



**International Covenant on
Civil and Political Rights**

Distr.: General
3 November 2021

Original: English
English, French and Spanish only

Human Rights Committee

134th session

28 February–25 March 2022

**Consideration of reports submitted by States parties
under article 40 of the Covenant**

**Replies of Ethiopia to the list of issues in relation to its second
periodic report^{*}, ^{**}**

[Date received: 26 July 2021]

* The present document is being issued without formal editing.

** The annexes to the present document may be accessed from the web page of the Committee.



General Information

The Government of Ethiopia believes that the concerns of the Committee as reflected in the list of issues need to be addressed adequately. Despite efforts to respect the word limit regarding State replies, it has not managed to do so because of this belief coupled by the number of the issues.

Constitutional and Legal Framework within which the Covenant is Implemented

1. The Government of Ethiopia has established a standing National Monitoring, Reporting and Follow up Mechanism (NMRF) in 2016. The Office of the Attorney General (OAG) of the FDRE is mandated to coordinate the preparation of national treaty reports and the implementation of treaty obligations including recommendations under the UN and regional human rights systems.

2. A key part of this effort is to incorporate treaty obligations and recommendations in to the successive National Human Rights Action Plans (NHRAP) the country has adopted. The NHRAP is monitored biannually including the recommendations incorporated therein. Some of the recommendations from the different treaty bodies were also mainstreamed into the Country's ten years national strategic plan.

3. A National Coordination Board composed of eight senior federal government officials headed by the Attorney General has been established NHRAP to monitor the implementation of the action plan. The Board is vested with powers and functions ranging from deliberating and adapting issues for policy matters, deciding on major issues to directing the implementation and reporting of treaty obligations and recommendations submitted to Ethiopia by UN and regional human rights mechanisms.

4. With reference to ratifying the Optional Protocol to the Covenant on individual communications, it is essential to note that Ethiopia has already ratified the African Charter on Human and Peoples' Rights, which allows individual complaints for alleged violations of human rights. In fact, there are several cases of complaints of human rights violations which are submitted by individuals and groups to the African Human and Peoples' Rights Commission (the Commission) that are pending at this moment.

5. Ethiopian Human Rights Commission (EHRC) also serves as a complaint outlet for victims of human rights violations. The EHRC is empowered to conduct investigation into complaints and put forward recommendations and remedial measures. Failure, without due cause, to implement the recommendations of EHRC is punishable by imprisonment and/or fine.

6. In the presence of all these mechanisms, ratifying the Optional Protocol on individual communications is not a pressing matter and can be considered where these available venues are not working effectively so as to avoid venue-shopping. Nevertheless, so far Ethiopia has accepted many of the international human rights instruments and will continue its efforts to consider the adoption of the Optional Protocol with all the stakeholders.

7. Regarding EHRC, with a primary objective of aligning it with the Paris Principles, its establishing legislation has been amended by Proclamation No.1224/2020. Accordingly, its mandate was further strengthened which re-affirms its independence and autonomy in performing its functions. Following the amendment of the proclamation, EHRC is undertaking several reform activities including redesigning of its organizational structure.

8. In addition, politically independent and merit-based nomination and appointment of the Chief Commissioner, Deputy Commissioner as well as commissioners for key thematic areas was conducted following a transparent process which also involves the direct participation of civil society organizations (CSOs).

9. After the reform, EHRC has been playing a key role in promoting respect for the rule of law and protection of human rights in the Country. For instance, it has carried out several investigations across the Country and published independent reports. In some contexts, its

reports questioned the proportionality of forces employed by the Government and lack of effective protection to vulnerable groups in some areas, either by federal or regional governments.

State of Emergency

10. With reference to the State of Emergency (SoE), the three SoE proclamations addressed in the list of issues were decreed in accordance with the Covenant's and Constitutional safeguards. As it has been described in the State's Report to this Committee (CCPR/C/ETH/2, para. 40-45), two of the SoE proclamations were decreed to prevent the widespread breakdown of law and order in different parts of the Country which in turn endangered the life of the Nation. The third SoE was proclaimed to prevent the spread of the deadly global pandemic, COVID-19 and to limit its adverse impacts on the Country.

11. The main restrictions against the rights protected under the Covenant imposed by the first and second SoE proclamations include prohibition of hidden or public incitement; preparing, producing, publishing or distributing writings or displaying, demonstrating through sign or making message public through any medium that causes riot, disturbance and suspicion or grievance among people; prohibition of assembly, demonstration or moving in a group or associating with the view to maintain peace and security of the people and citizens; arrest of person without a court warrant upon suspicion that he/she has taken part in activities that cause disturbance to the peace and security of the people; release through screening or by educating; or detain while this Proclamation is in force or hold the same accountable under the regular law; search with a view to seize any material used or may be used to perpetrate a crime, any house, place and carrier; stop any person to search and to ascertain his identity; return the objects seized to the person entitled or present to a court as evidence after screening; impose curfew or closure of a given street or a service providing institution for limited period of time; or order persons to stay in a certain place, ban from entering into or evacuate from a given place; limitation on mobility of persons with weapon, knife and inflammable materials in certain areas; prohibition not to close licensed businesses or government organizations that the public utilizes and use proportional force against an armed or violent disturbances to prevent and suppress any threat it could cause against the life or property of others.

12. The third SoE, as mentioned above, was proclaimed with a view of preventing the spread of the deadly COVID-19 pandemic and thereby mitigate the negative impact it could cause on the nation. This SoE proclamation was decreed on April 8, 2020. For the effective implementation of the SoE proclamation, the Council of Ministers had enacted a detailed regulation which came into force on April 20, 2020. The proclamation and regulation coupled with detailed directives issued by relevant line ministries had imposed restrictions on certain rights of persons which are necessary and proportional to the effective control of the spread and mitigation of the adverse impact of COVID-19. These limitations include prohibition to conduct meetings for religious, government, social or political purposes in places of worship, public institutions, hotels, meeting halls or any other place; prohibition of physical contact such as handshakes; prohibition on any cross-country and inter-city public transport service providers not to operate with more than 50 % of the seat capacity of the vehicle; restrictions imposed on regular visits to prisons and police custody houses; prohibition for any lessor of residential or commercial property to evict a lessee or increase rent without the consent of the lessee; prohibition to resign from, delay the work of or in any way obstruct the functioning of institutions which provide basic services such as electric, water, and telecom utility companies, medical institutions, banks, enterprises related with the supply of food, provision of sanitary services, fire and emergency services, security and intelligence services and prohibition to disseminate any information about Covid-19 and related issues which would cause terror and undue distress among the public.

13. All the above mentioned SoE proclamations and the limitations imposed on the rights were strictly compatible with the standards set under the Covenant. The SoEs were decreed due to the occurrences of extraordinary circumstance which endangered the life of the nation. Furthermore, all the SoEs were decreed for a limited period of time, and none are still in effect at the writing of this reply. Moreover, all the three SoE decrees were proclaimed on the Official Law Gazette.

14. The allegations of undue restriction of rights of the Covenant during state of emergencies are unfounded. During the SoEs, there had never been a restriction against the Constitutional prohibition of acts of torture nor a retroactive application of criminal law.

15. As per the FDRE Constitution, State of Emergency Inquiry Board was established to monitor the proper implementation of the SoEs. The Inquiry Board that was established by the 2016 SoE found out and reported that 11,607 individuals were detained as they were suspected of violating the SoE Proclamation. The 2020 SoE Inquiry Board had also supervised the implementation of the SoE which was adopted to prevent the spread of the deadly COVID-19 pandemic and came up with recommendations amongst which is a call for the release of prisoners who qualify for pardon and probation.

Anti-Corruption Measures

16. With reference to measures against corruption, the Government has been taking different legal and institutional reforms. The investigation and prosecution of corruption offences has been reserved for police and offices of attorney general at the federal and regional levels. Offences that constitute corruption against the federal government or its agencies are being investigated and prosecuted by the Federal Police and the OAG, respectively. Likewise, corresponding mandates for corruption offences committed against regional states and their agencies rests on the respective regional police and prosecution institutions. Furthermore, the Financial Intelligence Center has the mandate to monitor and take actions against corruption related illegal transactions in the financial sector.

17. On the other hand, the Federal Ethics and Anti-Corruption Commission (FEACC) and its regional counterparts are mandated to take preventive measures. The FEACC is mandated with, but not limited to, preparing National Anti-Corruption Policy and Strategy and follow up its implementation; providing training on ethics and corruption prevention; studying, giving and following implementation of feedbacks, as well as reporting for the commencement of a criminal investigation pertaining to practices and working procedures of public offices, enterprises and organization that are susceptible to corruption; taking immediate preventive actions upon receiving information or when there is adequate reason to believe that there is an ongoing preparation of a corruption; and registering the assets of public officials and servants.

18. The Corruption Crimes Investigation Directorate at Federal Police Commission is mandated to investigate allegations of corruption offences that are committed against the federal government, its agencies and public organizations. The directorate has a total of 67 staff out of which 59 are detectives. During 2019/20 and 2020/21, the Directorate conducted investigations on different corruption offences and finalized 522 and 459 case files, respectively.

19. The claim that corruption charges brought against high-level officials are politically motivated is baseless. It is true that persons who used to assume senior public offices had been investigated and charged with grand corruption offences. The said public officials, in their capacity as senior executives of government agencies and public enterprises, had embezzled public funds, awarded grand public contracts against public procurement laws, and solicited bribery under the cover of their status as high-level public officials. The Federal Police and the OAG have collected ample evidence and instituted charges and the trial is underway.

20. Police and the judiciary are working vigorously to prevent the acts of corruption, including solicitation of bribery within the institutions. Though there might be few individual personnel of the said institutions who may solicit bribery, the actions and behavior of these few does not represent the character and integrity of the remaining grand majority.

21. The Government has done a series of legal and institutional reforms in the field of boosting transparency in land use and allocation. It has identified the issue of land use and allocation as a major source of corruption and maladministration. In order to tackle this problem, it has enacted Urban Lands Lease Holding Proclamation 721/2011 and a series of detailed directives. According to these laws, the principles of transparency with regards to

allocation and utilization of land is taken as quintessential violation of which entails criminal as well as administrative accountability. Accordingly, works have been underway to hold accountable those who allocated and utilized lands, especially in Addis Ababa and other major cities.

22. By virtue of the Protection of Witnesses and Whistle-blowers of Criminal Offences Proclamation No. 699/2010, a system of protection for witnesses and whistle-blowers of criminal offences has been established. A directorate under the OAG has been established for the provision of protection for witnesses and whistle-blowers of criminal offences in collaboration with relevant local and international stakeholders. Witnesses and whistle-blowers in grand corruption cases have been granted immunity against criminal prosecution for their lesser degree participation in the crime. Moreover, efforts have been made to conceal the identities of witnesses and whistle-blowers in serious criminal cases so that their safety and security will not be jeopardized due to their testimonies. Works have also been done to relocate and provide witnesses and whistle-blowers with safe houses in serious criminal cases.

Non-discrimination

23. In addition to constitutional and legislative measures stated in the Country's report (CCPR/C/ETH/2, paragraphs 10–14), the right to equality is a core principle embedded in laws such as the Civil Servants Proclamation No. 1064/2017, Labour Proclamation No. 1156/2019 and Federal Prosecutors Administration Council of Ministers Regulation No. 443/2018 which all in similar language embrace provisions which read to the effect that “discrimination on the basis of national origin, race, color, sex, religion, political opinion, social origin, HIV/AIDS status, disability and factors are all prohibited”.

24. Article 37 of the Constitution, on the right to justice, provides everyone with the right to submit any justiciable grievances to and obtain a decree or judgment from a court of law or other tribunal. There is no exception to this and any person who has faced discrimination can seek and obtain remedies in judicial and administrative tribunals and procedures.

25. The Government has also put in place mechanisms to support vulnerable members of the community to seek justice. This includes the duties and responsibilities of the OAG to provide free legal aid services for vulnerable groups of the community including women, the elderly, youth, persons with disabilities, and persons living with HIV/AIDS who have no sufficient means to seek legal representation on their own.

26. The recently adopted Federal Administrative Procedure Proclamation No 1183/2020 is another milestone in addressing discrimination related grievances. In line with the constitutional principle requiring transparency of government working procedures and accountability of public officials as a logical corollary to any failure to meet this, enactment of the law is necessitated by the need to regulate administrative agencies so that they refrain from undue intervention against rights and interests of citizens.

27. The Criminal Code of Ethiopia (Proclamation No. 414/2004) prohibits and penalizes homosexual acts which are deemed to be against the values of moral decency which emanate from the social and religious norms of the general public. As existing moral, social, cultural and religious values and standards deeply entrenched in the Ethiopian society remain intolerant to such behavioral and sexual orientations, any imminent amendment to the law remains grossly immature. This needs to be envisaged in a continuum of a series of gradual processes.

28. Nonetheless, the existing criminalization on its own targets the act rather than the individual caught in the middle of the act. From this perspective there is no reason as to why the general legal framework against discrimination does not extend to people in this category.

Violence against Women and Domestic Violence

29. In furtherance of the measures stated under the Country's Report (CCPR/C/ETH/2, paragraphs 36–37), a National Strategy and Action Plan on Prevention and Response to Violence against Women and Children (VAWC), Crime Prevention Strategy with due

emphasis to VAWC and Investigation and Prosecution Manual for VAWC cases were recently adopted.

30. Awareness raising campaigns to the general public and community leaders through media and different structures including women development groups and health extension workers have been widely provided. Special training on investigation and prosecution of gender-based violence and ways to provide service for victims has been continuously given to the justice sector professionals and officers. Hotline service to report cases of VAWC and shelters or safe houses for victims of VAWC have been established. In addition, one stop centers were also established to provide psycho-social, medical and legal supports to the victims. Currently, there are 34 one-stop centers and the Government is working to expand their accessibility at every corner of the Country.

31. Sexual and domestic violence are criminal acts with punishments that extend to life imprisonment. Perpetrators of sexual violence whether in the police or security forces will never enjoy impunity.

32. Under Ethiopian laws, all acts that amount to the crime of rape including acts of intimidation and violence are punishable offences. However, marital rape is not categorised as a crime due to the consummation obligation of spouses in marriage. Nevertheless, a national study concerning the gaps in laws including issues of gender-based violence and marital rape is underway.

33. Polygamous marriage is discouraged under Ethiopian law. Ethiopia made reservation in the Maputo protocol regarding bigamous and polygamous marriage. Bigamy and Polygamy was formally prohibited and criminalized in Ethiopia pursuant to Articles 11 and 650 of the Revised Family Code and the Criminal Code, respectively.

34. The Government has been taking measures to abolish Female Genital Mutilation or Cutting (FGM/C). In accordance with the pledge during the first Global Girl Summit held in London, a National Roadmap to End Child Marriage and FGM/C by 2025 was adopted. So far, 1,387 *Kebeles* (lower level of local administrations) are free from the practice of early marriage and FGM/C.

Right to Life and Prohibition of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

35. As part of the political reforms that commenced in April 2018, several detention centres where suspects of serious crimes used to be tortured and kept in inhuman conditions have been closed. Among these, the *Jigjiga* Central Prison informally known to be ‘Jail Ogaden’, which is located in the capital of the Somali Regional State, was closed.

36. In general, five separate criminal investigation files concerning all forms of human rights violations were organized in overall Somali Regional State. 89 suspects who are members of the law enforcement and security forces having direct involvement on the human rights abuses have been identified. So far, more than 250 victims were identified and have given their witness statements in the files. Specific to ‘Jail *Ogaden*’, the investigation revealed that 27 perpetrators were directly involved in acts of torture and 60 victims of these abuses have given their testimonies.

37. Following the arrest and prosecution of senior members of the security and law enforcement agencies and the subsequent dropping of charges against a number of accused persons, federal and regional governments have taken a series of measures to provide compensation and rehabilitation to victims of torture. These measures include provision of free public housing or land, creation of job opportunities and in some cases monetary support. However, the Government recognizes that there is need to systematize the provision of redress and rehabilitation.

38. A number of disturbances occurred across the country in the reporting period which led to the loss of life. Accountability for extra-judicial killings committed during these disturbances in particular and over the past three decades in general is one of the key priorities of the criminal investigations being carried out against members of the law enforcement and

security forces. For example, six members of the National Defense Force are currently on trial for killing 9 and wounding 6 civilians at Moyale town on March 10, 2018. After identifying victims and their family members, the Government, in consultation with community elders, has paid 75,000 and 150,000 Ethiopian Birr each for the wounded and family members of the deceased, respectively.

39. The adoption of sentencing guidelines by the Federal Supreme Court is the most notable measure taken to ensure the imposition of death penalty only for the most serious crimes in effect making it to be in line with Article 14 of the Covenant. In addition to the role it plays in guiding courts and making the imposition of death penalty consistent, the sentencing guideline further narrowed the likelihood of imposition of the death penalty for the most serious crimes. This fact is demonstrated on a recent court decision against the most serious crime convict who were charged in killing the then Country's Chief of General Staff of the Ethiopian Defense Force, General Seare Mekonnen, and the retired Major General Gezai Abera.¹ Although the crime entails death penalty and despite the plea by the public prosecutor to that effect, the court has sentenced the convict to life imprisonment after considering the mitigating circumstances in light of the sentencing guideline.

40. There has not been any shift with respect to Ethiopia's position to abolish the death penalty and accede to the 2nd Optional Protocol of the Covenant. However, although there are 152 convicts (149 men and 3 women) as of December 9, 2020 on death row, no inmate has been executed. Furthermore, a number of death sentences have been commuted to life or lesser years of imprisonment.

41. Ethiopia recognizes that its existing legislative frameworks concerning use of force by members of law enforcement agencies is not comprehensive. To address this, the Government has already marched in drafting the new use of force law which was expected to be finalized in 2019. However, given its sensitivity, several consultations with the stakeholders and the public at large were needed, which in effect took longer time than expected. This is also coupled with Government's priority in maintaining peace and order in the Country through the ongoing law enforcement operation and the 6th National Election which was held on 21 June 2021.

42. More than ever in its history, the EHRC has become independent in pursuing its mission since the reform begun in 2018. It has now become the most independent outlet in receiving and investigating allegations of excessive use of force by the law enforcement and security forces. In almost all of the incidents in Ethiopia since 2018 whereby allegations of excessive use of force have been made, the EHRC investigated and had released reports and submitted its findings for concerned offices to further ensure accountability.

43. With the view to establish an independent accountability mechanism, the draft use of force law envisages a robust complaint mechanism in the form of an internal affairs unit independent from the regular crime prevention and investigation departments within the police institution to enhance accountability for human rights violations.

44. The mandate conferred upon public prosecutors to regularly inspect detention centres and visit persons under custody for any violations of human rights is also another mechanism of outlet. There are instances where police officers were held accountable based on complaints received during visits by prosecutors by persons under custody.

45. With the objective of inspecting the treatment of persons held in custody and prison facilities, a Council consisting of the Federal Supreme Court, Attorney General, Federal Police Commission and the Federal Prison Commission has been established. This Council has shown a notable progress in addressing complaints and holding those against whom complaints were made accountable.

46. Federal Police Commission and National Defence Force, as per the relevant regulations and directives, established disciplinary committees to receive complaints from or on behalf of detained persons. In cases where a member of the Federal Police or the National

¹ Federal High Court File No. 248873.

Defence Force violate individual's right and human dignity, a mechanism is in place to hold him/her into accountable.

47. An investigation task force comprised of members from the OAG, Federal Police Commission, Southern Nations, Nationalities and Peoples Region (SNNPR) Attorney General and SNNPR Police Commission was established immediately after the situation happened on 9th and 10th of August 2020 in Wolayta Zone of SNNPR. The team has received complaints of excessive use of force by the law enforcement officers and the case is under criminal investigation.

48. Following the killing of the popular artist Hachalu Hundessa on 29th of June 2020, a protest to express grievances had occurred in some parts of Oromia Region and Addis Ababa which led to several deaths and destruction of property. Although allegations were made against law enforcement officers as they were engaged in excessive use of force, the investigation only revealed that the losses of life, injuries and destruction of properties were orchestrated and effected by private individuals. More than 400 individuals who have engaged in the criminal activities during the protest have been held accountable. On the other hand, the Government and the law enforcement body in particular were criticized for not preventing or averting the occurrences.

49. The October 2019 incident in the Oromia Region was related with Mr. Jawar Mohammed's complaint against the administrative decision calling off the guards assigned to protect Mr. Jawar, which was live streamed in social media. This social media stream has triggered a protest in some parts of Oromia Region and resulted in the death of civilians and destruction of property. An investigation was conducted by Oromia Region Attorney General and Police Commission with the support of the OAG. Several individuals including police officers who were suspected of personal involvement in the killings and destruction of properties are now facing trial with most of them being convicted by the court.

50. The July 2019 incident in the then SNNPR's *Sidama Zone*, now the *Sidama Regional State*, occurred after mass demonstration by activists and leaders of *Ejjetto*, a Sidama youth group spreading the protest, for unilateral declaration of the *Sidama* statehood. The protest resulted with casualties which were largely attributed to the protestors, allegations against security forces in using excessive force was made. An investigation was commenced against security forces who have been suspected of using excessive force, no conclusive evidence or witness were provided to the investigating team.

51. The Committee's inquiry into the January 2019 incident in the Amhara Regional State is generic. An inter-communal violence between the *Amhara* and the *Qimant* community which began on 10th of January 2019 dates back to 2018, with a group of individuals calling themselves as "*Qimant Self Determination and Identity Committee*" started a media movement claiming for self-administration of the Qimant community. Allegations were made against the security forces as being involved in the violence. However, the security forces were highly criticized for their delayed intervention to control the situation and avert the damages caused. There is an ongoing investigation against those suspected of involvement and those who did not took prompt action to avert the violence.

52. The 17 September 2018 occurrence was the result of a protest which broke out in Addis Ababa denouncing inter-communal violence in some parts of Oromia Region. Some youths alleged to be members of the Oromo Liberation Front carried out attacks in the localities of *Burayu* and its surrounding areas resulting in the deaths of people and destruction of properties. The security forces who engaged in peace keeping and maintenance of order were confronted with the protestors allegedly killing and wounding some of the protestors. Following the incident, investigations were conducted and, as a result, several individuals including police officers have been prosecuted with some of them being already convicted.

53. Investigation led by the Amhara Regional Police and Prosecution Offices are undergoing after allegations and complaints were made against security forces using excessive force against unarmed civilians who were attending the annual festivity of Ethiopian Orthodox Church Epiphany at the town called *Woldia* in Amhara region. The violence was the result of a confrontation between the security forces and a group of young men who claimed that the federal police prohibited them from making round dancing and chanting.

54. Between the period from November 2015 to October 2016, Ethiopia was under a State of Emergency declared in response to the growing protests especially in the Amhara and Oromia regions. After the reform took place in 2018, thorough investigation was conducted so as to identify and bring to justice those members of security forces who allegedly used excessive forces. However, with lack and distortion of information on the past administration, bringing those law enforcement and security forces who were accused of excessive use of force to justice is hardly effective.

55. In terms of redress, actions taken by the Government are discussed under paragraph 38 herein above.

56. Ethiopia recognizes the limitations with respect to the comprehensive definition of torture within the domestic legal system and takes due note of the concern and has already accepted the recommendations and preparations are undergoing to draft a comprehensive legislation on the crime of torture that will include a definition in line with international standards.

57. It is important, however, to mention that Ethiopia's stand in relation to domestication of the Convention against Torture is further elaborated in the context of the Constitution. With the aim of determining the status and application of international instruments, the FDRE Constitution under Article 9(4) provides that '*all international agreements ratified by Ethiopia are an integral part of the law of the land*'. It is with this framework that the Convention acquired its legitimacy as a national legislation. Despite the fact that the Constitution and other laws of Ethiopia clearly safeguarded individual rights against torture, the Convention with its entirety and the definition provided under Article 1 already form part of its domestic law.

58. The prevention of acts of torture, cruel or degrading treatment and ensuring accountability constitute the core of the on-going political reforms. Accordingly, the Government publicly admitted that there had been a systemic violation of the right, especially on the suspects of terrorism, by the security and law enforcement agencies. A criminal investigation has resulted in the arrest of members of the National Intelligence and Security Service, police and prison administration including senior officials suspected of committing acts of torture.

59. In addition to ensuring accountability, the Government took several measures including closure of detention centers used for torture, formed a regular detention centers visit platform in the form of a Council (this is also customized by the counterparts at the regional level), EHRC has regular and unrestricted access to all places of detention and so forth. With their increasing participation, the media are also playing a discernible role in exposing acts of torture and inhuman and degrading treatment and calling for accountability.

60. Due to the deep-rooted reform activities performed with respect to handling of detained individuals, cases of torture or ill-treatment against persons held in detention centers, especially on persons suspected of terrorism, were not exhibited. Ethiopia reiterates that the Government will continue its reform efforts to prevent torture or any form of ill-treatment in the detention centers.

61. The FDRE Constitution, the Criminal Justice Policy and the Criminal Code have expressly prohibited admission of illegally obtained evidences including forced confessions in a court of law. This is among the main reasons for releasing and/or dropping charges brought against thousands of prisoners and arrested persons at the beginning of the reform in 2018.

62. The Government, alongside taking a series of reform initiatives within the police and intelligence agencies to ensure that all criminal investigations are conducted in strict compliance with the law, has taken a number of practical measures to ensure accountability for violations of human rights. The reform measures in the courts have also significantly enhanced the independence of the judiciary which in turn has helped judges to strictly administer confessions solely guided by the law.

63. The Government has been making its utmost effort to reform the criminal investigation system with specific focus on human rights issues. As discussed in the preceding paragraphs, the OAG has been mandated to lead, supervise or follow-up every

criminal investigation. This was entirely intended to create a mechanism of ensuring human rights protection. The regular visit of detention centres by public prosecutors is also serving both as a compliant outlet and prompt and effective investigation arrangement for allegations of torture and ill-treatment.

64. With zero tolerance both for the acts of torture or ill-treatment and the perpetrators, the Government has successfully proved its firm stand with the commencement of a criminal investigation against all involved including senior law enforcement officers and regional president. This will continue with more reform program implementation and successive trainings on the attitude, knowledge and investigative skill for law enforcement officers.

65. As the result of the reform, Ethiopia has shown a paradigm shift in organizing, staffing and systematizing the law enforcement bodies. Major changes begun with explicit admittance of human rights violation on the part of the Government. The motivation followed by the changing attitude paved the way to assign most qualified leaders in all of the law enforcement bodies and their departments. Among others, the investigation unit is comprised of senior officers and prosecutors who have been known for their integrity and investigative skills.

Liberty and Security of Person

66. Prior to the commencement of the political reform, there had been serious allegations with regard to arbitrary arrest and detention of political dissidents, which was one of the reasons that propelled popular demand for change. In light of this, one of the reform measures taken by the Government in 2018 was the release of thousands of prisoners of political related offences. In furtherance to this, the Government, with its reform initiative to bring institutional reforms, has managed to strengthen human rights watch dogs like the EHRC to be able to monitor and challenge any government misconduct and violation including unlawful detentions. The Government also adopted a new Media Proclamation No. 1238/2021 which ensures better protection for journalists from being arbitrarily detained.

67. However, due cognizance should be taken that being a member to a political party or journalist shall not be taken as immunity from criminal responsibility. In light of this, some members of political parties and journalists had been detained and brought to justice for their criminal acts which has nothing to do with their mere membership or profession. These individuals had enjoyed their rights in this Covenant and under the FDRE Constitution to get fair, impartial and speedy justice.

68. In order to tackle the problem of overcrowding and poor material condition of prisons and detention facilities, new prison facilities are being under construction that will significantly improve the conditions. Furthermore, the Government in collaboration with partners has been constructing additional detention facilities in police stations where overcrowding is a major problem. In this regard, five additional detention facilities had been built and three are under construction in Addis Ababa, where the problem of overcrowding is prevalent. Moreover, in order to alleviate the problem of overcrowding in pretrial detention centers, courts and police have been instrumental in releasing suspects on bail in accordance with the provisions of the Criminal Procedure Code.

69. Significant rise in budget to provide essential services like food for inmates has also been approved by the Government. Moreover, the Federal Prison Commission in collaboration with the ICRC has managed for prison facilities to have their own water supply with water wells.

70. The Federal Prison Commission provides health care services for inmates with its own health facilities as well as government hospitals. Each prison facility has clinics with health professionals. These clinics serve any prisoner who suffers from any disease and refer the latter where they found his/her case is beyond their capacity. The referral is made to Federal Prison Commission's General Hospital, any governmental hospital or, at times even, to private medical institutions of the inmate's choice. However, due to the lack of sufficient specialized mental health medical facility in the Country, prisoners with grave mental health conditions who need specialized care are obliged to wait for longer time to get treatment.

71. Prison facilities are taking serious preventive measures against the spread of the COVID-19 pandemic. In this regard, serious medical examination will be conducted against new inmates before they join with the general prison population. In addition, prisoners who show symptoms of the infection will be kept separately for weeks to prevent the transmission. Federal and regional correction centers have a separate quarter/zone for juvenile offenders who are above the age of 15 years and implementation of separation is frequently supervised by the relevant authorities. Similarly, there is a separate rehabilitation center for children from the age of 9-15 years who are in conflict with the law. Prison facilities have been made open to ICRC as well as local NGOs that are working on prisoners' rights. For instance, from January 2019 - December 2020, the ICRC visited more than 105,000 detainees in 34 different places of detention, including federal prison facilities and regional prisons in *Amhara, Oromia, Benishangul-Gumuz*, as well as police stations and juvenile centers. Visits of ICRC include inspection of prisoners' cells, documents and any information about prison condition, access to family visit and so on.

72. There have been significant improvements in relation to curbing the problem of prolonged detention. For instance, it has been made possible to conclude investigations of more than 3000 suspects, who have been detained for different criminal offences following the death of *Hachalu Hundessa* and to bring charges before courts within the period of two months.

73. With regards to provision of free legal aid for defendants, the Office of Public Defenders has managed to represent, from July 2020 to January 2021 alone, 13,027 defendants who could not afford to have their own lawyer. Besides this, the new Civil Society Proclamation is also expected to boost the capacity of non-governmental free legal aid service providers and create an enabling environment for partnerships with the Government as it avoided all the impediments that were imposed by the previous law. The CSO's Proclamation No. 1113/2019 has shorn off the financial and other restrictions that its predecessor (Proclamation No. 621/2009) had put in place. As a result, it is now possible for all CSOs to engage in human rights activism including provision of free legal aid for the needy.

Elimination of Slavery, Servitude and Trafficking in Persons

74. Ethiopia is currently preparing a Migration Policy and has already adopted Crime Prevention Strategy aiming at preventing and combating irregular migration with special emphasis to crimes of human trafficking and smuggling of migrants.

75. Ethiopia has adopted the Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation No. 1178/2020. This law has put in place different preventive and corrective mechanisms that could be instrumental in combating trafficking in persons. The law established a National Council, led by the Deputy Prime Minister, and National Partnership Coalition accountable to the Council. These institutional frameworks are designed for better coordination of activities including victims' protection, assistance and rehabilitation, policy formulations and their implementation. Similar coalitions to combat crimes of trafficking and ensure best protection and rehabilitation of victims have also been established in 6 regional states and two city administrations.

76. Courts have also established special benches to entertain cases of human trafficking and smuggling of migrants. Judges assigned to these benches took special trainings on the adjudication of such cases.

77. Series of trainings and workshops have been organized for police officers and legal professionals in the justice sector on the prevention, investigation and prosecution of crimes of human trafficking and smuggling of migrants. From 2017–2020, trainings were provided for 432 (370 male and 62 female) officers and professionals of the justice sector. These trainings mainly aimed at building the capacity of these personnel in investigation and prosecution of crimes of trafficking in persons. IOM has also facilitated trainings on trafficking in person for more than 100 Prosecutors, Judges and Police Officers at Nairobi, Kenya.

78. With regard to investigation and prosecution of traffickers, from October 29, 2018-December 26, 2020, 1183 suspects had been prosecuted and 541 defendants, including those who committed labour and sexual exploitations, were sentenced while the remaining cases are pending.

79. Proclamation No. 1178/2019 also provides for the establishment of a Fund to prevent, control and rehabilitate victims of crimes of trafficking in persons and smuggling of migrants. The sources of the Fund are from the Government, proceeds of sale of properties confiscated or fines imposed as per the law against the perpetrators of the crime of trafficking in persons and smuggling of migrants, voluntary contributions from individuals, the private sector, CSOs and grants from different international organizations and donors. The Fund is dedicated to provide support for victims, organize trainings, cover expenses for relief, rehabilitation, re-integration of victims and construction of temporary shelters. This Fund can also be used for victims of torture where it occurs in connection with trafficking offenses.

80. In collaboration with IOM, five shelters have been built at exit points of different parts of the Country such as *Semera, Dire Dawa, Togowuchale* and *Metema*. These shelters receive migrant returnees and victims of human trafficking. Accordingly, from 2018-2021, 9764 (male 5752 and female 4015) migrants in vulnerable condition, including 803 unaccompanied migrant children, have been kept and provided with shelter, food, water, first aid, medical reference, psycho-social support and onward transportation cost. The Government has also created job opportunities for 36,741 victim migrant returnees.

Treatment of Aliens, including Refugees and Asylum Seekers

81. With reference to the Committee's list of issue regarding treatment of aliens, including refugees and asylum seekers (CCPR/C/ETH/Q/2, paragraph 16), Ethiopia is one of the largest refugee-hosting countries in the world. Currently, it hosts 961,056 refugees and asylum seekers from 26 different countries. 98% of these refugees are from South Sudan, Somalia, Eritrea, and Sudan while the remaining 2% are from Kenya, Yemen, Syria, Great Lakes Region, and others.

82. Refugee response mechanisms and initiatives in Ethiopia are largely governed by the 1951 Refugee Convention Relating to the Status of Refugees and its 1967 Protocol; the 1969 Organization for African Union (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa; the very progressive and comprehensive refugee proclamation of Ethiopia enacted in 2019; and other related international, regional, and national policies, laws and institutional frameworks.

83. In particular, with regard to determining whether a person seeking international protection is considered as a refugee, the 1951 Convention and its 1967 Protocol are the governing laws over the state parties. It is also essential to note that the hosting state's refugee related laws will have their own roles in this regard. Under the Convention and its Protocol, refugee status could be determined on prima facie basis or on individual refugee status determination. Ethiopia has also been implementing these two modalities for many years albeit the vast majority of refugees in Ethiopia have attained their refugee status as a result of a Refugee Status Determination (RSD) on a prima facie basis.

84. The individual refugee status determination has not been strictly implemented upon the large number of refugees recognized on prima facie basis. But such a highly uncontrolled practice has resulted in a high influx of unaccompanied minors, illegal migrants and others who do not fulfill the criteria laid for refugee status determination under the international instruments. Accordingly, the Agency for Refugee and Returnee Affairs (ARRA) has initiated a strict modus operandi in relation to Eritrean asylum seekers that combined *Prima facie* and individualized RSD on the basis of the case. Such practices will be expanded and applied to all refugees hosted in Ethiopia.

85. In doing so, current facts and conditions in countries of origin including information on human rights and security situation, socio-economic, humanitarian and other relevant conditions will be rigorously analyzed in close collaboration with key players as well as

international protection and in-country situational considerations will be made in order to ensure evidence-based decision-making processes.

86. In addition to that, in terms of individual RSD, we use a very transparent, context-specific and most appropriate case processing methodologies and indeed necessary appeal mechanisms are already in place in order to ensure fair, efficient and quality RSD procedural standards that provide equal rights to all asylum seekers coming to the country.

87. Regarding refugee children including unaccompanied minors, there is a clear mechanism through which the best interest principle and procedure is implemented in collaboration with partners. To be precise, as part of the broader framework for child protection, the best interest principle is respected with individual children including during status determination. In this regard, there are two key procedural elements for making decisions on ensuring the well-being of a child, namely: best interest assessment, and best interest determination.

88. Worth noting at this point is that such a slight adjustment in the national asylum procedure does not in any way denote a change in the Government of Ethiopia's longstanding open-door policy and its ground breaking commitments to improve the lives of refugees. As a manifestation to this, not a single asylum seeker or refugee has been forcibly refouled from Ethiopia; the Government has maintained its longstanding open door asylum policy for those who fled their homes as a result of natural and man-made calamities despite its own socio-economic and political challenges as well as the impacts associated with hosting large number of refugees; and unlike other countries in the world, the country continued opening its borders and extending its welcoming arms as well as allowing humanitarian access and protection to those seeking asylum on its territory even during the ongoing COVID-19 pandemic.

89. Generally, the nature of the current refugee operation in Ethiopia is characterized by protracted and very complex emergency situations wherein there are many refugees living in the country for five and above years along with hundreds of thousands of new arrivals entering into the country. Most of the refugees in Ethiopia are youth, women and children, including unaccompanied minors.

90. We continue to receive asylum seekers and refugees in dignified and safe manner during their first arrival in different reception sites that are mainly situated near to the entry points along the border between the countries of origin and country of asylum. During their stay in the reception facilities, they will be registered and assisted for few days before they are transferred to live in the refugee camps or camp-like settings. In accordance with the Country's out of camp policy, refugees are also living in various rural and urban non-camp locations including in the country's capital city, Addis Ababa.

91. In close collaboration with UN Agencies and other partners, the Government is providing protection and assistance to the refugees in the country. Among other things refugees are provided with access to basic and social services including food and non-food items, WASH, shelter, education, health and nutrition, and the likes. Apart from the in-kind assistance, refugees are also provided with cash-based assistance either standing alone or in combination with the in-kind assistance.

92. In order to ensure involvement of refugees in every matter that affects their lives, a community-based approach is pursued in a way that it can promote active participation of the refugees as key partners during planning, implementation, monitoring and evaluation of programs/projects targeting to benefit them.

93. Various peace building activities are also implemented in the camps with a view to ensuring a peaceful co-existence between refugees and the communities that host them.

94. When first introduced in 2010, the 'Out-of-Camp Policy' (OCP) of the Ethiopian Government was developed to benefit only Eritrean refugees through providing them with opportunities to live in Addis Ababa and other non-camp locations of their choice. However, during the Leaders' Summit on the Global Refugee Crisis which took place in September 20, 2016 in New-York, the Government of Ethiopia pledged to expand the OCP to all nationalities hosted by Ethiopia.

95. Given that the benefit of the OCP is recently extended to other refugee nationalities, Eritrean refugees who are benefiting from the OCP outnumber refugees from other countries of origin. Currently, around 70,000 Eritrean refugees are residing in rural and urban non-camp locations, of which more than 50,000 are living in Addis Ababa. The OCP allows refugees not only to interact with their hosts, but also benefit from existing socio-economic opportunities and become self-reliant as they enjoy freedom of movement and can pursue education as well as earn an income by working in informal sectors.

96. In the context of the COVID-19 pandemic, the Government of Ethiopia in collaboration with relevant stakeholders is making wide-ranging efforts towards preventing potential diversion of attention towards fully humanitarian-focused responses. Accordingly, great strides have been and are still being made towards keeping the momentum in the period ahead in terms of implementing the Global Compact on Refugees/GCR and its Comprehensive Refugee Response Framework/CRRF as well as better accelerating the translation of the new and existing commitments of the government into a concrete outcome rooted in the principle of international cooperation (equitable burden and responsibility sharing).

97. Various mechanisms are being established to help shift from a mainly humanitarian focus to gradually develop integrated services for both refugees and hosting Ethiopian communities in the long-term. In this regard, the Government continued to undertake important steps in establishing effective and comprehensive governance structures to support and accompany the successful application of the CRRF taking account of area-specific contexts.

98. As part of the country-wide socio-economic and political reforms, the Government has also taken commendable measures to create a conducive legal and policy environment as well as effective institutional arrangements covering all aspects of refugees in the country. Just to mention but few of the ground-breaking measures, Preparation of a long-term National Comprehensive Refugee Response Strategy (NCRRS) is finalized. Once endorsed, it will create strong linkages between humanitarian, development and peace building interventions; gradually phase-out refugee camps and guide toward a more comprehensive response for refugees in terms of national infrastructure and services, shifting from a focus on encampment to more sustainable management of refugee populations; drive and guide the comprehensive responses in the country; and promote meaningful consultation and coordination at all levels with a wide array of stakeholders – including the private sector.

99. The new proclamation grants various right-based benefits to refugees and enables them among other things to: access basic and social services including education, and health; pursue more socio-economic opportunities; move around freely within the country; access state services in relation with civil registration and other related documents; work and learn new skills; and make a positive contribution not only in the country of asylum, but also in their countries of origin or resettlement in the future.

100. The Government has also embarked on developing secondary legislations that are critically required for the realization of the bold commitments of the Government through an in-depth unpacking of Ethiopia's very progressive refugee law. Accordingly, working procedures are developed in order for the proper implementation and interpretation of the new refugee proclamation particularly in relation to facilitating work and out of camp residence permits among others. These procedures will enable the refugees in the country, among other things, to: obtain work permits and access the labour market; live in non-camp locations in which they can better exercise their rights like moving around, benefiting from and contributing to local economy and integrating themselves with their host communities; and also present and redress their grievances and also get the opportunity to provide their feedback on the overall protection and assistance system.

101. A significant number of refugees in Ethiopia are studying in governmental and private higher education institutions, including some pursuing their graduate studies. The refugees are also enrolled in different technical and vocational education and trainings that intends to increase their socio-economic opportunities through improving their professional skill, employability, and engagement in livelihood schemes including in the small and medium business enterprises. In relation to skills development interventions, a total of 629 (242

Female and 387 Male) refugee students have thus far graduated from TVET programs while a total of 394 (184 Female and 210 Male) refugee students are still actively enrolled.

102. Following the allocation of irrigable land by the Government and with the direct support from partners for the construction of irrigation infrastructure, refugees and host community farmers work side by side, through a farmer cooperative, on irrigated land, and are now producing crops and fruits and benefiting from it on equal basis. Various works are taking place to expand such best practices to other refugee-hosting regions in the country considering area-based approaches and also agricultural value-chains.

103. Different initiatives are also designed and being implemented with an aim to enhance socio-economic opportunities for both refugees and host communities. In this regard, in July 2020, mapping of livelihoods is conducted with particular focus on existing economic opportunities. Accordingly, a total of 4107 refugee are engaged in different economic activities mainly in the areas of petty trade, crop production, livestock production, fishing, bee keeping, wage earning employment and cooperatives. Out of these refugees, a total of 2865 refugees who met the minimum criteria are provided with residence permit/work permit.

104. Furthermore, as part of its bold initiative to ensure socio-economic inclusion of refugees in national systems, the Government, inter alia, is also expanding access to civil registration and documentation including access to vital events registration and certification, driving license, bank accounts, telecom services; and conducting preparatory works to facilitate local integration especially in instances of protracted displacement.

105. Pertaining to the issue of statelessness and status of stateless persons, Ethiopia is yet to ratify the UN Convention on the Reduction of Statelessness. This, however, is not due to lack of willingness and commitment in part of the State, but rather out of a firm belief that it requires a comprehensive study indicating the existence and gravity of the problem in the country.

Internally Displaced Persons

106. Ethiopia has ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); launched a national strategic plan to end conflict induced displacement and created an accountability mechanism. It is also implementing a National Policy and Strategy on Disaster Risk Management.

107. In particular, the national strategic plan to end conflict induced displacement consists of peace-talks at all levels, undertaking peace campaigns involving community elders/leaders, enforcement of the rule of law; and ensuring the security and safety for all communities. Ethiopia has also launched the Durable Solutions Initiative (DSI) designed to mainstream displacement issues in key policy documents; and bring about legislative, institutional government-led and community driven programs in areas of voluntary return, relocation and local integration.

108. Numerous activities have also been carried out to avert the occurrence and minimize the impact of internal displacement through early warning and response unit established in the Ministry of Peace. Immediate humanitarian aid has been provided by the Government for IDPs due to natural or man-made disasters. Significant budget has been allocated to provide IDPs with basic needs including food, clothing, shelter and healthcare at the time of displacement and rehabilitation or relocation. Partners from UN and other international agencies have been involved in the provision of humanitarian assistances.

109. The Federal Government works closely with all concerned federal, regional, and local administrations to mobilize the IDPs to return to their original place of residence, relocate to another place or integrate with the host community voluntarily. The humanitarian aid is not limited to the time of occurrence of displacement, but extends to their relocation or reintegration. Before making decisions on the options presented concerning IDPs, direct consultation to the IDPs or representatives are usually held.

110. As COVID-19 has posed overwhelming challenge in all sects of the society, IDPs risk a high degree of vulnerability. To avert this risk, orientation on COVID-19 has been given to

all IDPs in collaboration with Ministry of Health. In collaboration with partners, sanitary and prevention materials including face masks, gloves and other medical equipment were provided to IDPs to help control the spread of the pandemic. Organizations including UNHCR and IOM are also supporting the Government's response efforts against COVID-19 to the IDPs living in camps.

Access to Justice, the Independence of the Judiciary and the Right to Fair Trial

111. It is to be recalled Ethiopia reported that the Judicial Affairs Reform Task Force was established with a mandate to identify and recommend measures that will enhance the independence and professionalism of the courts. The committee has now accomplished its mandated purposes and has already been relieved of its tasks.

112. Based on the committee's recommendations and as a result of other activities which were going on equally with it, the Federal Judicial Administration Proclamation No 1233/2021 and the Federal Courts Proclamation No. 1234/2021 are now adopted by the House of Peoples' Representatives, which is the highest law making organ of Ethiopia.

113. Thus, recognizing the vital role of courts in the administration of justice, and with a prime objective of ascertaining independence and accessibility of the federal courts, the new Federal Judicial Administration Proclamation No 1233² of 2021 established a Federal Judicial Administration Council.

114. The Council inter alia is given with the duties and responsibilities of recruiting qualified nominees for judicial positions in the federal first instance and high courts, designing working procedures, judicial code of conduct and rules of disciplinary procedures. In fact, it has already adopted a regulation governing judicial code of conduct and disciplinary procedures.

115. The Federal Courts Proclamation No. 1234/2021 was issued replacing the long serving Proclamation No. 25/1993 (as amended) which used to be the main source of authority pertaining to mandate and functioning of Federal Courts.

116. As stated in its preamble one of the main reasons that necessitated issuance of this new law is "to ensure that Federal Courts do provide effective, efficient, accountable and predictable services in accordance with the judicial independence", which in turn are amongst the basic tenets of the Constitution of the FDRE.

117. With the stated objectives the law has come up with amendments and new features pertaining to material jurisdiction of courts, the role of court assigned mediators, case flow management and similar improvements, all with the aim of extending accessibility to courts.

118. With the intention of assuring independence of the judiciary the new law has also dedicated an entire chapter on budget and human resource management (Articles 36 to 40 of the Proclamation), according to which the federal courts submit their budget request and secure approval directly to and from the House of Peoples' Representatives.

119. As concerns prosecutorial independence, two years have lapsed now since Federal Prosecutors Administration Council of Ministers Regulation No 44/1997 was replaced by Regulation No. 433/2018. A major departure in the new regulation in terms of prosecutorial independence and impartiality is the clear prohibition of public prosecutors from membership of political parties, participation in or reflecting political outlook in their duties.³

² The whole text of Federal Judicial Administration Proclamation No. 1233/2021 is annexed to the report.

³ For the current procedures and criteria for the selection, appointment, suspension and removal of judges and prosecutors please refer to the texts of Proclamation No. 1234/2021 and Regulation No. 443/2018 attached as annexes to the report.

Freedom of Expression

120. Right to freedom of expression is recognized under article 19 of the Covenant on Civil and Political Rights and article 29 of the Constitution of the Federal Democratic Republic of Ethiopia. Both Article 19(3) of the Covenant and the Constitution of Ethiopia enshrine the view that the right to freedom of expression may be validly limited in the public interest and to preserve the rights of others. The Government has a legitimate responsibility to limit any component of expression that may be harmful to the society. In furtherance of its responsibility to protect all persons, the Government passed the Hate Speech and Disinformation Prevention and Suppression Proclamation No. 1185/2020. The legislation criminalizes acts of hate speech and disseminating disinformation and imposes the maximum punishment of five years imprisonment where such acts resulted in an attack on individuals or a group or when violence or public disturbance occurs due to the hate speech or the dissemination of the disinformation.

121. Moreover, the legislation prefers simple imprisonment rather than rigorous imprisonment and the law mandates courts the discretion to avoid penalizing a convict with incarceration to the extent they believe that the objective of correcting the offender could be served through other means. Punishment other than financial and imprisonment penalties such as mandatory community service is also provided for within the law.

122. Regarding the concerns of the Committee related to internet shutdowns, the Government of Ethiopia strongly believes freedom of expression is a foundational right and especially after the commencement of the reform, restrictions on websites and TV channels including news outlets and blogs due to their political contents have been lifted. However, through social media platforms, some individuals and activists have been instigating violence and, as a result, hundreds of people have died sometimes with just a single post. For instance, the deadly October 2019 violence in Addis Ababa and different towns of Oromia Regional State occurred following social media posts on October 23, 2019 by an activist, accusing the Government authorities of threatening to lift his security protection. These posts alone have caused violent mobs along ethnic lines that resulted attacks on civilians, looting of property, burning of shops and businesses, etc. Due to these violent protests, more than hundred people have died, several more have been injured and property worth of several million Birr has been destroyed. Similar social media posts following some incidents have caused the death of several people in different parts of the country.

123. Accordingly, considering the situation, it has become clear that, to avoid or at least minimize the impacts of social media posts following some incidents, internet shutdowns are unavoidable means to protect the interest of the general public. Nevertheless, especially in the post April 2018 period, there is no political reason behind internet shutdowns in Ethiopia and rather it is a legitimate measure to defend the human rights of the people.

Freedom of Peaceful Assembly

124. In reference to the Committee's list of issue regarding freedom of peaceful assembly, there are two categories of restriction imposed against the right to assembly under the Peaceful Demonstration and Public Political Meeting Proclamation 3/1991. The first one is related to procedural limitation which obliges individuals who want to hold demonstration or public political meeting to notify in writing to relevant authorities of municipalities or local administrations. The substantive limitations against such right are that an assembly, demonstration or a public political meeting should not interfere with the legal rights of third parties. Besides, the demonstration or public political meeting should not be held in certain places like Embassies, international organizations, religious institutions, graveyards, hospitals, electric plants and dams and market places on a market day. Moreover, demonstration or public political meeting with a purpose of advocating discrimination based on race, colour, sex or any other factor, racist promotion and provocation which could create hatred and mistrust between nations, nationalities and peoples of Ethiopia is prohibited.

125. In addition to this proclamation, it is stated under the FDRE Constitution that this right does not exempt from liability under law enacted to protect the well-being of the youth or the

honour and reputation of individuals, and laws prohibiting any propaganda for war and any public expression of opinions intended to injure human dignity.

126. The freedom of assembly and peaceful demonstration is not an absolute right. It may be subject to limitation related to protection of national security, public safety, public order, public health and the likes as enshrined under Article 21 of the Covenant. In this regard, some demonstrations and public gatherings including press conferences were cancelled by states authorities in order to protect public safety and order. Some, including those planned against the COVID-19 prevention protocol and SoE which put restriction against public gatherings, were prohibited by the relevant state authorities. On another note, a number of press conferences were also cancelled due to contractual disputes between the organizers and hotel facilities where the press conference was allegedly to be conducted. Apart, from these, the police and other relevant government authorities have never been interfered with press conferences and peaceful demonstrations of any political forces.

Rights of the Child

127. As part of a comprehensive approach in addressing challenges related to children, the Ministry of Women, Children and Youth Affairs has established sector specific interface platforms with health, education, justice, and social protection sectors on major thematic areas such as child abuse, nutrition, early childhood development (ECD), child labour, trafficking, and children in street situations.

128. Within each Federal ministries, agencies, commissions, authorities and other government organs, Women, Children and Youth Directorates have been established to integrate child rights and protection issues in their plans and programs. Within these directorates, child rights and protection experts are assigned, and budget is allocated to execute their planned activities on mainstreaming child rights and protection.

129. The other pertinent tools and systems that are expected to improve the generation of disaggregated data on children include the hotline centers on child abuse and exploitation and the National Case Management Framework on Child Protection and Support Services. Thus, 100 child friendly courts, 8 hotline services, 34 one-stop-centers and 16 safe houses were established throughout the country.

130. The hotline services through which children are able to report cases of child abuse and violence have been set up and currently five of them are operational in Addis Ababa, Dire Dawa, Benshangul-Gumuz, Harari and Oromia. The hotline services provide easy to use and accessible reporting mechanisms whereby children and adults can report incidents of abuse and neglect, violence, exploitation to concerned government authorities and facilitate comprehensive services for child victims.

131. Data management system is being established under OAG to record disaggregated data on child abuse and sexual abuse. Regions will also have their own data management system to record cases up to the local level. The national child wellbeing database system also collects and records data on child abuse and exploitation.

132. The Government of Ethiopia has been exerting efforts to eliminate corporal punishment in family settings, as well as in schools and institutions through both legal and non-legal measures. To this end, the Ministry of Women, Children and Youth Affairs (MOWCYA), jointly with Ministry of Education (MoE) have adopted a Manual on Positive Child Disciplining. The Manual aims to prevent corporeal punishment against children in schools, orphanages and by parents at home. Based on this, regular awareness raising and regulation functions around the manual are conducted to various sectors of the society.

133. Different mechanisms have also been put in place for children and others to report cases of violence and abuse including corporal punishment committed at home, in schools or care institutions. There have been efforts to use the community policing structures to protect children from corporal punishment. When children are at risk or experience such punishments, the children themselves or any other concerned person can report such incidents to the community police as they can easily be located and accessed from schools and community settings.

Participation in Public Affairs

134. Ethiopia has made numerous legal and institutional reforms to ensure free and fair election. The re-established National Election Board of Ethiopia (NEBE) is chaired by a female who was formerly a member to the renowned political party, Coalition for Unity and Democracy, and the other members of the Board are also with high profile background from civil societies and academics. The immunity conferred upon members of the Board while in office, a procedure entailing sanctions on members who are proved to have affiliation with political parties, etc. are aimed to ensure the independent and impartial functioning of the Board.

135. The enactment of Proclamation No.1162/2019 along with more than 30 new directives with series consultations with political parties and the public has made the election to be transparent, fair and the first of its kind in the election history of Ethiopia. As part of affirming its institutional independence, NEBE has submitted its budget directly to, and allocated by, the Parliament. NEBE was engaged in building its internal capacity and operational matters by recruiting around 150,000 new election executing workers and engaging other stakeholders to its process. The Board has done its part in modernizing the electoral process by introducing transparent ballot boxes with keys that have a high degree of security.

136. The Board has created a platform that will enable sharing real time information through a series of press conferences and a complaint mechanism. So as to ensure a participatory election, more than 50 consultative meetings were held by the Board with representatives of political parties. Contrary to the previous trend, several cases against the Board's decision have been taken to the court and in some of the cases the courts have nullified its decisions. For instance, the Board has discarded 1.3 million ballot papers to comply with the decision of the court and incorporated four participants that are allowed to take part in the election process. It also extended election in Harari Region so as to carry out a cassation decision by the Federal Supreme Court. The Board had received a complaint and decided to carry out a re-election in ten constituencies due to proved misconducts that affect the credibility of the election.

137. Equal opportunity was ensured by preparation of election materials in five national languages and translation of election related information in 14 other languages, representation of parties through symbols and using names and pictures of candidates, establishment of polling stations in every locality was a means used by NEBE to make the election accessible to all.

138. Considering female, persons with disabilities and number of candidates fielded by 46 political parties in the election process, political parties were fairly provided with resource as well as airtime of 620 hours by 21 radio stations, 425 hour by 23 television stations and 615 magazine columns was allocated for campaigning. One hundred sixty-nine domestic civil society organizations accredited to provide voter education had actively engaged in awareness raising activities whilst 44,560 national observers from 46 nationally registered CSOs and international observers from the African Union, Civil Chamber of Russian Federation, International Republican Institute and other observers had observed the electoral process.

139. Citizens' right to take part in political affairs and pursue their question of self-administration is protected by Proclamation No.1162/2019. The proclamation set forward the processes to be followed in election, registration and code of conduct of political parties. Citizens' direct participation in the election without discrimination of any kind, in effect each vote carrying equal weight, is guaranteed by the proclamation. Participation for those above the age of 18 as a voter and 21 as a candidate, respectively, is allowed unless he/she is proved to be incapable of making sound decisions due to mental disorder as confirmed by a relevant authority or voting rights have been restricted by the decision of a court of law. Judges, prosecutors, soldiers, members of the police and other law enforcement forces, security agency workers and employees of the Board are restricted from acting in support of the election of any candidate during the election period. Periodic election is set to be held every five years with the extraordinary exception due to COVID-19 extending the five years limit

to six in the recently conducted national election. Access to judicial review is also ensured in the proclamation.

140. Constituencies are decided by the Houses of Federation based on studies and proposals forwarded by NEBE. Due to delay on national census, NEBE has used the census data available at the Central Statistics Agency together with its own existing population data of the most recent general election in 2015. Percentage increase was calculated to determine more realistic population figure as well as assessment of past delineation thread was used to understand the history and rationale of the delineating an electoral map. NEBE had delineated constituencies for the election which is approved by the House of Federation out of which 436 has already held election on June 21, 2021.

141. To accommodate all, other than constituencies of nationalities with a small number of people, NEBE has managed to establish special polling stations for university students, military personnel, pastoralist voters and internally displaced persons living outside of their constituency. The new electoral law has mainstreamed the needs of women and persons with disability and the Board has been taking due consideration in its activities. Participation of IDPs in the electoral process was also ensured by the Kampala Convention adopted by Ethiopia and the Electoral Proclamation No. 1162/2019 that allows the establishment of special polling stations for IDPs. Internally displaced persons had participated in the sixth national election by casting their votes at their place of displacement for their respective constituency of origin whereas the Government has gone extra mile to enable them exercise their voting right by providing transportation and security protection in the process of casting their vote.

Rights of Minorities

142. With reference to paragraph 23 of the list of issues ([CCPR/C/ETH/Q/2](#), para.23), Ethiopia embraces a complex variety of nations, nationalities with different linguistic groups, diverse customs and cultures. Recognizing this multi-lingual and multi-ethnic nature of the Country, the Government is committed to ensure that the democratic process provide space to promote pluralism, ethnic and cultural diversity, tolerance and respect for human rights as well as for the promotion of peace and development in a sustainable manner.

143. Despite this commitment and policies towards gearing tolerance and inclusiveness amongst the diverse ethnic groups in the Country, violence has occurred in some parts of the Country along ethnic lines which resulted in the death of hundreds of people and the destruction of property. For instance, violence occurred in *Sidama* and *Wolayta* Zones in 2019 and 2020 and in some parts of Oromia Regional State at different times. While some of the investigations are already completed and charges have been brought against the suspects for the atrocities they are suspected of, adequate investigations are also undergoing in others to identify the perpetrators and hold them accountable for their criminal acts.

144. Concerning the recent violence against individuals of largely Amhara ethnic group in Ethiopia's Oromia Region, evidences show that the atrocities have been committed by members of a militant terrorist group called "*Shene*" which is now designated/proscribed as a terrorist organization by the House of Peoples' Representatives of the FDRE as per the Prevention and Suppression of Terrorism Crimes Proclamation No. 1176/2020 on 08 May 2021.

145. With reference to paragraph 24 of the list of issues ([CCPR/C/ETH/Q/2](#), para.24), the Gibe III Hydroelectric project is one of the mega hydroelectric developments in the country. Currently the project is under operation and has enormous contribution in the arena of energy production of Ethiopia. As it is a mega project, before the construction of the Dam, Environmental and Social Impact Assessment studies (ESIA) and Environmental and Social Management Plan have been duly conducted in compliance with international as well as Ethiopia's environmental protection guidelines.

146. The study has revealed that four *woredas* in downstream areas located along with the Omo River are potentially affected and these are *Dasenech*, *Selamago*, *Hamer* and

Nyangatom. In these areas, agro-pastoralists and pastorals reside and flood cropping is important for their livelihood.

147. Accordingly, mitigation and enhancement measures to be taken have been clearly indicated in the Environmental and Social Management Plan (ESMP) and the Government has been strictly implementing the recommended measures.

148. As per the recommendation, adequate measures such as controlled artificial flood release for the purpose of recession agriculture, grazing land and fishery resource has been made; before the release of the managed artificial flood, a series of consultations were conducted with the critical stakeholders; activities of embankment work along vulnerable spots of the Omo River in and around *Omorate* and *Kangaten* town were done; timely information was broadcasted through different media outlets; to support the efforts of transporting people from islands, financial support was made and boats were rented and provided.

149. Even though there was no physical displacement to the downstream of the *Gibe III* Dam, there is economic displacement due to changes in the flow regime of the Omo River. Therefore, restoring the livelihood of families living along the Lower Omo who will be adversely affected has been implemented. To enable the Project affected communities not only to restore their income but also to improve their standard of living, the Government was committed to support and provide finance for the implementation of various income restoration and community development schemes.

150. Regarding the *LegeDembi* Gold Mine, the Government acknowledges the concerns over the allegations that toxic emissions from the mine had caused the population different health side effects and ailments. Accordingly, Ethiopia had suspended the gold mining firm's (MIDROC) license in 2018 pending to conduct independent assessment study on the impact of the gold mine on the environment and health related issues in collaboration with the Embassy of Canada in Addis Ababa and assured it would not resume functions until issues related to the toxic waste has been resolved and no longer poses a threat.

151. After the suspension of MIDROC's license, the Government has facilitated the assessment process that included environmental impact audit, a community health survey and socio-economic impact assessment.

152. Continuous and successive consultations have been made with stakeholders including Oromia Regional State, the local administration and the local communities. Based on the findings of the assessment, a memorandum of understanding has been signed between Oromia Regional State and the mining Company on the implementation of an action plan for the resolution of social, health and environmental impacts of the mining.

153. The measures include voluntary relocation of the local community affected by the spilled or deposited mine toxic wastes and other chemicals; paying due compensation to the members of the local community who are already affected by the toxic substances emitted from the mine and supporting the local administration in its development activities of the society at large in which the mining company is located that constitutes the environs involved in the operation of the firm. Moreover, a mechanism has been put in place which requires transparency and accountability in the operation of the mining Company.