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Committee on Economic, Social and Cultural Rights

Forty-eighth session

Summary record of the 16th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 9 May 2012, at 3 p.m.

Chairperson: Mr. Pillay

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined initial and second and third periodic reports of Ethiopia (continued)
(E/C.12/ETH/1-3; E/C.12/ETH/Q/1-3 and Add.1; HRI/CORE/ETH/2008)

Articles 6 to 9 (continued)

1. **Mr. Getahun** (Ethiopia) said that his Government did not object to the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). The Ethiopian Constitution did not refer to indigenous peoples per se but to nations, nationalities and peoples. The rights of indigenous peoples, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and in ILO Convention No. 169, were already subsumed under the rights to self-determination, self-government and preservation of ways of life enshrined in the Constitution, obviating the need to incorporate further legal instruments or terminology into the Ethiopian legal system.

2. As to the freedom of association case concerning the Ethiopian Teachers' Association, he said that the Government had not dissolved any association and that the dispute had originated within the Ethiopian Teachers' Association itself when one executive board had replaced another. The issue was which of the two executive boards represented its legitimate leadership. The Supreme Court had subsequently taken a legal decision on the matter, which had been acknowledged by the ILO Governing Body and the Committee on Freedom of Association, declaring the Ethiopian Teachers' Association the legal representative of teachers throughout the national territory. Those individuals who had lost the case had formed another association called the National Teachers' Association, which had applied for registration. To the Government's knowledge, that application was still pending and had not been rejected. In any case, it was the Charities and Societies Agency that would determine whether the National Teachers' Association met the relevant criteria for registration.

3. The Government considered agriculture to be the mainstay of the Ethiopian economy and allocated approximately 10 per cent of the State budget to the agricultural sector. The Growth and Transformation Plan aimed to double agricultural production by 2015. To that end, around 60,000 agricultural workers had been deployed to work alongside farmers, introduce modern farming techniques and increase the productivity of small-scale farming.

4. **Mr. Hidug** (Ethiopia) said that a labour inspection system did exist in Ethiopia. The number of labour inspectors was steadily increasing, with assistance from ILO. The labour legislation currently in force did not cover the informal sector and therefore workers in that sector could not form a trade union or enjoy access to health-care benefits. The Government recognized the importance of trade unions in industrial relations and in matters concerning working conditions and guaranteed their fundamental rights. In 2004, a permanent Labour Relations Advisory Board had been established to enable the social partners to advise the Ministry of Labour and Social Affairs on a variety of labour issues. Labour Proclamation No. 377/2003 guaranteed the right of workers and employers to establish their own associations. The Proclamation had also introduced mechanisms to prevent employer interference in trade union affairs and had banned employers from coercing any worker into joining or leaving a trade union, or into voting for or against a given candidate in trade union elections. Moreover, the Labour Proclamation prohibited employers from terminating the employment contract of an employee on the grounds of trade union affiliation. A

forthcoming amendment to the Proclamation would outlaw employer interference in the affairs of employees' unions and vice versa. Aggrieved unions could seek redress by lodging an appeal with the courts.

5. **Mr. Abebe** (Ethiopia) said that the Government had intensified its efforts in the area of technical and vocational education to involve more young people in development-related activities. As of 2011, around 370,000 students had been enrolled in technical and vocational training, including a high proportion of females. The training was intended to equip young people with the skills that would prove most useful in the current job market. To that end, it was important to forge links between training institutes and relevant employment sectors so that the demand for skilled labour could be met.

6. The Government had ratified the Convention on the Rights of Persons with Disabilities and was aware of its obligation to provide such persons with the necessary assistance. The National Programme of Action for Rehabilitation of Persons with Disabilities was aimed at guaranteeing equal opportunities for the disabled. In addition, the Ministry of Education had introduced inclusive educational arrangements designed to meet the needs of children with disabilities. Moreover, universities now offered degree programmes in special needs education at the bachelors, masters and doctoral level.

7. The Labour Proclamation provided that persons with disabilities had equal rights in the employment sphere. The Government believed that the best way to combat discrimination against such persons was through awareness-raising in collaboration with civil society, the media and national associations. However, the scarcity of resources remained the greatest impediment to the effective implementation of the national instruments already in place.

8. **Mr. Hidug** (Ethiopia) said that there was a minimum wage for civil servants, which was adjusted according to inflation and other economic factors. While there was currently no fixed minimum wage for workers in the private sector, the Government was carrying out a study in cooperation with private-sector representatives with a view to setting such a wage.

9. **Ms. Lulit** (Ethiopia) said that various mechanisms had been set up in higher and secondary education establishments in order to provide counselling on and to raise awareness about issues related to HIV/AIDS. Further initiatives included the National HIV/AIDS Prevention and Control Council, the objective of which was to raise awareness about the condition; the establishment of a secretariat to coordinate the Government's multisectoral response to HIV/AIDS; and the creation of the Strategic Framework for National Response to HIV/AIDS. Moreover, the Government had identified families and communities as key actors and had made significant efforts to combat stigmatization and discrimination in respect of persons living with HIV/AIDS by disseminating information through public institutions, health-care providers and schools, as well as through various governmental bodies. The Government had also sought to improve the health care provided to persons living with HIV/AIDS by offering health workers comprehensive training on the various aspects of the treatment available to those persons.

10. **Mr. Abraha** (Ethiopia) said that the Ethiopian economy had grown significantly over the previous eight years, which had led to a marked improvement in the employment situation. The Government had devised a strategy to ensure that all public programmes generated productive employment and promoted the development of skills and small and micro businesses. Small and micro businesses in particular had benefited from land and buildings provided by the Government in an effort to ease their capital constraints. Moreover, a considerable amount of credit had been extended to those businesses. The Government had hoped to create around 410,000 jobs during the period 2010–2011. In reality, it had succeeded in creating around 500,000, 53 per cent of which were occupied by

women. According to data provided by the Central Statistical Agency, urban unemployment had declined from 20.4 per cent to 18 per cent between 2008/09 and 2010/11, with the rate of youth unemployment demonstrating a similar tendency. However, the rate of female unemployment in urban areas remained high.

11. **Mr. Texier** requested clarification on whether the Ethiopian Teachers' Association had in fact been registered in accordance with the recommendation made by the Committee on Freedom of Association in 2011 and asked whether the Government had availed itself of ILO technical assistance.

12. **Mr. Sadi** noted with regret that, despite having been a State party to the International Covenant on Economic, Social and Cultural Rights for 10 years, Ethiopia had still not set a minimum wage for private-sector employees. In the absence of such a basic requirement, he would like to know how private-sector wages were determined in the interim. Noting that the list of workers who could not exercise the right to strike was quite extensive and included government officials, civil servants and those working in the transport industry, he wished to know whether the Government had considered reviewing that list. He also enquired as to the steps the Government was taking to address the plight of women working in the informal sector, many of whom received no remuneration, and as to the reasons behind the prevalence of sexual harassment in the workplace. While child labour often went hand in hand with poverty and high unemployment, he noted with concern that children as young as 5 appeared to be employed.

13. **Mr. Getahun** (Ethiopia) said that the National Teachers' Association had not yet been registered but that its application was being processed. He explained that private-sector working conditions and wages were regulated by the Labour Proclamation. He assured the Committee that the Government viewed setting a minimum wage as a priority. In Ethiopia, sexual harassment was classified as a criminal offence. While some progress had been achieved in that area, sexual harassment, and indeed violence against women in general, still posed a problem. The Government was collaborating with civil society in taking measures to address the situation.

14. **Mr. Yimer** (Ethiopia) said that the right to strike was enshrined in the Constitution. However, in accordance with article 8 of the Covenant, the State party retained the right to enact legislation to restrict the exercise of the right to strike in the case of certain workers. Such legislation was alluded to in the Constitution but had not yet been enacted. Moreover, the Labour Proclamation specified categories of workers who could not go on strike. The right to strike had to be regulated and could not be exercised without restriction by all workers. In Ethiopia, as in many developed countries, it was the employment contract drawn up between employer and worker that established the wage the latter would receive.

15. **Ms. Lulit** (Ethiopia) said that Ethiopia had ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which set the minimum age for employment at 15 years. The Labour Proclamation prohibited children younger than 14 from engaging in any form of employment and laid down employment conditions for workers aged between 14 and 18. The Proclamation also prohibited the employment of young people in occupations that might endanger their health or their life. In addition, a national action plan for the period 2010–2014 had been devised to facilitate the implementation of labour policy. A programme on decent work for the period 2009–2012 had also been formulated to improve the working environment of women and children.

16. **Mr. Getahun** (Ethiopia) said that the Government was fully aware of the problem of child labour. It had availed itself of the technical assistance provided by ILO when revising the Labour Proclamation, insofar as the Labour Proclamation referred to the ILO Conventions it had ratified. The Government also maintained a dialogue with relevant stakeholders and ILO on the categories of workers who could not exercise their right to

strike. Furthermore, the measures taken to address the challenges facing the water sector had led to many advances, including an increase in the area of land that could be irrigated.

Articles 10 to 12

17. **Mr. Riedel**, noting that under the Adolescent and Youth Reproductive Health Strategy, health-care services for those groups would be merged with existing health-care services, said he wondered whether that was realistic and logistically viable and whether there were sufficient staff available for the purpose. He suggested that adolescent and youth health issues might best be dealt with by a separate institution. As the Committee was more interested in the implementation and outcome of programmes than in their content, he would be interested to know how the Adolescent and Youth Reproductive Health Strategy had improved the human rights situation in Ethiopia. On the subject of maternal health care, he welcomed the efforts undertaken by the State party to address six main areas by using the indicators developed by the World Health Organization (WHO). However, he recalled that the Committee was most interested in health indicators with a human rights element. Noting with satisfaction that the maternal mortality rate had declined since 2006, he asked whether that tendency persisted. He regretted that only scant information had been provided by the State party on financial issues in the health sector. The Committee required detailed information in order to determine whether the State party had fulfilled its obligations under the Covenant. He also enquired as to the steps taken by the Government to ensure that the 15 per cent of children who had not been provided with necessary vaccinations received them without delay. The Committee had received information to the effect that iodine deficiency disorder was a major problem in the State party, given that only 10 per cent of salt was iodized. Taking note of the plan aimed at granting the whole population access to iodized salt by the end of 2012, he wondered whether that objective was realistic and what interim results had been achieved.

18. **Mr. Dasgupta**, noting that the Criminal Code prescribed severe penalties for child prostitution and sexual exploitation of children, said he wished to know the number of actual prosecutions and convictions. He would also appreciate detailed information on the implementation of the Action Plan on Sexual Abuse and Exploitation of Children for the period 2006–2010 and the results it had yielded thus far.

19. **Mr. Abdel-Moneim**, referring to the core document, observed that the average consumer price index had increased considerably between 2002/03 and 2006/07. Furthermore, the percentage of total government expenditure in pro-poor sectors had increased by one third overall during the same period, which was commensurate with the increase in the consumer price index. Noting that expenditure had risen in the food and water sectors, he asked why expenditure in other sectors, such as health and education, had not increased also.

20. **Mr. Schrijver** said that, in spite of the extensive legislative measures adopted by the State party, the prevalence of child labour remained alarmingly high. According to the State party report, more than 85 per cent of Ethiopian children aged between 5 and 17 were employed. Such a high percentage could be attributed to the large number of school dropouts and low enrolment in primary schools. According to the latest World Bank report, Ethiopia had one of the lowest literacy rates in the world and only 52 per cent of children completed primary education. Given that the Government's previous strategies in that area appeared to have proved ineffective, he wished to know what steps it planned to take in order to eradicate child labour and increase school attendance.

21. **Mr. Sadi** enquired as to the impact of the programme designed to accommodate domestic and foreign agricultural corporations seeking to export from Ethiopia on the standard of living of people living in rural areas. The Committee had received information to the effect that the Government rented large areas of arable land to other countries for

exploitation. While the Government was entitled to do so, that practice should not infringe the right of the local people to a decent standard of living. He wished to know how widespread that practice was and how the Government benefited from it. The Committee had also received information to the effect that around 80 per cent of housing in Addis Ababa was substandard. While that figure could be attributed to the fact that Ethiopia was a developing country, it stood to reason that if substandard housing was widespread in the capital, the same problem existed in other regions of the country. He would like to know whether the Government had devised a programme to address the issue of slum areas in the capital and whether social housing was available.

22. **Mr. Kedzia** said that, while around 16,000 of the 150,000 street children in Ethiopia had benefited from reintegration and rehabilitation programmes, the Government needed to adopt measures to help the remainder. Noting that around 400,000 persons who were HIV-positive were eligible for antiretroviral treatment, he requested clarification on the criteria governing that eligibility. While the formulation of various strategies to assist persons with disabilities was a welcome development, the Committee required statistical data in order to assess their impact.

23. **The Chairperson**, speaking as a member of the Committee, said that the respective urban and rural poverty rates of 29.6 and 30 per cent cited by the State party did not tally with those the Committee had before it. According to the African Rights Monitor, 39 per cent of the population lived on \$1 per day and 77.5 per cent lived on \$2 per day. There was also evidence to suggest that forced resettlement took place in Ethiopia. Various NGOs had reported that people had been driven from their ancestral lands and resettled in areas lacking food and water security. If those claims were founded, they would constitute forced eviction and, therefore, a violation of international human rights law. However, despite having been requested to do so, the State party had failed to provide sufficient information on forced eviction. According to the Ethiopian Human Rights Commission, which was a State body, 77 per cent of the population was living in overcrowded housing and dilapidated structures where conditions were unhygienic and basic services were lacking. In addition, 85 per cent of the housing structures in the capital were dilapidated and in need of demolition or renovation. He also drew attention to the fact that, according to the Commission, 70 per cent of the urban population were living in slums. Moreover, the prevalence of informal settlements also posed a problem. He would be interested to know how much of the State budget had been allocated to housing with a view to improving the situation in urban areas. The Committee would also appreciate up-to-date information on the housing situation in rural areas. Lastly, he regretted the absence of information on homelessness in the State party's replies to the list of issues. He requested the Government to provide detailed information on all the issues raised and the measures it envisaged to address them.

24. **Mr. Abraha** (Ethiopia) said that poverty analysis had been an integral part of economic assessment by the Government since 1996 and that the Central Statistical Agency conducted five-yearly surveys of household income and consumption patterns. Ethiopia was making steady progress towards halving its poverty rate. The head-count poverty rate — defined as the proportion of the population that could not afford a basic basket of food — had declined markedly between 2004 and 2010, from 38.7 per cent to 29.6 per cent, down from 45.5 per cent in 1995. Calculating the average poverty rate was not simply a matter of adding urban and rural poverty rates since disproportionately more people lived in rural areas. Urban poverty had declined as a result of development activities such as supporting micro and small-size businesses, creating a favourable climate for private-sector investment, fostering job creation and expanding infrastructure. Measures to address poverty and food self-sufficiency in rural areas included subsidizing basic foodstuffs, encouraging small farmers and pastoralists to mechanize, commercializing smallholder farming, training and deploying agricultural extension workers, providing modern

agricultural technologies such as seeds and fertilizers, expanding irrigation systems and other infrastructure, improving natural resource conservation, supporting the production of high-value crops and granting loans and credit. Between 2004 and 2011, the national food poverty index had fallen from 38 per cent to 33 per cent, although the rate had dropped much more sharply in urban areas.

25. It was likely that discrepancies between the Committee's data on housing and figures given by the delegation were due to a difference in data-collecting periods. Nearly 165,000 homes were under construction, more than 110,000 of which had already been allocated. Thirty per cent of new homes were assigned to female-headed households. School enrolment was over 90 per cent, up from less than 30 per cent. In 2010/11, almost one quarter of resources had been allocated to education, owing to a focus on infrastructure development, while 6.7 per cent had been channelled to health, 8.8 per cent to agriculture and food security, 20 per cent to roads and 5.9 per cent to water and sanitation.

26. **Mr. Yimer** (Ethiopia) repeated that the delegation could not provide an answer on forced evictions because they simply did not happen in Ethiopia. He disputed the credibility of the NGOs the Committee had cited on that topic and dismissed them as irrelevant.

27. **Mr. Getahun** (Ethiopia) said that Ethiopia was very proud of the significant improvement in poverty reduction and that women's issues were progressing steadily. Article 620 of the Criminal Code stipulated 5–15 years' imprisonment for rape and set out aggravating circumstances. Article 564 did not define domestic violence per se, but did refer back to articles 555–560 on grave and wilful injury which also stipulated imprisonment. The National Plan of Action 2010–2014 set labour guidelines and targets, such as mainstreaming child affairs in all sectors, supporting vulnerable children through community centres, reducing the incidence of sexual assault and abuse in the workplace and addressing trafficking, in addition to implementation strategies and modes of financing. Some child labour was unavoidable in a country such as Ethiopia where 80 per cent of the population lived in rural areas and children often lent a hand on the family farm. Ethiopia was cooperating with ILO and other partners in gathering more empirical data on child labour. Though child labour remained a concern, situations and offences defined in the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) were covered under the Criminal Code.

28. Ethiopia had more than 101 million hectares of arable land, 15 million of which were cultivated by small-scale farmers. With so much sparsely populated land, the Government had no logical reason to proceed with forced evictions. Its priority was to enhance the productivity of small-scale farmers, not to invest in large-scale enterprises, although some two dozen Ethiopian investors had shown interest in industrial farming. Pains were taken to ensure that any land made available for investment did not hinder the future growth of localities.

29. **Ms. Lulit** (Ethiopia) said that between 2000 and 2010, the maternal mortality ratio had fallen from 807 to 470 per 100,000 live births. The goal set out in the Growth and Transformation Plan of 430 deaths per 100,000 live births had not been achieved owing to a lack of resources and certain persistent cultural practices. Efforts to expand prenatal care had achieved 82.2 per cent coverage while postnatal care coverage had climbed to 42 per cent. In 2011, 16.6 per cent of births had been attended by a skilled professional. Measures to integrate psychiatric care into non-mental health institutions had been undertaken in three major cities, in collaboration with WHO. There were now 53 psychiatric out-patient facilities, 6 in-patient facilities and 1 psychiatric hospital.

30. **Mr. Ayehu** (Ethiopia) said that under an urban development policy instituted in 1998, housing projects were undertaken on the basis of need and income levels. Assistance was provided to individuals building their own homes and the private sector was

encouraged to take part in low-cost housing schemes. Several laws and proclamations dealt with the construction and ownership of houses.

31. **Mr. Abebe** (Ethiopia) said that there had been 14.5 million more pupils enrolled in school in 2011 than in 1995. Legislation had been adopted to address the challenges and needs of persons with disabilities and the Government, jointly with NGOs, was raising awareness of the issue. As a result of the Building Proclamation, schools had been fitted to enhance their accessibility for students with disabilities.

32. **Mr. Getahun** (Ethiopia) said that women did tend to be reluctant to report violence, especially rape, but that cases had nonetheless been tried and had led to some convictions. Although homosexuality was an offence in Ethiopia, the health-care system did not discriminate against patients on that ground. HIV/AIDS patients whose CD4 count had dropped to a certain level were automatically eligible for antiretroviral medicines. In the current budget year alone, in addition to major maintenance work on 5,513 potable water supply systems in rural areas, 93 deep waterholes, 1,313 shallow waterholes, 4,833 hand-dug wells and 3,502 springs had been dug and 474 pipe systems installed. Work to build, expand or rehabilitate water supply systems had benefited 22 towns, increasing drinking water coverage to 71.3 per cent in rural areas. The coverage in urban settings had risen to 92.5 per cent. Increasing numbers of health extension workers were being trained and deployed to rural areas in an effort to enhance health-care coverage at the community level. Lessons learned from that initiative were being applied to urban areas, where 75.2 per cent coverage had been achieved. Full national coverage would require 3,299 health centres; the current total was 2,660.

33. **Ms. Shin Heisoo**, noting that HIV/AIDS was the second leading cause of death for women in certain parts of the country, asked why the percentage of HIV-positive women was more than three times that of men, if rape and polygamy were factors and what was being done concerning mother-to-child transmission.

34. **Mr. Dasgupta** repeated his question on prosecutions of cases of sexual exploitation of children and asked for information on the content, status and results of a national action plan on that topic.

35. **Ms. Barahona Riera** said that, though defining domestic violence in relation to other offences was a step in the right direction, giving such violence specific attention in the Criminal Code would be more effective. She asked whether there were in fact two judicial systems, the sharia court and the national civil and criminal courts, and how that might affect the treatment of gender-based and domestic violence. She wished to know if there was a comprehensive national programme for sexual and reproductive health given the enormous disparities in services and education between urban and rural settings. How was the budget divided among zones and were sexual and reproductive health a part of core health-care services?

36. **Mr. Sadi** asked how, given the size of the country, laws and regulations filtered down from the federal to the local level, particularly with regard to polygamy and child marriage. He wondered if the Government conducted campaigns on such topics as healthy lifestyles, tobacco consumption and urban pollution.

Articles 13–15

37. **Mr. Kerdoun** commended the State party on the many measures taken in the area of education and the rights of persons with disabilities. Yet despite all those efforts, only a minute number of children actually finished primary school. He wondered if the issue was poor quality of education and, if so, what the reasons behind the inadequacy were. He asked if the Government was considering a law to make primary education compulsory and free, why school enrolment remained insufficient, how the situation of literacy had evolved since

2004 and what emergency measures were needed to address it. He requested further information on violence committed against girls at school, including whether it deterred their enrolment or caused them to drop out, and what corrective measures were being considered.

38. **Mr. Abashidze**, noting Ethiopia's extreme ethnic diversity, asked how cultural policy was decided, the amount of Government funding for cultural events and what level of government was responsible for financing such events.

39. **Mr. Dasgupta** expressed scepticism as to how school enrolment could be above 90 per cent when 39 per cent of 5–10 year-olds and 62 per cent of 10–14 year-olds were employed outside the home. He asked for additional information on the boarding schools that provided free education and meals to children from pastoralist communities, specifically what education level was concerned, the number of students involved and the results, and whether the Government had considered alternative approaches to the problem, such as recruiting teachers from within those communities, who would then move about with the group.

The meeting rose at 5.55 p.m.