of reporting the list of detainees, recommended the release of inmates who meet the criteria for pardon and probation to reduce the spread of the COVID-19.

Recommendations:

The State Party should:

- Ensure that States of Emergency are declared in observance with the requirements under the ICCPR.
- Amend or interpret Art. 13 of the FDRE Constitution in a manner that establishes the constitutional recognition of the non-derogable rights under the ICCPR, including the right to life.
- Ensure accountability as well as redress for victims of violations of the State of emergency.
- Ensure the independence and impartiality of members of SEIB.

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

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

Comments from the civil society

The revision of the Ethics and Anti-Corruption Commission Proclamation 1236/2019 indicates the attention given to the issue. The proclamation mandates the commission to prepare a national anti-corruption policy and strategy, to declare and register the assets and financial interests of elected government officials, heads of public enterprises. This creates a system to avoid conflicts of interest of elected official public servants or public appointees. The Commission also has other duties in order to prevent corruption and enhance ethical morals. It is the supreme body over the matter of preventing corruption, its mandate is nationwide. It gives technical support, and anti-corruption liaison offices are established at public offices and enterprises by the commission on both regional and federal stages. The commission under the present proclamation² has a purpose of educating and promoting ethical morals, but the prosecution of corruption charges is left for the General Attorney to exercise, which decreases the impact of the commission in combating corruption³.

An example of solicitation of bribery within the judiciary is the dismissal of first instant court judge Fantahun Desalgne , for being found in an act of bribery. Moreover, all foreigners must be registered in order to get work permits in the country, but security personnel are being bribed by refugees for that registration.

² Proclamation no 1236/2021.

³ Proclamation no 943/2016 article 8(2).

Undeniable efforts have been made by the Ethiopian government in the process of eradicating corruption. Government officials are being caught red handed with the act of corruption and measures are being taken. As an illustration, a 30 million international tender was cancelled by the ministry of health due to corruption. Also, Addis Ababa Housing Development & Administration Bureau condominium apartments winners were cancelled due to the fact that numerous illegitimate people were found on the winners list⁴.

However, despite these efforts of the government and the anti-corruption laws, corruption and rent-seeking have become pervasive in urban land governance of the country. Despite legislative and institutional undertaking, the post-1991 urban land governance opens a loophole for corruption due to its contents lacking clarity and non-transparent implementations, which attract malpractices such as partiality, favouritism, working with illegal brokers and corruption. The urban land laws have legally given an extended and broader power to the executive in land allocation, lease contract administration, in urban planning, registration, and dispute resolution. Hence, it is urgent to reconsider legal provisions that give discretionary power to the executive.⁵

As per the corruption perception index 2021 presented by Transparency International, Ethiopia is placed on the 87th rank of the most corrupt country on a total of 180, with a score of 39%⁶. There is a separate legal framework which protects whistleblowers and witnesses in proclamation no 699/2010.

The State Party should:

- enhance the awareness on the impact of corruption on the nation
- Introduce a transparent land use and administration system in the country
- Revise the urban land governance laws giving wider power and discretion to the executive.
- Reform the mandate of the anti-corruption commission in order to include prosecutorial powers.
- Investigate cases of corruption, especially high-level ones, and prosecute the persons responsible, to increase accountability, in particular for government officials.

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

Issue 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.*

Comments from Civil Society

There is no comprehensive legal framework dealing with non-discrimination separately. That does not mean that the principle of non-discrimination is nowhere in our legal framework. There is disability proclamation no 568/2008, which protects disables persons from discrimination. Most of the Ethiopian proclamations include the principle of equality. Article 25 of the FDRE constitution states in detail the right to equality, and the international conventions ratified by Ethiopia are part of the law of the land. However, raising awareness of the society is an essential thing that needs to be done in order to give more effect to the abovementioned legal instruments.

⁴ WWW.FEACC.gov.et

⁵ Misganaw Gashaw, 2021, Corruption in the post-1991 urban land governance of Ethiopia: Tracing major drivers in the law, Page 16, Available at <https://revues.imist.ma/index.php/AJLP-GS/index>

⁶ www.transparency.org.

Ethiopia's legal framework in relation to people with disabilities is still developing and needs some reform. The country is a party to the CRPD, but the local laws are not as strong as the Convention. There is still no comprehensive definition of disability, and derogatory terms in the law (arts. 339–388 and 1728 of the Civil Code, art. 740 of the Commercial Code) are still in use. The principle of reasonable accommodation and accessibility are currently applicable only on employment laws, and the practice of reasonable accommodation is not well developed. In a report by Ethiopian lawyers with disabilities released on August 29, 2022, it is described that Eyasu Delabale was highly discriminated against because of his disability while trying to be recruited for a job at Wolayta zone Damot Woyede woreda where he lives. The journalist who published Eyasus story was illegally imprisoned.⁷ Most of the prisons EHRCO visited are not accessible for prisoners with disabilities. There exists a comprehensive disability draft framework that is prepared by the ministry of women and social affairs, which tries to combat discrimination against people with disabilities and defines disability. It advocates for equal protection, inclusiveness and non-discrimination.

There is also discrimination on other fronts: The prime minister assigned the Ethiopian federal lawyers association board members, which were all men. This was highly criticised because the assigning process did not follow the principle of inclusiveness of women or people with disabilities, which were not included in the selection process.⁸

Recommendations:

The State Party should:

- Adopt a comprehensive legal framework which prohibits discrimination in compliance with the ICCPR.
- Adopt a comprehensive Disability Act to implement the CRPD.
- Amend laws to remove derogatory terms for people with disabilities, including the Civil Code (arts. 339–388 and 1728, and art. 740 of the Commercial Code), as well as those that have discriminatory effects like the regional constitutions discriminating non-native ethnic groups in the regions.
- Establish a commission mandated to investigate and prosecute discrimination acts at the regional and federal level, and provide redress to victims.
- The civil code, the electoral proclamation and the commercial code shall be amended in respect with CRPD convention and other laws shall be drafted that should define and address people with disabilities.

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

Issue 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).*

Comments from Civil Society

The Ethiopian criminal law includes provisions that are related to Gender-based violence (GBV). For example, article 620 of the criminal code criminalises rape, the revised family code prohibits polygamous marriage,

⁷ <https://t.me/tikvahethiopia/73355?single>

⁸ <https://www.bbc.com/amharic/articles/crg8n219rgwo>

chapter three of the criminal code includes harmful traditional practices including female genital mutilation (FGM).

Ethiopia is also a party to CEDAW, the Maputo protocol and other declarations of the UN. These legal instruments are part of the law of the land, and the government is bound to respect, protect and fulfil the rights that are included in these instruments, but it made reservations to these instruments.

Ethiopia made one reservation to article 29 of CEDAW. Ethiopia made several reservations to the MAPUTO protocol, which criminalises marital rape in article 4 (2) (a), as well as protects women's rights under the polygamous marriage and women's rights to acquire, manage and administer her property during the marriage. Article 6(b) sets the minimum marriage age at 18 years, which Ethiopia also submitted a reservation on. Article 6(d) includes the mandatory registration of marriage for it to be legally recognized, article, 7(a) obliges the separation of the spouse to be by judicial organs, and article 7(d) stipulates the right to an equitable sharing of the joint property deriving from the marriage, to which Ethiopia also objected. This violates women's right to property. These reservations go against the purpose and objective of the Maputo Protocol.

UNICEF's 2020 data shows that in Ethiopia, 25 million girls and women have undergone FGM, the largest absolute number in Eastern and Southern Africa⁹, despite the fact that it has been criminalised.

Moreover, the criminalisation of polygamy has an exception under article 651 of the Criminal Code, when it is committed in conformity with religious or traditional practices recognized by Sharia law. Additionally, marital rape is not yet a criminal act in Ethiopia.

The 2016 Ethiopian demographic and health survey (EDHS) indicates that among 4167 participants included in the analysis, 1504 (36.1%) participants reported having experienced intimate partner violence, of which 11.9% faced sexual abuse¹⁰. This is a clear indication of the high rate of domestic violence present in the country, and it is increasing. The Ethiopian government is trying to raise the awareness of the society in relation to harmful traditional practices and it seems to be working. But GBV is still a serious issue in the country. On January 8, 2022, Miss Seble Negusse was beaten and stabbed to death, and her body was burned by her boyfriend. On January 1, 2022, Tsegereda Girmay, a second year hotel and tourism student at Arba Minch university, was stabbed to death in the university compound. On November 4, 2021, Zenabua G/tsaddik was lost for several days and later found buried in her house in Amhara regional state.¹¹ The perpetrators of the abovementioned cases are brought to justice but the sentences that were given are not deterring other perpetrators to refrain from such acts.

Sexual violence by military forces increased during the recent conflict between the government and the TPLF armed group, in the Tigray region. Between March and June 2021, Amnesty International¹² interviewed 63 survivors of rape and other sexual abuse; 15 in person in refugee camps in Sudan, and 48 remotely on secure telephone lines. The TPLF took control of Nifas Mewcha, a province in the Amhara region, for nine days between 12 and 21 August 2021, as part of an ongoing offensive into parts of the Amhara and Afar regions. Regional government officials told Amnesty International that more than 70 women reported to the authorities that they were raped in Nifas Mewcha during this period.

⁹ ehrc.org/female-genital-mutilation-fgm-and-human-rights

¹⁰ BMC WOMEN Intimate partner violence against women and its association with pregnancy loss in Ethiopia: evidence from a national survey

¹¹ <https://t.me/ehrc/1071>

¹² <https://www.amnesty.org/en/latest/news/2021/08/ethiopia-troops-and-militia-rape-abduct-women-and-girls-in-tigray-conflict-new-report/>

Recommendations:

The State Party should:

- Lift the reservations made to article 6 (b) of the Maputo Protocol about marital rape, and all other reservations to that Protocol.
- Criminalise marital rape.
- Ensure the accountability of perpetrators of GBV, in particular for security forces, as well as redress for victims.
- Update the legal framework to include femicide explicitly.
- Take efforts to reduce the number of FGM cases in the country.

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

Issue 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.*

Comments from Civil Society

Due to conflicts and armed attacks that take place in different parts of Ethiopia, the right to life is usually violated. The armed conflict in the northern part of Ethiopia, attacks by different armed groups that exist in different parts of the country such as Oromia and Benishangul gumuz regions and extrajudicial killings by government security forces are some examples of violations of the right to life:

According to a report by the Ethiopian human rights commission from March 11, 2022, around 346 civilians were killed in Afar and Amhara regions.¹³

In an attack that took place on July 11, 2021, in Amhara regional state northern Shewa zone Ephrata and Gedem woreda, many civilians and security personnel were killed and wounded by the attack of an armed group.¹⁴

On July 4, 2022 an armed group called Shene attacked, killed, and wounded a large number of people that lived in Oromiya region kelem wolega zone lemlem kebele in town 20 and 21. This attack was based on ethnic identity and the victims of the attack were women and children in majority.¹⁵

In the South nations nationalities and peoples region Derashe special woreda Holte kebele in a place called Gumayde mazoriya, farmers were ambushed, wounded and killed by security forces of the area on July 1, 2022. Many civilians were detained and tortured on the same day.¹⁶

¹³ EHRC report on violations of human rights and international humanitarian laws in Afar and Amhara regions, march 11, 2022 page 45, <https://ehrc.org/afar-and-amhara-regions-report-on-violations-of-human-rights-and-international-humanitarian-law-in-afar-and-amhara-regions-of-ethiopia-published/>

¹⁴ The government is not fulfilling its responsibility enough to stop attacks by armed men, EHRCO urgent press release, July 14, 2022

¹⁵ Federal and Oromia regional governments should immediately stop the attacks based on identity!, EHRCO urgent press release, July 6, 2022
<https://ehrc.org/kellem-wollega-zone-oromia-region-ehrc-calls-for-an-urgent-reinforcement-of-government-security-forces/>

¹⁶ human rights situations that needs urgent attention, EHRCO urgent press release, July 2, 2022

Around 9000 Tigrians stay in the Semera and Agatina camps in the Afar region, and many of them have lost their lives due to inhumane treatment.¹⁷

On July 18, 2022, the Shene armed group attacked, wounded and killed hundreds of people in Oromia region Western Wolega zone Gimbi woreda Tole kebele and Benishangul Gumuz region Mizang woreda. In addition to that, due to the armed conflict in Oromia region Nekemt city between the Shene armed group and government, many civilians have been killed. Government forces have illegally detained civilians with the allegation of having a relation with the Shene armed group.¹⁸

On June 14, 2022, government armed forces and organised groups in Gambela region Gambela town, wounded and killed large numbers of people based on their ethnicity. In a video that was released on June 18, 2022, armed men with uniforms of government security forces killed many people.¹⁹

The protection against torture and other cruel, inhumane or degrading treatment or punishment is an absolute right from which no derogation is allowed. Regardless, security forces of Ethiopia, especially the police, usually violate these rights of people in detention.

On June 13, 2022, in Addis Ababa city Gulele sub city, a young boy wearing a student uniform was brutally beaten by police forces.²⁰

Journalist Temesgen Desalegn was brutally beaten and treated humanely after being arrested by the police on May 26, 2022.²¹

Recommendations:

The State Party should:

- Make the right to life an absolute right and protect its citizens against violations of this right.
- Government security forces should abstain from extrajudicial killings, and those who take part in such activity should be held criminally liable, as well as protect its citizens from extrajudicial killings by third parties
- The government of Ethiopia should abstain from torture and other cruel, in human or degrading treatment or punishments and create legal accountability for violations.

Issue 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.*

¹⁷ Ibid, <https://ehrc.org/>

¹⁸ EHRCO is highly concerned by the human rights violations that are being committed on innocent citizens by the government's negligence, EHRCO urgent press release, June 21, 2022
<https://ehrc.org/at-least-200-civilians-killed-in-western-ethiopia-say-reports-and-officials-cnn/>

¹⁹ The government is not fulfilling its responsibility of protecting the innocent, EHRCO urgent press release, June 18, 2022
<https://ehrc.org/ethiopia-rights-body-says-video-shows-extrajudicial-killings-reuters/>

²⁰ The government is not fulfilling its responsibility of protecting the innocent, EHRCO urgent press release, June 18, 2022

²¹ Stop inhumane treatment immediately!!!, EHRCO urgent press release, June 5, 2022

Comments from Civil Society

Death penalty is not applied in Ethiopia today, but it has not been formally abolished. This punishment is given for serious criminal acts, but it has been more than 15 years since the death penalty was executed. In most cases, this punishment is converted to life imprisonment. When EHRCO monitored prison centers throughout the country, there were inmates that are sentenced to death penalty who were not aware about when the penalty was going to be realised. Most of the inmates that EHRCO visited stated that they are always in fear when their names are called by the police officers of the prison.

The country's criminal law does not explicitly criminalise torture. Victims of torture have not got sufficient redress and support. In addition, the government has been reluctant in prosecuting and punishing most doers of the act.²²

Recommendations:

The State Party should:

- Ratify the second optional protocol of the ICCPR and revise the Constitution to make it compliant with said Protocol.
- Convert all death sentences into life imprisonment
- Explicitly criminalize torture under its criminal law.
- Rehabilitate torture victims and provide them medical, psychological, economic and social support.
- Ensure the accountability of the perpetrators of torture and inhuman treatment

Issue 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.*

Comments from Civil Society

There is no new law on the use of force, and there is no separate institution to conduct investigations and to establish accountability when police officers, prison guards and other security forces use excessive use of force. The usual court system does not establish accountability for government security forces.

Recommendations:

The State Party should:

- Draft a new use of force law compliant with international standards

²² Association for Human Rights in Ethiopia, 2021, Victims or Survivors? The reform, torture victims and rehabilitation, available at www.ahrethiopia.org

- Establish accountability for those security forces who use excessive force.
- Protect its citizens against violations of the right to life by third parties.

Issue 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.*

Comments from Civil Society

As article 9 of the FDRE constitution stipulates that ratified International Conventions are part of the law of the land, the Convention Against Torture is part of the law. The definition of torture on that convention is accepted to be the definition of torture in Ethiopia.

Article The FDRE Criminal Code criminalises and punish torture as both a war crime and a serious offence according to treaty bodies ratified by the country²³. Unfortunately, the definition of torture under Ethiopian law (article 424 criminal code), still does not comply with the Convention against torture²⁴. For instance, there is a lack of adequate punishment for acts of torture occurring during public demonstrations or in non-custodial settings. The legal framework has therefore favored the lack adjudication of cases of torture over the past years especially during counter-insurgency operations.

Over the years Ethiopia has consistently failed to provide all detainees with all fundamental legal safeguards from the very outset of their detention. This is specially the case of hundreds of people currently arrested in the context of the Tigray war, who have never been presented to a judge and are facing prolonged and abusive pretrial detention. Article 19 (3) of the Constitution, which includes a “reasonable time taken in the journey to a court of law” before being presented to a judge has still not been revised. Similarly, Article 59 (3) of the Criminal Procedure Code, which provides for repeated prolongation of periods of 14 days in custody remains. The concerns about arbitrary and prolonged detentions of persons suspected of being members or sympathizers of insurgent groups and members of the political opposition remains, despite CAT recommendations.

In the Semera and Agatina camps that are located in the Afar region, around 9000 Tigrians are held without their consent and without any criminal liability. They are being treated inhumanely and due to that, many have lost their lives in the camps.²⁵

On June 13, 2022, in Addis Ababa city Gulele sub city, a young boy wearing a student uniform was brutally beaten by police forces where the police later got convicted for their illegal act.²⁶ Journalist Temesgen Desalegne was brutally beaten and treated inhumanely after being arrested by the police on May 26, 2022.²⁷

In recent times there were several enforced disappearances of political party members, leaders, journalists, activists, and other people that are actively taking part in politics. These actions were done by security forces

²³ The Criminal Code of Ethiopia, Negarit Gazeta, Proclamation No.414/2004 (Criminal Code).

²⁴ Concluding observations of the Committee against Torture on Ethiopia, CAT/C/ETH/CO/1, 2011, §9.

²⁵ Human rights situations that needs urgent attention, EHRCO urgent press release, July 2, 2022

²⁶ The government is not fulfilling its responsibility of protecting the innocent, EHRCO urgent press release, June 18, 2022

²⁷ Stop inhumane treatment immediately!!!, EHRCO urgent press release, June 5, 2022

in different parts of the country, including the capital city. The disappeared people were brought to court after two or three days of disappearance. But those who took part in the enforced disappearance, government security forces, were never brought to justice. There have not been any allegations brought to court for enforced disappearances.

Kibrom Worku, a journalist at the Ahadu Radio and Television news was arrested in October 2021, on suspicion of communication with a terrorist organization. He has stated during an interview with the Ethiopian Human Rights Defender Center that, he was severely beaten and tortured on a daily basis during his detention. It appeared that the psychological and physical torture he faced was based on his ethnic origin.”²⁸

For the past 20 years, torture and cruel, inhuman, or degrading treatments have been widespread in Ethiopia and used against detainees by the police, prison officers, and military, especially with regard to Human Rights Defenders and journalists. Moreover, perpetrators very often go unpunished and the government has failed to provide a satisfactory response to all the issues affecting the needs of torture victims as redress and justice, medical aid, psychological support, economic support, access to land adequate housing, scholarships and access to education, rehabilitation centers²⁹. Courts in Ethiopia have failed to fulfil their role in the prevention and repression of torture. The victims interviewed by OMCT and its network member, testified that their confessions - obtained through torture - were admitted before courts which failed to order the stoppage of any act of torture or to hold the torturers liable. Despite positive steps taken Oromia region to rehabilitate torture victims, the situation of victims in Amhara and Southern Nations, Nationalities and Peoples’ (SNNP) regions has been much worse following their release, as the respective regional governments failed to make a satisfactory attempt to restore victims’ previous social, health and economic positions. Almost all the torture victims interviewed by OMCT and ARHE in 2020, claimed that they still suffer from various forms of mental illness, which seriously affects their entire life. Consequently, they need psychological treatment in order to be able to return to their normal lives and become productive citizens³⁰. It appears that since the resume of the conflict in 2019, the government security forces have adopted a punitive strategy in conflict regions with excessive use of force and resumed systematically using torture despite having started important democratic changes and reforms in 2018³¹.

Recommendations:

The State Party should:

- Ratify the Convention against enforced disappearance.
- Hold accountable security forces and intelligence officers for conducting enforced disappearance, as well as protect its citizens against enforced disappearances carried out by third parties.
- Carry out independent investigations into recent enforced disappearances.
- Revise the Ethiopian Criminal Code and Criminal Procedure Code to comply with the ICCPR and the Convention Against torture definition, prevention and criminalisation of torture, notably in extra-custodial settings.
- Put an immediate end to the use of torture as a counter-insurgency tool and train law enforcement officers on the international legal framework prohibiting torture.

²⁸ EHRDC, The post 2018 situation of Human Rights Defenders in Ethiopia; a critical assessment, Interview with Kibrom Worku (Journalist at Ahadu Radio and Television), 6 on May, 2022, in Addis Ababa

²⁹ See OMCT and AHRE report, Surviving Torture. A call to address three decades of untold tragedy for torture victims in Ethiopia, <https://www.omct.org/site-resources/files/Ethiopia-Surviving-torture-Web-pages.pdf>, July 2021

³⁰ Ibid., p.49.

³¹ OMCT, EHRDC and AHRE, Confidential Report submitted to the Committed to the Committee Against torture for the LIST OF ISSUES, June 2022

- Conduct investigations, prosecutions and convictions in cases involving torture or ill-treatment during the last 20 years, specifically perpetrated in the main prisons of Jail Ogade, Maekelawi prison.
- Take all adequate steps and measures to establish a protection program for victims and witness of torture.
- Establish reparation and rehabilitation programs and centers to help all torture victims of the past decades to recover.

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

Issue 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.*

Comments from Civil Society

Mr. Sentayehu Chekol who is a member of Balderas party, was illegally detained in Amhara regional state Bahirdar city on May 27, 2022, later on Mr. Sentayehu Chekol was released on bail on June 30, 2022 immediately to be arrested by the federal police in front of the police station. In addition to that in Amhara region many people were detained illegally with a cover up of law enforcement in eastern Gojam and south Gonder and they were not allowed to be visited by their families, relatives and lawyers.³² On May 30, 2022 and on June 3, 2022 journalists Yalebet Wondeye and Demis ayalew were detained respectively and they were not brought to court in due time and they were not told the reasons of their incarceration.³³

Journalist Yayeew Shimeles was abducted by police officers from his house on June 28, 2022 and his families were not able to know his whereabouts for days where he then returned with no explanation. Similarly, poet and activist Belay Bekele Weya was also abducted on June 29, 2022, and his whereabouts were unknown for days where he was set free without any explanation or redress.³⁴ Since May 2022 in Amhara regional state various illegal arrests have been going on. These arrests and abductions were done with the cover up of law enforcement. Due to these illegal actions many political party leaders and members of Amhara national movement party, Enat party and some other party members were illegally detained and abducted.³⁵

Brigadier General Tefera Mamo was abducted on May 16 2022 and brought to court in Amhara region Bahirdar city on May 20, 2022. His family was unaware of his whereabouts until he was brought to court. Similarly, Mr. Napoleon Gebru was arrested without following the legal procedure on May 9, 2022, and soon after that on May 10, 2022, his whereabouts were unknown for many days. In May 2022, journalist Solomon Shumeye, Tina Belay, Tadiyous Tantu, Ashenafi Akalu, Meskerem Abera and other well-known journalists, activists and politicians were imprisoned without following the legal procedure and some of them were abducted and some were returned without any justification for their disappearance.³⁶ It is uncommon to see perpetrators in this regard being brought to justice and the main reason for this is there is no independent investigation being done on such perpetrators.

³² The rights of detained people must be respected immediately!, EHRCO urgent press release, June 11, 2022

³³ The rights of detained people must be respected immediately!, EHRCO urgent press release, June 11, 2022 <https://ehrc.org/>

³⁴ The government should fulfil its duty of respecting and protecting human rights properly!, EHRCO urgent press release,

³⁵ Stop illegal imprisonment immediately!!, EHRCO urgent press release, May 28, 2022

³⁶ National human rights issues that need urgent attention!, EHRCO urgent press release, May 23, 2022

Some of the detainees are now freed on bail and some still remain in prison. There is a lack of police cooperation with the courts, and arrests of journalists are continuing.

Recommendations:

The State Party should:

- Abstain from arbitrarily arresting journalists and political party members and leaders.
- Carry out investigations into the illegal arrests and hold accountable those who take part in this illegal activity.
- Provide the whereabouts of journalists and others who are still disappeared.

Issue 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 organisations have access to all places of detention within the State party.*

Comments from Civil Society

Detention centres in the country are overcrowded. Many prisoners share a single cell, there is a lack of sunlight in some of the detention cells, often detainees share a single bed because there are not enough beds and mattresses, and some even sleep on the ground. Separation is only based on sex, and juvenile prisoners are not strictly separated. This is the case in the biggest prison in the country, in Addis Ababa Kality. Health care equipment in the clinics of the detention centres does not suffice, as well as medicine, food and water. There is no provision of education for children that are imprisoned with their mothers, sanitation in the detention centres is not good.

For CSOs to visit detention centres, they need to obtain a pass permit from prison commissions of the responsible region or from the federal government. This is a very big obstacle because most of the time regional prisons and police commissioners refuse to give a pass permit for CSOs that work on human rights. In Ethiopia, only EHRC is allowed to visit prison centres and police stations without prior warning.

Recommendations:

The State Party should:

- Adopt a law so that CSOs that work on human rights can visit prison centres and police stations without prior warning.
- Provide enough resources to detention centres so that they can have enough supplies.
- Use alternative means of detention in order to reduce overcrowding.
- Establish juvenile detention centres to reduce overcrowding and to make sure they are separated from adults.
- Ensure adequate access to health care for people deprived of their liberty.

Issue 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 organisations under the Organisations of Civil Societies Proclamation No. 1113/2019.*

Comments from Civil Society

There are no restrictions on the provision of free legal aid by non-governmental organisations, apart from the fact that they operate with limited resources. This is encouraging, but CSOs are still not able to provide legal aid services at Police stations. Their contribution to reduce pretrial detention is minimal. The Office of the Public defender's office is also understaffed and under resourced. Bail is often appealed by police and prosecutors, and in practice we see the reverse. This has contributed to the high number of pretrial detentions and erodes the constitutional principle that bail shall be restricted exceptionally.

Recommendations:

The State Party should:

- Expand free legal aid centres so that those who are in need can easily access it.
- Adopt the draft Criminal Procedure and evidence code which has been tabled for long to the HPR.
- Use alternative punishments to detention, and make sure that imprisonment is a measure of last resort.

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

Issue 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.*

Comments from Civil Society

The government has passed Proclamation No.1178/2020 on the Prevention and Suppression of Trafficking in Persons and Smuggling of Persons. However, it does not fully meet the minimum standards for the elimination of trafficking. It is making significant efforts to do so, and these include partnering with international organisations and foreign donors to train police, prosecutors, and judges on trafficking crimes; continuing efforts to raise awareness of trafficking risks among vulnerable populations in rural communities; and conducting meetings of the newly established National Council and National Partnership Coalition.

However, the government did not demonstrate overall increasing efforts compared to the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. The government significantly decreased the number of trafficking investigations and prosecutions and did not convict any traffickers at the federal level during the reporting period; overall law enforcement efforts across regional-level actors also decreased. The government did not report officially identifying any trafficking victims or referring any trafficking victims to protection services during the reporting period; additionally, officials did not report disseminating or implementing standard operating procedures for victim identification or the national referral mechanism for the second consecutive year. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action. Officials did not report taking any actions to address internal trafficking crimes, including domestic servitude and child sex trafficking, despite the scale of the problem.³⁷

³⁷ <https://www.state.gov/reports/2021-trafficking-in-persons-report/ethiopia/>

Recommendations:

The State Party should:

- Do awareness-raising, provide training and capacity-building to law enforcement officials and personnel within the justice sector, as well as for the general public in rural areas.
- Provide strong protection mechanisms to victims of trafficking and slavery and establish an accountability mechanism for perpetrators.
- Establish easily accessible centres or hotspots where victims can report crimes of forced labour, trafficking and exploitation.

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

Issue 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.*

Comments from Civil Society

The new proclamation 1110/2019 which gives the right to employment for refugees is a positive evolution, but the implementation has major gaps. Practically, there is no timely response to refugee applications, and no proper documentation of the process.

Regarding the living conditions of refugees, there is preferential treatment for some categories of refugees and not for others.

After the war broke out in the Tigray region, Eritrean refugees that were staying there in camps moved to other regions of the country and to Addis, and it remains to be seen how the government deals with that.

Recommendations:

The State Party should:

- Ensure that all refugees are treated equally and have access to fair registration processes and documentation within the asylum process.
- Provide a timely response to refugee applications.

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

Issue 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.*

Comments from Civil Society

Ethiopia is the country with the most IDPs in the world³⁸. In the South, there are conflicts that have arisen in the Konso zone since July 10, 2021. In Amaro special woreda, thousands of people were forcibly displaced between 2017 and 2022. Due to this conflict, 80 580 people have been displaced from Konso zone and 54 726 people were displaced from Amaro special woreda, 6 150 people were displaced from Guraferda woreda to Sidama region, 300 IDPs in Guraferda woreda. A total number of 1 264 292 IDPs were found in Amhara region, 100 974 IDPs were found in Somalia region, 9231 IDPs in Gurage zone.³⁹

Due to the armed conflict in the northern part of Ethiopia, the civilian population was forcibly displaced within Tigray and to neighbouring Sudan since the conflict began in early November 2020. More than 50 000 people have sought refuge in Sudan while more than 1.7 million have been internally displaced in Tigray in August 2021. Due to ethnic conflicts a large number of people from the Ethiopian Somali region were displaced from Oromia region. Around 100,974 people are residing in Koloji IDP camp.⁴⁰

Due to conflict that arose in mid-2021 in the South western region Bench Sheko zone Guraferda woreda, people that live in 15 kebeles from the woreda were displaced.⁴¹

Most of the shelters of IDPs in Ethiopia are schools and barren lands. They are forced to sleep on the floor without a mattress, there is a lack of humanitarian assistance given to IDPs, and it lacks coordination. There is not enough food, health care services, medicine, water and other supplies for the number of IDPs. In some instances, IDPs are forcefully returned to their home place, and then displaced again because there was no security provided for them. Some IDP camps are located in conflict areas and due to this there is fear of attack, and cases of secondary displacement.

The government has a reservation on Article 12 (2) of the Kampala Convention which prescribes compensation for the IDPs. There are also reports of secondary displacement in the Gedio-Guji areas due to security reasons. Recently, the Disaster Risk Management Agency Director was arrested in relation to abuse of humanitarian aid collected for IDPs and this is an indication that the resources are being used for personal gains, and there are complaints from IDPs.

Recommendations:

The State Party should:

- Provide sufficient humanitarian support for IDPs, especially for vulnerable groups like women, children, PWDs and elderly.
- Reconsider the reservation to the Kampala Convention.
- Adopt a comprehensive national legal framework for the protection of IDPs and enact a national IDPs policy.
- Establish a national institution with specific mandate of humanitarian assistance as well as human rights protection for IDPs.
- Ensure strong accountability for human rights violations that are causing internal displacement.
- Raise awareness about IDPs within host communities to reduce tensions, as well as among law enforcement officials.

³⁸ IDMC - GRID 2022

³⁹ EHRCO 150th special report, page 7

<https://ehrc.org/tigray-and-amhara-regions-the-security-situation-of-civilians-and-internally-displaced-persons-from-tigray-risks-becoming-a-humanitarian-crisis/>

⁴⁰ Ibid page 41, Report of EHR and OHCHR joint investigation into alleged violations of international human rights, humanitarian and refugee law committed by all parties to the conflict in the Tigray region of the federal democratic republic of Ethiopia, page 51, nov 3,2021.

⁴¹ Ibid page 9

- Ensure safety and sufficient supplies within IDP camps to avoid secondary displacement.

k. Access to justice, independence of the judiciary, and fair trial (arts. 2 and 14)

Issue 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.*

Comments from Civil Society

Judicial reform to ensure full independence of the judiciary has been underway since 2018. Particularly, the revision of the Federal Judicial Administration Proclamation No. 1233/2019 that establishes the Judicial Administration Council and regulates the judicial appointment, training, tenure and termination are worthy to mention. Now it has made the majority of Judicial Administration Council members to be judges and the subjective and politically-informed criteria/requirements for selection and nomination, promotion and transfer, and termination of tenure of judges are outlawed. However, the big challenge that still compromises the independence of the judiciary, is non-observance of Courts' orders by the executive body particularly the police and security forces. This has repeatedly been witnessed while the police and security forces are disregarding the courts' order of granting suspects with bail rights. This has become a common trend when the suspects are political figures and critics of the government like politicians Lidetu Ayalew and Setayehu Chekole, and journalist Temesgen Desslaegn etc.

Recommendations:

The State Party should:

- Improve fair trial standards by avoiding unnecessary delays, by providing CSOs and media access to attend trials, and providing sufficient human as well as financial resources to the judiciary.
- Adopt the draft of the national legal aid strategy
- Ensure the independence of the judiciary by making people accountable when not observing the court's orders.

l. Freedom of expression (art. 19)

Issue 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.*

Comments from Civil Society

There are several examples of arbitrary detention in Ethiopia. Mr. Sentayehu Chekol who is a member of the Balderas party, was illegally detained in Amhara regional state Bahirdar city on May 27, 2022. On June 30, he was released on bail, immediately to be arrested again by the federal police in front of the police station. Additionally, many people are illegally detained in the Amhara region by law enforcement in eastern Gojjam and south Gonder. They were not allowed to be visited by their families, relatives and lawyers for days.⁴² On May 30 2022 and June 3, 2022, journalists Yalebet Wondeye and Demis Ayalew were detained and not brought to court in due time. They were also not told the reasons for their incarceration.⁴³

Journalist Yayasew Shimeles was abducted by police officers from his house on June 28, 2022 and his families were not able to know his whereabouts for days. Similarly, poet and activist Belay Bekele Weya was abducted on June 29, 2022 and his whereabouts were unknown for days.⁴⁴ Since May 2022, various illegal arrests have been carried out in Amhara regional state. These arrests and abductions were done by law enforcement. Many political party leaders and members of Amhara national movement party, Enat Party and some other party members were illegally detained and abducted.⁴⁵ Brigadier General Tefera Mamo, former Amhara State Special Force Commander, was abducted on May 16, 2022 and brought to court in Amhara region Bahirdar city on May 20, 2022. His family was unaware of his whereabouts until he was brought to court. Similarly, Mr. Napoleon Gebru was arrested without following the legal procedure on May 9, 2022 and on May 10, 2022, his whereabouts were unknown for many days. In May 2022 journalists Solomon Shumeye, Tina Belay, Tadiyous Tantu, Ashenafi Akalu, Meskerem Abera and others were imprisoned without following the legal procedure and some of them were abducted.⁴⁶

Recommendations:

The State Party should:

- Abstain from detaining journalists, human rights defenders, activists, political party members and leaders because of their views and expressions, as well as accusing them of terrorism, destabilising the country and working against the security of the nation, or spreading misinformation.
- Provide compensation for people that were arbitrarily detained upon their release
- Only detain people in official established detention centres.
- Release as soon as possible all arbitrarily detained persons.
- Ensure that all people in detention have access to a fair trial.
- Revise the definition for hate speech by clearly defining the term and narrowing the scope in accordance with international standards.
- Respect the freedom of expression of CSOs, by allowing them to carry out their activities in full independence and express their concerns and recommendations freely in the media and other platforms without interference from security forces.

⁴² The rights of detained people must be respected immediately!, EHRCO urgent press release, June 11, 2022

⁴³ The rights of detained people must be respected immediately!, EHRCO urgent press release, June 11, 2022
<https://ehrc.org/%E1%89%A0%E1%8A%A2%E1%89%B5%E1%8B%AE%E1%8C%B5%E1%8B%AB-%E1%8A%90%E1%8D%83%E1%8A%90%E1%89%B3%E1%89%B8%E1%8B%8D%E1%8A%95-%E1%8A%A0%E1%88%8B%E1%8C%8D%E1%89%A3%E1%89%A5-%E1%8A%A5%E1%8A%93-%E1%89%A0/>

⁴⁴ The government should fulfil its duty of respecting and protecting human rights properly!, EHRCO urgent press release,

⁴⁵ Stop illegal imprisonment immediately!!, EHRCO urgent press release, May 28, 2022

⁴⁶ National human rights issues that need urgent attention!, EHRCO urgent press release, May 23, 2022

m. Freedom of peaceful assembly (art. 21)

Issue 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 organised by political opponents, and include information on the grounds used for such decisions.*

Comments from Civil Society

The proclamation for the peaceful demonstration and public meeting provides a requirement of notification to the concerned body so that the latter can take all the necessary steps to facilitate events and discharge its other duties relating to it. However, usually the government bodies misinterpret this law and requires organisers to secure prior permission for any demonstration or public meeting they intend to have. Hence, they argue as they have the mandate to allow or forbid peaceful demonstrations and public meetings.⁴⁷

A peaceful demonstration was held at Gondar University on June 24, 2022 to condemn the killing of civilians in Western Wollega zone Gimbi woreda. After two days, police arrested those who took part in the demonstration and those who facilitated the demonstration.⁴⁸

On June 25 and 27, 2022 a demonstration was held in Addis Ababa and Bahir Dar universities to condemn the killing of civilians at Western Wollega zone Gimbi woreda but these demonstrations were dissolved by government security forces by using tear gas and force. Many participants in this demonstration were beaten and arrested by the police.⁴⁹

Recommendations:

The State Party should:

- Abstain from arresting those who take part and organise peaceful demonstrations.
- Allow demonstrations based on a notification instead of permission, as is the system established by the law.
- Make available public spaces for everyone without any discrimination based on political opinions, gender, or other grounds, and stop cancelling assemblies organised by opposing political parties.

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

Issue 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*

⁴⁷ Proclamation No.3/1991 for the peaceful demonstration and public meeting
https://www.lawethiopia.com/images/federal_proclamation/proclamations_by_number/proclamation%20no%20%203%201991.pdf

⁴⁸ human rights situations that needs urgent attention, EHRCO urgent press release, July 2, 2022

⁴⁹ The government should respect the right to demonstrate, EHRCO urgent press release, June 29, 2022

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.

Comments from Civil Society

The criminal code of Ethiopia criminalizes any kind of sexual act with a child or a minor. Even though article 7 of the revised federal family code sets the age limit for marriage at 18, there is an exception to this provision. Moreover, regional family codes can have a different age limit. The government made a reservation to article 6(d) of the Maputo protocol on the minimum age for marriage, which manifests the lack of commitment of the government to raise the age.

Ethiopia has adopted a zero-tolerance policy for sexual exploitation and abuse by humanitarian workers, but we need more information regarding the implementation of the program.

The child justice office is established within the Federal Supreme Court of Ethiopia for the purpose of protecting the rights of children that pass through the justice system. The office provides free services for children, legal aid in order to reduce child sexual abuse.

Ethiopia clearly states that the child should be free from physical punishment in schools and childcare institutions under the constitution article 35(1(e)). The school discipline directives of the Ministry of Education also clearly prohibit the use of physical punishment in the schools. However, article 2039 (c) of the civil code justifies corporal punishment of one's own child. It is a common tradition to punish children in order to "shape" the child. In practice, severe corporal punishment is frequent not only at home but also in schools.

There are instances of infanticide by the Kara, Banna and Hamar tribes of Ethiopia. Certain pregnancies and newborn children are presumed to be impure by those groups, and believed to bring curse to the society. For example, children who are born out of wedlock, children who are born before the mother moves in with her husbands, or children whose upper incisors grew before the lower incisors. They are believed to bring drought to the land, which causes them to murder those children. The legal framework of Ethiopia prohibits such harmful tradition: article 544 of the criminal code punishes infanticide. Harmful traditional practices are dealt with under article 561, but that has many exceptions and leaves discretion to the court. There is a need for awareness raising within the society about these harmful practices in order to reduce them.

The age of criminal responsibility is determined in article 52 of the Criminal Code and set at 9 years old.

In Ethiopia, there are many homeless children that are forced to beg. Despite the fact that Ethiopia has ratified many international instruments and has adopted a legal framework to protect children from sexual abuse and trafficking, there still are many internally displaced children throughout the country. There are Guidelines on the safety of a child, but there is a lack of implementation of these instruments.

Recommendations:

The State Party should:

- Lift the reservation made on the MAPUTO protocol article 6(d) which sets the minimum age for marriage at 18.
- Raise the age of criminal responsibility from 9 to 12 and separate them from adults during detention.
- Raise awareness among the general population about child trafficking, and child rights generally.
- Strengthen the enforcement of the prohibition of harmful traditional practices, and take prevention measures.
- Ensure proportionate accountability for perpetrators of exploitation of children.
- Set up specific protection mechanisms for displaced children, create safehouses for abused children to support them.
- Prohibit corporal punishment in all circumstances, including at home.

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

Issue 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.*

Comments from Civil Society

Art. 18, 28 and 31 of the recently adopted electoral proclamation 1162/2019 deprives people with mental disabilities of the right to vote and run for office. Those with severe non-mental disabilities, albeit with legal capacity, cannot even vote due to non-recognition of alternative voting arrangements. These provisions limit the legal capacity of people with psychosocial and intellectual disabilities to fully exercise juridical acts of various types, including the right to vote and run for office.

The government through its electoral proclamation no. 1162/2019 has provided for IDPs' enfranchisement in the 2021 national election. The national Electoral Board Directive no. 13/2021 has also established a special polling station for IDPs. It also guarantees absentee ballot arrangement for the purpose of enfranchising IDPs living far from their constituencies.

Initially, upon the coming into power of Dr. Abiy Ahmed, the government introduced promising initiatives in ensuring women's participation in higher decision-making positions. However, such initiation has deteriorated through time and more women are not getting the opportunity to take up vital decision-making positions. For instance, the recently established National Dialogue Commission has only 3 women commissioners among its 11 members. Besides, all members of the peace negotiators appointed to make peace with the Tigray People Liberation Front are men. Moreover, the recently established Board of the Ethiopian Federal Lawyers Association is composed of male members alone. The Ethiopian Women Lawyers Association released its press statement opposing this act of the government on August 02/2022 in Addis Ababa.

Recommendations:

The State Party should:

- Ensure gender equality in high-level decision-making positions and peace-making processes
- Ensure participation of people with disabilities in the electoral process,

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

Issue 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 Oromia Region on 1 November 2020.*

Comments from Civil Society

There are cases of discrimination based on racial and ethnic minorities in the country, specifically in the regions. There are also laws at the regional level discriminating non-native ethnic groups or ethnic minorities. For example, the Benishangul Regional State's Constitution discriminates. Article 2 of this constitution provides that the owners of the region are the Berta, Gumuz, Shinasha, Mao and Komo ethnic groups. It seems to indicate the other ethnic groups residing in the region have a lesser political status. Regarding the continued reports of killings of members of the Amhara ethnic group the state party has not taken satisfactory measures either in ensuring accountability against the perpetrators and state officials or to stop the killing.

Recommendations:

The State Party should:

- Abolish regional laws that discriminate against minorities living in a non-native regional states

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

Issue 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.

Comments from Civil Society

Although Ethiopia is home to more than 86 ethnic groups and may have communities which fulfil the UN Working Group on Indigenous Populations' guiding criteria to be identified as indigenous people, it does not recognize and provide separate and unique legal protection for 'indigenous people' so far *per se*. Their culture, traditions, and self-identification rights seem to be protected under the general internal self-determination rights enshrined under Article 39(2) of the FDRE Constitution. With regard to their land rights, sufficient protection is not afforded. It is, rather, regarded as 'vacant', 'undeveloped', 'and wasted' land in different government policies and expropriated without going through the expropriation proceedings and payment of adequate compensation. However, it was only in 2019 under Proclamation No. 1161/2019 that the issue of public consultation during land expropriation and payment of compensation for communal land rights were addressed. Still, these protections are not solely aimed at affording protection to land rights of indigenous people in the country.

Land grabbing is another issue. Indigenous Peoples in Gambella, the Lower Omo Valley and Benishangul Gumuz have been affected by the leased land system where the government argues that it would ensure food security and land use, and the leased land was supposed to create employment for the indigenous society. Unfortunately, there were other people from different areas that got the created job opportunity. The construction of the Gilgel Gibe III Dam has impacted the availability of water which has increased the threat of food insecurity and conflict. There is also lack of consultation of Indigenous communities and the little consultation that was done was after the construction of the dam began.

Recommendations:

The State Party should:

- Recognise and provide legal protection to Indigenous people's rights in the country.