



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the second periodic report of Ethiopia*

1. The Committee considered the second periodic report of Ethiopia¹ at its 3929th and 3930th meetings,² held on 17 and 18 October 2022. At its 3946th meeting, held on 31 October 2022, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of Ethiopia and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies³ to the list of issues,⁴ which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative measures:

(a) Proclamation No. 1234/2021, which, *inter alia*, defines the institutional framework for litigating violations of human rights, in 2021;

(b) Proclamation No. 1224/2020, which is aimed at strengthening the independence and autonomy of the Ethiopian Human Rights Commission, in 2020;

(c) Proclamation No. 1178/2020 on the Prevention and Suppression of Trafficking in Persons and Smuggling of Persons, which establishes various preventive and corrective mechanisms for combating trafficking in persons, in 2020;

(d) Proclamation No. 1110/2019 on Refugees, which allows refugees to obtain work permits, to have access to primary education, to obtain driving licences and to legally register life events, in 2019.

4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:

* Adopted by the Committee at its 136th session (10 October–4 November 2022).

¹ [CCPR/C/ETH/2](#).

² See [CCPR/C/SR.3929](#) and [CCPR/C/SR.3930](#).

³ [CCPR/C/ETH/RQ/2](#).

⁴ [CCPR/C/ETH/Q/2](#).



- (a) The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), on 13 February 2020;
- (b) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), in 2018;
- (c) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 14 May 2014;
- (d) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 25 March 2014.

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

5. The Committee welcomes the measures taken to raise awareness of the Covenant among State agents and the general public, which include the translation of the Covenant into two additional national languages. The Committee also welcomes the establishment in 2016 of a national mechanism for reporting and follow-up to coordinate and support effective implementation of human rights instruments to which Ethiopia is a party. In regard to the Ethiopian Human Rights Commission, the Committee notes that it was awarded "A" status by the Global Alliance of National Human Rights Institutions in December 2021, following measures taken to strengthen its independence, effectiveness and transparency under Proclamation No. 1224/2020 (art. 2). The Committee takes note of the particular circumstances in which the State party's second periodic report is being considered, namely the conflict situation that has been ongoing since November 2020 in the north of the country and the difficulties that the central Government has encountered in regaining control over the full extent of its territory. Recalling its general comment No. 31 (2004), the Committee nonetheless wishes to underline that any difficulties impeding the State party's effective control over certain parts of the country do not absolve it of the obligation to use all available means to ensure the full observance of the rights set forth in the Covenant in respect of all persons within its territory. The Committee regrets that the State party has yet to ratify the first Optional Protocol to the Covenant (art. 2).

6. The State party should:

- (a) **Institutionalize the establishment of the national mechanism for reporting and follow-up and further strengthen its operational capacity to ensure that it fulfils its mandate, including through systematic, regular and coordinated follow-up on the implementation of treaty obligations and the recommendations of international and regional human rights mechanisms;**
- (b) **Continue to provide support to the Ethiopian Human Rights Commission, including by ensuring adequate funding to enable it to carry out its functions and by taking the required policy, legal, administrative or other measures to implement recommendations emanating from the Commission's reports;**
- (c) **Continue its efforts aimed at disseminating the Covenant, including through translation into all national languages and awareness-raising activities in the regional states;**
- (d) **In the light of the Committee's general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, ensure that its obligations under the Covenant are fulfilled throughout the national territory;**
- (e) **Consider ratifying the first Optional Protocol to the Covenant.**

State of emergency

7. The Committee is concerned that a number of provisions adopted during states of emergency declared during the reporting period failed to respect the State party's obligations regarding notification, legality, necessity and proportionality. In particular, the Committee is concerned that the state of emergency declared under Proclamation No. 05/2021

(2 November 2021–15 February 2022) in the context of the conflict in the north of the country contained excessively broad provisions allowing for the mass arrest and detention of persons purportedly supporting rebel groups, and for disproportionate sentences for minor offences such as “moving around without an identity card”. Furthermore, the Committee is concerned that the State party instituted a total suspension of judicial review of the enforcement of the proclamation, including review of legality of arrest and detention. The Committee is also concerned at reports of ongoing restrictions of the State party’s human rights obligations without any formal declaration of a state of emergency. The Committee is further concerned at the lack of information provided with regard to the State of Emergency Inquiry Boards required by the Constitution to be set up during the respective states of emergency, and that the State party did not consistently inform States parties to the Covenant of derogations adopted under states of emergency, as is prescribed in article 4 (3) of the Covenant (art. 4).

8. The State party should:

(a) Formulate state-of-emergency restrictions, the prohibited acts and the sanctions in clear and precise terms, and ensure due regard for the principles of legality, necessity and proportionality, and respect for non-derogable rights;

(b) Refrain from blanket suspension of judicial review, in particular review of legality of arrest and detention, in order to fulfil the obligation to protect non-derogable rights in times of emergency;

(c) Promptly inform other States parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of the rights from which it has derogated in time of public emergency and of the reasons therefor, in accordance with article 4 (3) of the Covenant.

Anti-corruption measures

9. The Committee acknowledges that a number of measures have been taken to address corruption but it is concerned that corruption remains significant in the State party. While welcoming the statistics provided by the State party on corruption cases investigated in the past year, the Committee regrets that the incomplete nature of the data received does not enable it to assess progress in combating corruption. The Committee welcomes the adoption of Proclamation No. 699/2010 on the Protection of Witnesses and Whistle-blowers from Criminal Offences and the establishment of a system for protecting witnesses and whistleblowers, and looks forward to receiving information regarding the implementation thereof at the next review (arts. 2 and 25).

10. The State party should strengthen the implementation of legislation and preventive measures to combat corruption and to promote good governance, transparency and accountability, including in the management of land resources. The State party should also ensure that effective coordination mechanisms are in place to link up relevant entities at the federal and state level, including those with investigative and preventative mandates.

Non-discrimination

11. The Committee is concerned at the absence of a comprehensive anti-discrimination law that provides full and effective protection against direct, indirect and multiple discrimination in all forms, and the seemingly low number of discrimination cases brought before competent tribunals. The Committee also expresses its concern that the broad powers granted to law enforcement authorities during the state of emergency under Proclamation No. 05/2021 resulted in ethnic profiling and mass arbitrary detention, particularly targeting Tigrayans living outside of the Tigray Region, some of whom had their private companies forcibly closed down. Recalling its previous recommendations,⁵ the Committee remains concerned by the criminalization of same-sex relations or any “other indecent acts” between consenting adults, and acts of discrimination, violence and hate speech against lesbian, gay, bisexual and transgender persons within society (arts. 2, 19–20 and 26).

⁵ CCPR/C/ETH/CO/1, para. 12.

12. **The State party should:**

- (a) **Implement measures to increase awareness of, and access to, judicial and administrative avenues for bringing cases of alleged discrimination;**
- (b) **Avoid the granting of excessively broad powers to law enforcement authorities during states of emergency, and implement training programmes for law enforcement officers on the prevention of ethnic profiling in police work;**
- (c) **Carry out awareness campaigns, including campaigns targeting religious institutions, to address social stigmatization, hate speech, harassment, violence and discrimination against the lesbian, gay, bisexual and transgender community;**
- (d) **Decriminalize sexual relationships between consenting adults of the same sex and ensure that lesbian, gay, bisexual and transgender persons have effective access to justice.**

Violence against women and harmful practices

13. While taking note of the range of measures being implemented in the framework of the recently adopted National Strategy and Action Plan on Prevention and Response to Violence against Women and Children, the Committee is concerned at the widespread incidence of sexual and gender-based violence against women and girls, including in places of detention. The Committee is deeply concerned by the use of sexual and gender-based violence, including rape, gang rape, sexual slavery, and intentional transmission of HIV, as a method of warfare in the context of the ongoing conflict in the north of the country, notably in the Tigray, Amhara and Afar Regions, committed by all parties to the conflict, including the Ethiopian National Defence Force. The Committee further expresses its concern in relation to the lack of effective access to emergency health care and to rehabilitation and redress mechanisms for victims. The Committee is concerned that female genital mutilation, polygamy and early marriage remain prevalent, particularly in rural regions, and that the incidence of female genital mutilation increased during the coronavirus disease (COVID-19) pandemic. The Committee is deeply concerned that marital rape remains legal on the basis of “the consummation obligation of spouses in marriage” (arts. 2–3, 6–7, 24 and 26).

14. **The State party should:**

- (a) **In regard to sexual and gender-based violence against women and girls in the context of the conflict in the north of the country, expedite implementation of the corresponding recommendations listed in the joint investigation report of the Office of the United Nations High Commissioner for Human Rights and the Ethiopian Human Rights Commission (2021), ensuring effective access to rehabilitation and redress for all victims of sexual and gender-based violence, and to prevent further violations;**
- (b) **Strengthen implementation of the National Strategy on Traditional Harmful Practices and the National Road Map to End Child Marriage and FGM/Cutting by 2025, including through targeted measures to address discriminatory attitudes at the community level, including among actors in customary justice systems;**
- (c) **Strengthen measures aimed at ending polygamy and ensuring effective implementation of the legislation which proscribes it (art. 11 of the Revised Family Code and art. 650 of the Criminal Code), including through outreach and awareness-raising in rural areas where it is still prevalent. The State party should also support regional administrations in this endeavour, including by assisting in the development of appropriate legislation at the regional level where necessary;**
- (d) **Criminalize marital rape;**
- (e) **Provide members of the judiciary, prosecutors and law enforcement officials with effective training on women’s rights and on gender-sensitive investigation and interrogation procedures in cases of sexual and gender-based violence;**
- (f) **Collect and publish data on cases of sexual and gender-based violence.**

Death penalty

15. While acknowledging a de facto moratorium on the death penalty in place since 2007, the Committee reiterates its concern that, despite its previous recommendations,⁶ the death penalty is still in force and imposed by courts on a regular basis. The Committee is further concerned that the death penalty can be imposed for crimes other than the most serious crimes within the meaning of article 6 (2) of the Covenant, understood to be crimes involving intentional killing. The Committee is concerned, for example, that, under Proclamation No. 1176/2020 on the Prevention and Suppression of Terrorism Crimes, the death penalty can be imposed for crimes such as “causing damage to property, natural resources or the environment” (art. 6).

16. In accordance with its general comment No. 36 (2018) on the right to life, in which the Committee reaffirmed that States parties that were not yet totally abolitionist should pursue an irrevocable path towards complete eradication of the death penalty, de facto and de jure, the State party should consider:

(a) **Establishing a de jure moratorium on the death penalty with a view to abolishing it;**

(b) **Acceding to the second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. In the meantime, the State party should revise its legislation so as to make it strictly compliant with article 6 (2) of the Covenant and restrict the crimes for which the death penalty may be imposed on perpetrators to the most serious crimes, understood to be crimes involving intentional killing;**

(c) **Taking steps towards commuting to life imprisonment the death penalty imposed on persons on death row.**

Fight against impunity and past human rights violations

17. While welcoming the initial steps undertaken by the State party to address impunity for widespread past human rights violations, which include the excessive use of force against protesters, mass arbitrary detention, torture, rape, enforced disappearance and extrajudicial killings, the Committee is concerned at the slow pace of progress in holding perpetrators to account, including police and prison officers and members of security forces. While also welcoming the establishment of a number of investigations into past human rights violations, including a commission of investigation into violations in the Somali Region and measures to lay the groundwork for transitional justice, the Committee is concerned by the lack of publicly disseminated information on the progress of investigations and the low number of convictions. The Committee is concerned about reports of continuing violence by security forces, notably paramilitary Regional Police Special Forces, from September 2018, including extrajudicial killings, amid intercommunal violence in many parts of Ethiopia, such as the Oromia and Amhara Regions. In regard to redress, and notwithstanding the specific examples highlighted by the State party, the Committee is further concerned at the lack of a comprehensive mechanism of redress for victims of human rights violations, to ensure all victims have access to appropriate compensation, rehabilitation and other measures as required (arts. 2, 6–7, 9 and 14).

18. The State party should:

(a) **Establish a comprehensive mechanism of redress to ensure that all victims of past human rights violations have access to an effective remedy, and that they can benefit from appropriate compensation, restitution and rehabilitation measures, taking into account the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law;**

(b) **Redouble its efforts to bring perpetrators to justice, ensuring trials are transparently and fairly conducted in line with international standards, and widely disseminate information on progress to the general public;**

⁶ CCPR/C/ETH/CO/1, para. 19.

(c) **Ensure that the transitional justice process under discussion is designed and implemented with the meaningful participation of conflict-affected populations, especially victims, their families, and other sections of civil society; and ensure that amnesty for gross violations of international human rights law and serious violations of international humanitarian law is prohibited. In this respect, the Committee stresses that transitional justice mechanisms do not obviate the need for criminal prosecution of the perpetrators of serious human rights violations.**

Right to life and protection of civilian populations

19. The Committee is concerned at reports that serious and widespread human rights violations against civilians, including rape and other forms of sexual violence, arbitrary detention, torture, trafficking in human beings, enforced disappearance and extrajudicial killings, have been and continue to be committed by all parties to the ongoing conflict in the Tigray Region and parts of Afar and Amhara to which the conflict has spread. The Committee acknowledges that initial steps have been taken to provide support to victims and hold perpetrators to account, notably through the work of the interministerial task force established in November 2021, but is concerned that progress remains limited, partly due to the ongoing nature of the conflict in the Tigray Region (arts. 2, 6–7, 9 and 14).

20. The State party should:

(a) **Conduct prompt, impartial and effective investigations into alleged violations of international human rights law and international humanitarian law committed in the context of the conflict in the Tigray Region and surrounding areas, both by non-State and State actors, in order to identify, prosecute and punish those responsible; and ensure that victims have access to effective remedies and full reparation;**

(b) **Take steps to increase the transparency of the investigations, including by publishing their findings;**

(c) **Take appropriate measures to ensure the safety and security of the population affected by the conflict and to prevent violations of their human rights by any party to the conflict;**

(d) **Ensure full and unconditional humanitarian access to all conflict-affected areas.**

Excessive use of force

21. Reiterating its previous recommendations,⁷ the Committee is concerned that excessive use of force, including lethal force, by police and security forces remains widespread, notably in the context of protests, and that the existing legal framework for the use of force and firearms by State agents in Ethiopia is inadequate and not in line with the Covenant and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Noting the information provided by the State party according to which a new law on use of force is currently being drafted by the Office of the Attorney General, along with a new system of police accountability, the Committee is nonetheless concerned at the slow progress in adopting a framework that is in line with international standards (arts. 6–7).

22. The State party should:

(a) **Expedite the adoption of the draft law on the use of force by State agents, ensuring it is line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(b) **Ensure that all State entities which are mandated to receive complaints of excessive use of force by State agents are fully independent;**

⁷ CCPR/C/ETH/CO/1, para. 18.

(c) **Ensure that all instances of excessive use of force are investigated promptly, impartially and effectively, that those responsible are brought to justice and that victims are granted full reparations;**

(d) **Provide effective training to law enforcement and security forces on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

Prohibition of torture and other cruel, inhuman or degrading treatment

23. While welcoming certain steps by the State party, such as increased access for bodies mandated to inspect places of detention, the Committee reiterates its previous concerns⁸ regarding reports of the continued prevalence of acts of torture and cruel, inhuman or degrading treatment. The Committee expresses its concern regarding allegations that the use of torture during interrogation and pretrial detention remains widespread. The Committee is further concerned by the high degree of impunity enjoyed by perpetrators, including high-ranking officers, and the slow progress in providing effective remedies and rehabilitation to victims of torture and ill-treatment. The Committee is also concerned at reports that objections to the admissibility of forced confessions as evidence are frequently rejected during trials, particularly in terrorism trials. The Committee regrets that the State party lacks legislation on torture and ill-treatment which is fully in line with international standards, and has yet to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance (arts. 2 and 6–7).

24. **The State party should take urgent and robust measures to eradicate torture and ill-treatment, including:**

(a) **Revising its legislation with a view to ensuring that it contains a definition of torture that is fully compliant with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and with article 7 of the Covenant;**

(b) **Conducting prompt, thorough, effective, transparent and impartial investigations into all allegations of torture and ill-treatment, in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), ensuring that perpetrators are prosecuted and, if convicted, punished appropriately and that victims receive full reparation;**

(c) **Ensuring that evidence obtained through torture is inadmissible in legal proceedings, without exception, in line with the Guidelines on the Role of Prosecutors;**

(d) **Considering ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance.**

Liberty and security of person

25. The Committee is concerned at multiple reports of large-scale arbitrary detention of political opponents and protesters, and of enforced disappearances, as well as reports of the arbitrary detention of human rights defenders and journalists, despite the adoption of Proclamation No. 1238/2021 on the Media, which is aimed at ensuring better protection for journalists from being arbitrarily detained. The Committee is also concerned that the removal of legal safeguards during the state of emergency that was declared on 2 November 2021 led to the mass arbitrary arrest and detention of several thousands of people suspected of supporting outlawed opposition groups, such as the mass targeting of Tigrayans in Addis Ababa and other cities, thousands of whom were subjected to prolonged arbitrary detention in camps lacking basic provision of adequate food and medical care (art. 9).

⁸ CCPR/C/ETH/CO/1, para. 17.

26. **The State party should:**

- (a) **Investigate all allegations of arbitrary arrest and detention, and ensure that perpetrators are prosecuted and, if convicted, punished with appropriate penalties;**
- (b) **Ensure that anyone who was detained arbitrarily is released without conditions and adequately compensated;**
- (c) **Ensure that the period of initial police custody is shortened and does not exceed 48 hours;**
- (d) **Systematically ensure that persons being held in police custody or pretrial detention are informed of their rights and that basic legal safeguards are respected, particularly the right of access to counsel and the right to bail;**
- (e) **Use, when appropriate, non-custodial measures as an alternative to pretrial detention and ensure that pretrial detention is not excessive in length.**

Conditions of detention

27. While noting the construction of additional detention facilities and the increased use of bail, the Committee remains concerned about continued reports of prison overcrowding in the State party, particularly following the armed conflict, and of detention of individuals in crowded makeshift facilities during states of emergency. It is also concerned about reports that, despite the increased budget for the provision of essential services, detainees still lack adequate access to food, water and medical care and suffer from poor sanitation, and that psychiatric treatment is unavailable for those with psychosocial disabilities. It regrets information indicating that child offenders are detained together with adults (arts. 7, 10 and 24).

28. **The State party should:**

- (a) **Ensure that the conditions of detention, including with regard to access to food, clean water, hygiene and health care, are in compliance with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);**
- (b) **Reduce prison overcrowding, particularly through the wider application of non-custodial measures as an alternative to imprisonment;**
- (c) **Ensure that all places of detention remain subject to independent, effective and regular monitoring and inspection, including by the Ethiopian Human Rights Commission and other independent bodies, without prior notice and on an unsupervised basis;**
- (d) **Ensure that child offenders are strictly separated from adult prisoners.**

Elimination of slavery, servitude and trafficking in persons

29. While noting the State party's efforts made to combat trafficking in persons, such as the establishment of special benches for hearing trafficking cases and the provision of relevant training for law enforcement officials and members of the judiciary, the Committee remains concerned about the continuing prevalence of trafficking in persons, particularly in migrants and internally displaced persons, forced labour, child labour and sexual exploitation of children. Furthermore, it is alarmed by reports of the systematic practice of trafficking of children in the conflict-affected regions, such as Tigray, Amhara, Afar and Oromia, particularly for the purposes of sexual exploitation and slavery, and economic exploitation. It notes with concern the underreporting of trafficking cases by female victims and the insufficient measures in place to identify victims and to ensure victims' access to justice and support services, including necessary medical care for victims of sexual exploitation and slavery (arts. 2 and 7–8).

30. **The State party should strengthen its efforts to combat, prevent and punish trafficking in persons, particularly concerning women and children and for the purposes of sexual exploitation and slavery, and forced labour. In particular, it should:**

- (a) **Strengthen investigations, prosecutions, convictions and punishments of those responsible for trafficking and provide victims with full reparation;**
- (b) **Identify victims of trafficking and ensure that they are provided with protection and assistance, including access to shelters and to legal, medical and psychological services;**
- (c) **Provide adequate training, including on standards and procedures for the identification and referral of victims of trafficking, to all relevant State officials, including judges, prosecutors, law enforcement officials and security forces.**

Rights of the child

31. The Committee regrets that the State party maintains the minimum age of criminal responsibility at 9 years and continues to try to prosecute children aged from 15 to 18 years as adults. It is also concerned about reports of harmful practices against children, including female genital mutilation, forced marriages, infanticide and corporal punishment, particularly in remote areas; increased domestic violence, including sexual violence, against children during the COVID-19 pandemic, due in part to school closures; and abuse and ill-treatment of children living in residential institutions and of children with disabilities. Furthermore, it is concerned at reports that, since November 2020, children have been subjected to grave and systematic human rights violations by security forces and private armed groups in the Tigray, Amhara, Afar and Oromia Regions, including abduction, forced separation from families, recruitment as child soldiers, torture and forced marriage. It notes with concern that children living in the conflict zones lack adequate access to school, food, health care and other essential services that meet their specific needs (arts. 7, 14 and 24).

32. The State party should intensify its efforts to:

- (a) **Ensure that its juvenile justice system is in line with the Covenant, particularly article 24 thereof, and other international standards, and that children in conflict with the law are treated in a manner commensurate with their age, such as by raising the minimum age of criminal responsibility and setting up specialized courts with trained specialized judges for all children, including those aged from 15 to 18 years;**
- (b) **Enforce effectively the legal provisions prohibiting female genital mutilation, forced and early marriage, infanticide and corporal punishment, and conduct awareness-raising campaigns throughout the country;**
- (c) **Ensure that all cases of torture, ill-treatment, harmful practices and any acts of violence, including domestic and sexual violence, against children are promptly and effectively investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate penalties, and that victims have access to effective remedies, including rehabilitation and compensation, and means of protection and assistance;**
- (d) **Detect and eradicate the recruitment and use of child soldiers, ensure their prompt disarmament, demobilization, rehabilitation and reintegration, and reunite them with their families, with respect for the principle of the best interests of the child;**
- (e) **Ensure that children in the conflict zones have adequate access to school, food, health care and other essential services.**

Treatment of aliens, including refugees and asylum-seekers

33. The Committee commends the State party's commitment to protecting refugees and asylum-seekers, as demonstrated by its hosting of approximately 870,000 such persons as at June 2022. However, it is concerned about the severe impact of the ongoing armed conflict on the situation of this population, especially those who have been displaced from refugee camps in the Tigray Region without adequate support or protection measures. The Committee is concerned at reports of targeted violence against Eritrean refugees by parties to the armed conflict, resulting in their deaths, displacement, disappearances and refoulement. While noting the statistical information provided by the State party, the Committee remains concerned at reports that, since January 2020 when the refugee status determination procedures were revised, arrivals from Eritrea have no longer been offered prima facie

refugee status, leading to a reduced number of Eritrean asylum-seekers being registered, particularly among unaccompanied and separated children. It regrets the lack of specific information as to the steps taken to address the issues pertaining to stateless persons (arts. 2, 6–7, 9, 13, 24 and 26).

34. **The State party should take:**

(a) **The measures necessary to ensure the safety and security of the refugees and asylum-seekers affected by the conflict, particularly those who are displaced, to effectively prevent and address violations of their human rights by any party to the conflict, and to provide them with adequate access to essential services;**

(b) **The measures necessary to facilitate access to asylum procedures and strictly uphold the principle of non-refoulement in both law and practice, particularly as regards those arriving from Eritrea and unaccompanied children;**

(c) **Concrete steps to ascertain the extent of the problem of statelessness, with a view to reducing and preventing it, especially for children.**

Internally displaced persons

35. The Committee is concerned at the substantial number of internally displaced persons and their dire humanitarian conditions, and their reliance on aid agencies for their survival. It is particularly concerned about reports that, in the conflict-affected regions experiencing severe food shortages and reduced services, displaced persons have been forced to return to their places of origin without adequate protection measures or sustainable solutions, which leads to their secondary and tertiary displacement. It regrets that, other than such returns, displaced persons lack viable options for local integration or relocation. While noting the steps taken to domesticate the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), the Committee regrets the reported delay in this process (arts. 12 and 26).

36. **The State party should intensify its efforts to find and provide durable solutions for internally displaced persons, including ensuring satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity, in accordance with relevant international standards, including the Covenant, the Guiding Principles on Internal Displacement and the Kampala Convention. It should also expedite the implementation of the Kampala Convention in the domestic legal framework, including by developing and adopting national strategies and legislation on internally displaced persons and by designating an authority or body responsible for coordinating activities aimed at protecting and assisting internally displaced persons.**

Access to justice and independence of the judiciary

37. While noting the measures taken to strengthen the independence of the judiciary, such as the adoption of Proclamation No. 1233/2021 on the Federal Judicial Administration and Proclamation No. 1234/2021 on Federal Courts, the Committee remains concerned about reports that, in practice, law enforcement officials do not fully cooperate with the judiciary in enforcing court orders and decisions. While noting the steps taken to expand access to legal aid, including a free legal aid strategy pending approval of the Council of Ministers, it regrets that the provision of free legal aid is currently mandatory only for persons accused of serious crimes (art. 14).

38. **The State party should continue its efforts to:**

(a) **Ensure the full independence and impartiality of the judiciary and the public prosecution in practice and guarantee that they are free to operate without undue pressure or interference, including by ensuring the implementation and enforcement, including by law enforcement officials, of court orders and decisions;**

(b) **Ensure, in law and in practice, that all persons without means who are brought before the courts have access to legal aid, and that members of the public, including persons living in remote areas and persons from vulnerable and minority**

groups, are aware of the existence of such legal services, and that they can make use of them in practice.

Freedom of expression

39. The Committee is concerned by continued reports of harassment and attacks against, and arbitrary arrests and detentions of, journalists, human rights defenders, government critics and activists. It is concerned about numerous reports of arrests of journalists – including of 39 journalists from June 2021 to June 2022 in Addis Ababa and the Amhara and Oromia Regions, and of prominent journalists critical of the Government during a crackdown on the media between January and May 2022. It is further concerned at reports that the authorities resort to criminal provisions, including those of Proclamation No. 1176/2020 on the Prevention and Suppression of Terrorism Crimes and of Proclamation No. 1185/2020 on the Prevention and Suppression of Hate Speech and Disinformation, to suppress dissenting opinions and critical reporting, including about the ongoing conflict. It regrets information received about shutdowns of the Internet and phone services without a clear legal basis, which are disproportionate in their range and duration (art. 19).

40. The State party should ensure that everyone can freely exercise the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression. In doing so, it should:

(a) **Protect journalists, human rights defenders, government critics and activists against harassment, attacks or undue interference in the exercise of their professional activities or of their right to freedom of opinion and expression, and ensure that such acts are promptly, independently and thoroughly investigated and that those responsible are brought to justice and victims are provided with effective remedies;**

(b) **End the practice of arresting, detaining and prosecuting journalists, human rights defenders, government critics and activists as a means of deterring or discouraging them from freely expressing their opinions, and immediately release those who are detained for merely exercising their right to freedom of expression;**

(c) **Review and revise Proclamation No. 1176/2020 on the Prevention and Suppression of Terrorism Crimes and Proclamation No. 1185/2020 on the Prevention and Suppression of Hate Speech and Disinformation to avoid the use of vague terminology and overly broad restrictions on the right to freedom of expression;**

(d) **Ensure that any restriction on access to Internet and phone services strictly adheres to the principles of legality, proportionality and necessity and is subject to independent oversight.**

Right of peaceful assembly

41. The Committee is concerned about the State party’s broad position that demonstrations should not interfere with the legal rights of third parties, while its general comment No. 37 (2020) on the right of peaceful assembly affirms that private entities and broader society may be expected to accept some level of disruption as a result of the exercise of this right. The Committee also expresses concern about reports of excessive use of force against protestors and arbitrary arrests and detentions of them. While taking note of the State party’s information that 3,560 persons were arrested during the protests following the killing of Oromo singer Hachalu Hundessa in June 2020, the Committee remains concerned by contrary reports of the arrests of 9,000 individuals, including journalists, activists and government critics. Also, while noting the State party’s information that, despite allegations of excessive use of force by the police during these protests, it was private individuals who were found responsible for killings, injuries and the destruction of properties, the Committee remains concerned about the impartiality and effectiveness of the investigations (art. 21).

42. In accordance with article 21 of the Covenant and in the light of the Committee’s general comment No. 37 (2020), the State party should ensure that:

(a) **Any restrictions on the right of peaceful assembly, including through the application of administrative and criminal sanctions against individuals exercising that right, comply with the strict requirements of article 21 of the Covenant;**

(b) **All allegations of excessive use of force and arbitrary arrest and detention in the context of peaceful assemblies are investigated promptly, thoroughly and impartially, that those responsible are prosecuted and, if found guilty, punished, and that the victims obtain redress;**

(c) **Individuals who are detained for exercising their right of peaceful assembly are immediately released and provided with adequate compensation, and that those awaiting trial on related charges are tried without delay and with respect for all due process guarantees;**

(d) **Law enforcement officials receive appropriate training on the use of force, on the basis of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.**

Participation in public affairs

43. The Committee commends the State party for the steps taken to promote the representation of women in public life, in particular their increased representation, at around 40 per cent, in Parliament. While also noting the adoption of Proclamation No. 1162/2019 on facilitating transparent and fair elections, it is concerned about reports of unlawful restrictions placed on members of the opposition parties with regard to their participation in public affairs and elections. It is particularly concerned about reports of arbitrary arrests and prolonged detentions of leaders, members and supporters of the opposition parties, especially during the run-up to the national election in 2021, and refusals to release them despite the charges having been dropped, which barred more than 330 persons from participating in the general election. It also regrets reports of intimidation, harassment and violence against opposition members, opposition supporters and election officials, and of their limited access to the media, meeting halls and assembly places. Furthermore, it is concerned at reports that 20 per cent of the polling stations and voter registration centres were inaccessible for persons with disabilities, pregnant women and elderly voters. While noting the efforts made by the State party to facilitate voting by internally displaced persons, which included setting up special polling stations, the Committee remains concerned about the reported insufficiency of such measures (arts. 2, 6 and 25).

44. **The State party should bring its electoral regulations and practices into full compliance with the Covenant, particularly article 25, including by:**

(a) **Ending arbitrary arrests and detentions of, and harassment, intimidation and violence against, members and supporters of opposition political parties, immediately releasing those who remain in detention, conducting prompt, thorough and independent investigations into such cases, bringing the perpetrators to justice and providing the victims with effective remedies;**

(b) **Ensuring that all political parties can conduct an equal, free and transparent electoral campaign, including by providing equal access to the media and public resources;**

(c) **Ensuring the full accessibility of polling stations and voter registration centres for voters requiring mobility and other assistance;**

(d) **Strengthen its efforts to guarantee the full scope of voting rights to internally displaced persons.**

Rights of minorities

45. The Committee is alarmed by the recent surge in killings and other acts of violence on the grounds of ethnicity, perpetrated by rival security forces and militant groups. It is concerned at reports that investigations and prosecutions in these cases have not been effective, thereby fostering a climate of impunity. The Committee is also concerned about

reports that, despite guarantees of equality in the Constitution of the Federal Democratic Republic of Ethiopia for all ethnic groups, many regional state constitutions confer rights only on the dominant ethnic groups, which excludes members of non-dominant minority groups from participation in political and public affairs and contributes to the ethnic tensions (art. 26).

46. **The State party should:**

(a) **Ensure that all allegations of killings and other acts of violence on the grounds of ethnicity are promptly and effectively investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate penalties, and that victims have access to effective remedies;**

(b) **Provide law enforcement officials and security forces with training on identifying and resolving ethnic tensions that may lead to violent conflicts and on the use of force, on the basis of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**

(c) **Ensure that regional state constitutions and subsidiary laws conform to the guarantees of equality for all, in line with article 25 of the Constitution of the Federal Democratic Republic of Ethiopia and with the Covenant;**

(d) **Redouble its efforts to end the existing tensions between ethnic groups and discrimination against ethnic minority groups, including by creating opportunities for open dialogue between various ethnic groups, by allowing for public discussions on ethnic tensions and conflict, and by promoting inter-ethnic harmony and tolerance and overcoming prejudices and negative stereotypes, including in schools and universities and through the media.**

Indigenous Peoples

47. The Committee is concerned at the absence of dedicated legislation recognizing and promoting the rights of Indigenous Peoples in the State party. It is also concerned by reports that the principle of free, prior and informed consultations was not fully upheld with regard to development projects that may affect the rights of Indigenous Peoples, including prior to the construction of the Gibe III hydroelectric dam. It is further concerned at reports that the deficient management of the Lega Dembi gold mine, combined with the lack of official oversight, resulted in toxic contamination of water and soil, leading to grave health, environmental and socioeconomic impacts on adjacent Indigenous communities. It is further concerned at reports that, after a temporary closure, the mine has resumed its operations without prior full and meaningful consultations with affected communities and without the publication of independent impact assessments or the implementation of necessary safeguards, such as fences around hazardous areas and effective waste disposal systems, that existing contamination has not been sufficiently remediated and that victims have not had access to full redress (arts. 2, 14 and 27).

48. **The State party should take immediate steps to:**

(a) **Develop and adopt a legal framework to recognize and protect the rights of Indigenous Peoples, including the right to their ancestral lands;**

(b) **Ensure that full and meaningful consultations are held with Indigenous Peoples with a view to obtaining their free, prior and informed consent before the adoption or application of any measure that may affect their rights, including when granting permission for development projects, and that Indigenous Peoples are consulted prior to the adoption of any regulatory instrument relating to such consultations;**

(c) **Put in place a regulatory oversight mechanism to effectively monitor extractive and any other activities that discharge toxic wastes and tailings in Indigenous lands, such as the Lega Dembi gold mine, to protect these lands against contamination and destruction and to prevent adverse impact on the rights of Indigenous Peoples;**

(d) Conduct and make public and accessible independent health, environmental and socioeconomic impact assessments of the Lega Dembi gold mine, and provide victims of toxic contamination with full reparations, including adequate compensation and rehabilitation.

D. Dissemination and follow-up

49. The State party should widely disseminate the Covenant, its second periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official languages of the State party.

50. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 4 November 2025, information on the implementation of the recommendations made by the Committee in paragraphs 14 (violence against women and harmful practices), 20 (right to life and protection of civilian populations) and 40 (freedom of expression) above.

51. In line with the Committee's predictable review cycle, the State party will receive in 2028 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its third periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2030.
