



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

Forty-eighth session

30 April-18 May 2012

### Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant

#### Concluding observations of the Committee on Economic, Social and Cultural Rights

#### Ethiopia

1. The Committee on Economic, Social and Cultural Rights considered the combined initial, second and third periodic reports of Ethiopia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/ETH/1-3) at its 15th, 16th and 17th meetings, held on 9 and 10 May 2012 (E/C.12/2012/SR.15-17), and adopted, at its 28th meeting held on 18 May 2012, the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined initial, second and third periodic reports of Ethiopia, although regrettably submitted with a significant delay, and notes the replies to the list of issues, made available to the Committee only on the day prior to the dialogue with the State party's delegation.

3. The Committee welcomes the initial and frank dialogue it had with the delegation of the State party, but regrets the absence of experts from relevant ministries and Government departments, who could have provided it with detailed information concerning the enjoyment of Covenant rights in the State party and the challenges faced by the State party in the full implementation of the Covenant.

#### B. Positive aspects

4. The Committee notes with appreciation efforts made by the State party in promoting the implementation of economic, social and cultural rights. The Committee welcomes in particular:

- (a) The significant poverty reduction achieved since 2004, as a result of the prioritization of poverty reduction in the State party's development policies, strategies and programmes;
- (b) The establishment of a National Steering Committee against Sexual Exploitation of Children and the formulation of an Action Plan on Sexual Abuse and Exploitation of Children 2006-2010;
- (c) The criminalization under national legislation of the practice of female genital mutilation;
- (d) The definition of trafficking in persons as a crime under the Criminal Code.

### C. Principal subjects of concern and recommendations

5. The Committee is concerned that despite the constitutional provision making international agreements ratified by the State party an integral part of the law of the land, no information has been made available illustrating the actual application of the Covenant. This might indicate that the International Covenant on Economic, Social and Cultural Rights has not been invoked nor applied by the courts.

**The Committee requests the State party to submit in its next periodic report detailed information on cases before the courts in which the Covenant provided the legal basis for or was invoked in the court decisions.**

6. The Committee notes with concern that the Ethiopian Human Rights Commission has not yet applied for accreditation with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. The Committee is concerned about the level of compliance of the Ethiopian Human Rights Commission with the Paris Principles.

**The Committee recommends that the State party take all the necessary steps in order to ensure that the status of the Ethiopian Human Rights Commission, including mandate, independence, and capacities, fully complies with the Paris Principles.**

7. The Committee notes with concern that certain provisions of the Charities and Societies Proclamation (No.621/2009) have had a profound obstructive effect on the operation of human rights organizations. It is also concerned that the Charities and Societies Agency has frozen assets of some of those organizations, including the Ethiopian Women Lawyers Association, forcing them to downsize, close regional offices and suspend some of their services.

**The Committee recommends that the State party amend the Proclamation No.621/2009, with a view to omitting provisions restricting the work of human rights organizations and lifting the funding restrictions, and unblock all the assets of local human rights NGOs.**

8. The Committee is concerned that the State party has not yet adopted a comprehensive anti-discrimination bill. The Committee also notes with concern that the Penal Code criminalizes homosexuality (art.2).

**The Committee recommends that the State party adopt a comprehensive anti-discrimination bill, and take urgent steps to amend the Penal Code to decriminalize homosexuality. The Committee recommends that the State party take steps to combat and prevent discrimination and societal stigma, in particular against persons with disabilities, LGBT individuals, as well as persons belonging to marginalized and disadvantaged groups, and ensure their enjoyment of the rights enshrined in the Covenant, in particular access to employment, social services, health care, and**

**education. The Committee draws the attention of the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural Rights.**

9. The Committee is concerned that unemployment is high in the State party, in spite of the high rate of economic growth. The Committee is also concerned that unemployment among women is higher than that among men, unemployment of young people remains high and that access to employment for the most disadvantaged and marginalized individuals and groups such as youth, persons with disabilities and women is limited (art. 6).

**The Committee recommends that the State party take steps to significantly reduce unemployment and enhance the access to employment for the most disadvantaged and marginalized individuals and groups, including youth, persons with disabilities and women**

10. The Committee is concerned that persons working in the informal economy face unsafe and unhealthy conditions of work and often work for more than the 48-hour maximum legal workweek (art.7).

**The Committee recommends that the State party take measures to regularize the situation of informal sector workers by progressively improving their working conditions and including them in social security schemes. It also recommends that the State party establish a data collection system to monitor unemployment and informal sector employment.**

11. The Committee is concerned that the State party has not set a national minimum wage. The Committee is also concerned that wage differences between men and women continue to exist (art.7).

**The Committee recommends that the State party take legislative and other measures to introduce a national minimum wage. It recommends that the State party ensure that the national minimum wage is periodically reviewed and set at a level sufficient to provide all workers and their families with a decent standard of living. The Committee also recommends that the State party take measures to ensure equal pay for work of equal value for men and women.**

12. The Committee is concerned that the right to form and/or join trade unions is not fully guaranteed in law and practice, and that public sector workers, in particular teachers, have allegedly experienced dismissals and transfers in connection with trade union activity. It is also concerned that section 421 of the Criminal Code provides for imprisonment for public servants who have gone on strike (art.8).

**The Committee recommends that the State party guarantee, in law and practice, the right to form and/or join trade unions, in particular by civil servants, including teachers, judges, prosecutors and security service workers. It also urges the State party to conduct a full and independent inquiry into allegations of violation of teachers' trade union rights, including dismissals and transfers of teachers linked to their involvement in trade unions. The Committee also recommends that the State party amend the Criminal Code so as to remove the sentence of imprisonment for public servants who have gone on strike.**

13. The Committee is concerned that, the State party has not yet introduced a universal social security system (art.9).

**The Committee recommends that the State party take steps to establish a universal social security system, in line with the Committee's general comment No.19 (2008) on the right to social security. It also recommends that the State party introduce legally**

**established and periodically reviewed amounts of benefits, at a level sufficient to ensure an adequate standard of living for the population.**

14. The Committee notes with concern that, in spite of the criminalization of the practice of female genital mutilation (FGM), it remains highly prevalent in rural areas. The Committee is concerned that domestic violence continues to be under-reported, that disaggregated data on prosecution and conviction rates in relation to violence against women are absent, and that victim assistance and rehabilitation services are lacking. The Committee is also concerned that marital rape has not yet been criminalized under the Criminal Code (art.10).

**The Committee recommends that the State party ensure effective enforcement of the Criminal Code provisions criminalizing FGM and domestic violence. The Committee recommends that the State party amend its Criminal Code to criminalize marital rape. It recommends that the State party ensure prosecution of perpetrators and impose appropriate penalties, and ensure the provision of mandatory training to judges, prosecutors and the police on these various types of violence against women and on the application of the Criminal Code. The Committee furthermore urges the State party to raise awareness among women and girls so as to encourage reporting of acts of violence, and ensure the availability of adequate victim assistance and rehabilitation services.**

15. The Committee notes with concern the prevalence of child labour, with a large percentage of children under the age of 14 who are engaged in economic activity and do not attend school. The Committee notes with concern the increased risk for children without parental care and children from disadvantaged and marginalized families of being engaged in the worst forms of child labour (art.10).

**The Committee recommends that the State party adopt measures to combat, prevent and eliminate the prevalence of child labour. It also recommends that the State party adopt targeted measures to ensure that children without parental care and children from disadvantaged and marginalized families are not engaged in child labour.**

16. The Committee is concerned that despite concerted efforts by the State party to address internal trafficking and sexual exploitation of children, the problem remains widely prevalent (art.10).

**The Committee recommends that the State party intensify its efforts to prevent and combat the trafficking and sexual exploitation of children, including through the adoption of a new national plan of action to combat the problem.**

17. The Committee notes with concern that, despite progress made following targeted measures by the State party, a high number of children continue to live in the street (art.10).

**The Committee recommends that the State party intensify its efforts to address the root causes of the issue of street children, with the aim of their protection, rehabilitation and social integration, and to ensure that they have access to education, shelter and health care.**

18. The Committee notes with concern the high level of child abuse, in particular sexual abuse. The Committee is also concerned that corporal punishment is lawful in the home and alternative care settings for purposes of “proper upbringing”, under article 576 of the Criminal Code and article 258 of the Family Code (art.10).

**The Committee recommends that the State party take urgent steps to combat and prevent child abuse and neglect, including through establishing effective mechanisms for the reception, monitoring and investigation of reports of cases of child abuse. The Committee also urges the State party to amend its Criminal Code and Family Code as**

**a matter of priority to prohibit corporal punishment in child-rearing in the home and alternative care settings.**

19. The Committee is concerned that, despite remarkable progress achieved in poverty reduction since 2004, the levels of poverty and extreme poverty, especially in rural areas, remain high (art.11).

**The Committee recommends that the State party take all necessary steps to further reduce poverty and extreme poverty, in particular in rural areas. The Committee requests the State party to include in its next periodic report disaggregated and comparative data, by year and by rural and urban regions, as well as indicators on the number of persons living in poverty and extreme poverty, and on the progress made in its efforts to combat poverty. The Committee draws the State party's attention to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights adopted on 4 May 2001 (E/2002/22-E/C.12/2001/17, annex VII).**

20. The Committee is concerned about the acute housing shortage in the State party, overcrowding, the poor quality of accommodation, the lack of basic services, and the high percentage of the urban population living in slums.

**The Committee recommends that the State party take urgent measures to ensure access to adequate and affordable housing with legal security of tenure for everyone, introduce a public housing scheme, build more low-cost housing for disadvantaged and marginalized individuals and groups, and take priority measures for homeless persons and persons living in sub-standard housing in shanty towns. It requests the State party to include in its next periodic report information on the extent and the root causes of homelessness in the State party. The Committee draws the State party's attention to its general comment No. 4 (1991) on the right to adequate housing.**

21. The Committee is concerned about reports that the Voluntary Resettlement Program, as described in the State party report, entails the forced eviction of thousands of people in various regions of the State party, who are relocated to villages that lack basic infrastructure, such as health clinics, clean water supplies and schools, as well as agricultural assistance or food assistance (art.11).

**The Committee urges the State party to ensure that the relocation of people is done on a voluntary basis, following prior consultation, to provide adequate compensation or alternative accommodation to those people that have been forcibly evicted, and to guarantee that people living in relocation sites are provided with basic services (including drinking water, electricity, and washing, sanitation and transportation facilities) and adequate facilities (including schools and health-care centres). The Committee draws the State party's attention to its general comments No. 4 (1991) on the right to adequate housing and No.7 (1997) on forced evictions.**

22. The Committee notes with concern the prevalence of chronic food insecurity and malnutrition, in particular amongst children (art.11).

**The Committee recommends that the State party take steps to address chronic food insecurity, chronic malnutrition and the critical nutritional needs of children. The Committee also urges the State party to ensure that the population of the Somali National Regional State of Ethiopia benefits from State-run food aid and rural development plans.**

23. The Committee is concerned that a large percentage of households in rural areas as well as people living in refugee camps do not have ready access to safe drinking water and sanitation, with over half of the households having to make a long journey to fetch drinking water (art.11).

**The Committee recommends that the State party take steps to improve the accessibility to safe drinking water and sanitation, in particular in rural areas as well as in refugee camps.**

24. The Committee is concerned that the construction and operation of the Gilgel Gibe III hydro-electric dam will have a significant negative impact on the traditional practices and means of subsistence of indigenous peoples who rely on the Omo River, potentially endangering local food security (art.11).

**The Committee recommends that the State party continue to identify and address the adverse social and environmental impact of the Gibe III dam. The Committee also urges the State party to initiate, prior to construction of hydro-electric projects, comprehensive impact assessments as well as extensive consultations with affected communities, involving genuine opportunities to present views and influence decision-making.**

25. The Committee is concerned that there is no universal health-care coverage. It is also concerned about the low number of qualified health-care professionals per capita in certain regions and critical shortages at health centres, both in medical equipment and staff. The Committee also notes with concern the high rate of maternal and infant mortality, and the low number of births that are assisted by a skilled attendant, especially in rural areas. It is further concerned that access to maternal and infant health care remains poor, in particular in the Somali National Regional State of Ethiopia (art.12).

**The Committee recommends that the State party intensify its efforts to improve health services, including through allocation of increased resources and measures to address significant rural and urban disparities in health-care provision. It recommends that these efforts in particular focus on the training of health extension workers and the adequate provision of medical equipment and staff at health centres. The Committee also recommends that the State party take urgent steps to reduce the high rate of maternal and infant mortality and to ensure that births are assisted by a skilled attendant. It recommends that the State party intensify its efforts to improve access by women to basic obstetric and neonatal care, reproductive health services, and to basic health-care centres, in particular in rural areas.**

26. The Committee is concerned that primary education is neither free nor compulsory, notwithstanding the efforts made by the State party to this end. It is also concerned about low primary school enrolment and attendance rates, including for refugee children, high dropout rates, the gender gap in enrolment, the insufficient number of trained teachers, and the poor quality of education. The Committee also notes with concern that the literacy rates in rural areas, in particular among women and girls, remain low (arts.13 and 14).

**The Committee recommends that the State party strengthen its efforts and take urgent measures to ensure that primary education is free and compulsory for all children, in line with articles 13 and 14 of the Covenant, and that the age of completion of compulsory schooling is set at 14 years. It recommends that the State party take urgent steps to increase primary school enrolment and attendance rates, including for children with disabilities, decrease the high dropout rate, and address indirect and hidden costs of school education, and the gender gap in enrolment rates. It also recommends that the State party take measures to train more teachers, especially female, and further increase the number of school facilities, in particular in rural areas. The Committee furthermore recommends that the State party take steps to increase the literacy rate in rural areas, in particular of women and girls.**

27. The Committee is concerned that, despite efforts made by the State party, ethnic groups continue in practice to suffer from discrimination in the exercise of their right to participate fully in cultural life. Furthermore, it is concerned that many of these ethnic

groups suffer from stigmatization and hostility, including by law enforcement officials (art 15).

**The Committee recommends that the State party further strengthen necessary measures to ensure equal treatment for all ethnic groups thereby guaranteeing their right to a cultural identity and that the relevant recommendations made by the Independent Expert on minorities be implemented.**

28. **The Committee recommends that the State party provide in its next periodic report detailed information on the legislative and other measures it has taken to protect the traditional knowledge of indigenous communities, including the establishment of the appropriate Fund.**

29. **The Committee encourages the State party to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

30. **The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, in particular among State officials, the judiciary and civil society organizations, translate and publicize them as far as possible and inform the Committee of the steps taken to implement them in its next periodic report. It also encourages the State party to engage all the relevant actors, including non-governmental organizations and other members of civil society, in the process of discussion at the national level prior to the submission of its next periodic report.**

31. **The Committee requests the State party to submit its fourth periodic report, prepared in accordance with the revised reporting guidelines of the Committee, adopted in 2008 (E/C.12/2008/2), by 18 May 2017.**

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