



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Summary record of the 1959th meeting

Held at the Palais Wilson, Geneva, on Thursday, 20 August 2009, at 10 a.m.

Chairperson: Ms. Dah

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The meeting was called to order at 10.05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Seventh to sixteenth periodic reports of Ethiopia (continued) (CERD/C/ETH/7-16)

1. *At the invitation of the Chairperson, the members of the delegation of Ethiopia took places at the Committee table.*

2. **The Chairperson** invited Committee members who had not had time to ask their questions at the previous meeting to do so.

3. **Mr. Huang Yong'an** noted that there were more than 80 ethnic groups in Ethiopia and asked if de facto discrimination existed among those groups. As for the situation in the so-called security zone along the border between Ethiopia and Eritrea, he would like to know whether the peace negotiations would be resumed in order, for example, to enable ethnic groups to exploit the resources in what was normally a very fertile region. He would like more information on the role of the Ethiopian Human Rights Commission and the Ombudsman in protecting and defending the rights of ethnic minorities. Lastly, was Ethiopia considering adopting a specific law on racial discrimination?

4. **Mr. Diaconu**, referring to the ethnic-based federal system in Ethiopia, in which each regional state adopted its own laws, wondered how the Federal Government ensured that regional laws were in conformity with the Constitution and that regional governments complied with international human rights instruments. He would also like information on the relationship between local customary law and federal legislation. He had heard from various sources that there were more than 700,000 internally displaced persons in the country and asked whether their rights were respected in the areas to which they had been relocated and whether there were any mechanisms for facilitating their return to their region of origin whenever possible. Lastly, he would like to know how the State party interpreted the expression "right to self-determination", which appeared several times in the current report, given that the federal authorities wished to preserve the country's territorial integrity.

5. **Mr. Lindgren Alves** welcomed the fact that 30 per cent of the seats in Parliament were held by women and asked whether that high percentage was the result of a quota system. Regarding table 2 of the report on representation of nations, nationalities and peoples of Ethiopia in the House of Federation, he would like to know whether a set number of seats were reserved for any given group or nationality or whether the table simply reflected the situation at a particular time. He was surprised that while, according to paragraph 32 of the report, the Amended Electoral Law of Ethiopia prohibited discrimination, in particular ethnic and racial discrimination, on the part of any political organization, several sources had claimed that some political organizations were open exclusively to a specific ethnic group. He would like clarification from the delegation. He also recalled the criticisms voiced by numerous non-governmental organizations, in particular the Norwegian Refugee Council, to the effect that the ethnic federalism policy, which had led to the division of the country into regions on the basis of ethnic composition, contributed to growing ethnic tension. He would be grateful if the delegation would give a general description of the concept of ethnic federalism, including its origins and consequences.

6. **Mr. Thornberry** said that he took it that the system of ethnic federalism had been instituted in order to prevent domination of one ethnic group by another. It must be said, however, that the system had shown itself to be of limited effect in that great tensions existed among ethnic groups. He wondered if the State party had implemented the recommendation of the Independent Expert on minority issues, Ms. Gay McDougall,

following her mission to Ethiopia in 2006, that a conference should be organized to discuss the issue of ethnic federalism. Referring to paragraph 109 of the report, according to which the national parks “are maintained through the participation of the people located around the parks”, while he welcomed the apparently idyllic situation regarding national parks and the indigenous peoples, he noted that in neighbouring African countries the creation of parks had often led to the displacement of populations. He wondered whether that was the case in Ethiopia and would like more information on the subject.

7. Lastly, he welcomed the State party’s efforts to criminalize and eradicate the practice of female genital mutilation but wondered if those efforts were supported by public information and awareness campaigns on the dangers and risks of such practices.

8. **Mr. Lahiri** noted that while most of Ethiopia was Christian, five regions were inhabited mostly by Muslims, and requested detailed data on any disparities between those regions, for example in the areas of education, health and employment. The State structure based on ethnic criteria inevitably led to politicization of ethnic issues. Did that explain at least partly the high level of violence in the country? He would welcome the delegation’s point of view in that regard.

9. **Mr. Yimer** (Ethiopia) said that it was sources outside the country, not Ethiopians, that characterized Ethiopia’s federal system as “ethnic federalism”. Ethnicity in the Ethiopian legal system was a concept based on the idea of nation, nationality or people. “A nation, nationality or people” was described in the Constitution as “a group who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identity, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory” (CERD/C/ETH/7-16, para. 10).

10. In Ethiopia the ethnic group to which an individual belonged was based on the group with which that individual identified himself or the group into which he was born. An individual had the right to identify himself as being of mixed ethnic origin or to not identify himself with any particular ethnic group, but simply as Ethiopian. Minority groups were recognized in the Constitution and had seats reserved for them in Parliament.

11. The Federal Democratic Republic of Ethiopia (HRI/CORE/ETH/2008, para. 6) had not come into being overnight and was the result of a long process of democratic consultation and participation. Its federal system had been freely chosen by its people, and their choice should be respected. Ethiopia could not therefore accept any statement asserting that its federal system might be the cause of all the country’s problems. Ethiopia was not the only federal State in the world that was dealing with ethnic conflicts and there were no grounds for alleging that those problems were the result of the federal system, as the Country Rapporteur, Mr. Peter, appeared to believe.

12. He wondered whether question 18 of the list of issues, which asked the State party to explain how Ethiopia could develop into a cohesive State while its people were divided into ethnic groups and governed on the basis of their belonging to different nations, nationalities and peoples, did not in fact imply that only a non-federal system would be capable of ensuring cohesion among its peoples. His Government was convinced that the federal system democratically chosen by its people granted more rights to the country’s ethnic groups and nations than a unitary system would. While Ethiopian society was certainly not homogeneous, should that variety necessarily be seen as a scourge? His Government did not think so.

13. With regard to the functioning of the Ethiopian federal system, no judicial organ or court whose members were not elected was authorized to interpret the provisions of the federal Constitution. The Constitutional Council, an advisory body established by the House of Federation, could of course interpret the Constitution and make recommendations

to the House of Federation but could not act on its own authority in that regard. The Constitutional Council made recommendations to the House of Federation, which, as the body composed of representatives of Nations, Nationalities and Peoples, had sole authority to accept or reject such recommendations.

14. With regard to the constitutional right to secession granted to each nation, nationality and people in Ethiopia, pursuant to article 39 of the Constitution (*ibid.*, para. 119), he stressed that Ethiopia was the sole State in the world to guarantee that right to its people. However, that did not in any way imply, as some members of the Committee seemed to believe, that the country was disintegrating. That right was closely regulated and its exercise was subject to strictly codified arrangements.

15. **Mr. Mulugeta** (Ethiopia) said that Ethiopia did in fact have specific legislation relating to refugees, for example the Refugee Proclamation (No. 409/2004), which established a national framework for refugee protection. Ethiopia was a member of the African Union and a party to the African Charter of Human and Peoples' Rights and the Convention Governing the Specific Aspects of Refugee Problems in Africa. His Government had likewise signed the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights.

16. The body responsible for refugees was the Office of the Administration of Refugees and Returnees Affairs, which implemented laws, regulations and directives promulgated for the processing of refugee cases, and coordinated and supervised services provided to refugees by its local offices in the regions where refugee camps were located. In addition, in collaboration with the World Food Programme (WFP), the Regional Liaison Office for Africa of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other charitable organizations, it provided refugees with food, water, housing and other social services, including health care and education. Special attention was paid to children and women because of their particular vulnerability. In addition to social protection services, the Office ensured the security and well-being of refugees during their stay in the camps. The federal body responsible for natural disaster planning and prevention also assisted persons displaced as a result of natural disasters, for example drought and famine.

17. As to allegations that Ethiopia had mistreated and deported Eritrean refugees, his country, with the help of the UNHCR Regional Liaison Office for Africa, had always provided assistance to persons who had fled Eritrea during the conflict between Eritrea and Ethiopia. The fact was that Ethiopia had to deal with a constant flow of Eritrean immigrants, mostly young men fleeing their country to avoid conscription. Every day some 300 young Eritreans entered its territory. His Government, despite limited resources, tried to help them, with the aid of the UNHCR Regional Liaison Office.

18. Ethiopia was proud to have acceded to most of the main international human rights instruments. It would continue to accede to those instruments — which were ever growing in number — but only once the competent authorities had reviewed and studied in detail all new instruments open for ratification by States, with a view to taking informed decisions.

19. As for implementation of those instruments, pursuant to article 9 (4) of the Constitution, all treaties ratified by Ethiopia became an integral part of domestic law and could even be used to interpret the human rights provisions of the Constitution.

20. As to whether a State, upon ratifying an international treaty, should publish in its *Official Gazette* a translation in its official language only, or in those of its various states or regions, at the risk of creating significant jurisprudence in different languages, in Ethiopia many international instruments were translated with the assistance of the International Committee of the Red Cross or the Ethiopian Human Rights Commission (EHRC). Those were, however, unofficial translations and were not published in the *Official Gazette*.

21. The Constitution provided that customary and religious law would apply to all family-related matters, on condition that the law was in conformity with human rights principles and values. At the same time, however, his Government, through the Constitution, had enshrined the principle of the primacy of international human rights law over domestic legislation and it encouraged religious and customary communities to codify their customary law. The Gurage ethnic group, for example, had codified its practices following seminars that had brought traditional chiefs and community members together. The codification had in some cases served to modernize customary practices; for example, according to the new customary law it was no longer the woman but rather the man who was required to leave the family home in case of a domestic dispute.

22. Thanks to the considerable influence traditional chiefs had over their communities, progress had been made in the fight against female genital mutilation and in increasing public awareness of women's rights and how to protect oneself against HIV/AIDS.

23. In order to avoid conflict between federal laws and those of the regional states, the Constitution clearly defined the respective areas of competence of the federal State and the regional states. In the event of conflict between the laws of those levels of government, the relevant provisions of the Constitution were binding. The House of Federation could likewise decide that a regional law or constitution was not compatible with the Federal Constitution.

24. With regard to female genital mutilation, article 565 of the amended Criminal Code provided for a sentence of at least 3 months' imprisonment for any person found guilty of an act of female excision. Article 566 provided for imprisonment for up to 15 years for the most serious cases of excision, for example infibulation.

25. Government surveys to ascertain the incidence of female genital mutilation had shown that the practice was becoming less common, which testified to the effectiveness of local awareness-raising efforts. According to a United Nations Children's Fund (UNICEF) population and health survey, the incidence of female genital mutilation had decreased by 40 per cent between 2000 and 2005, a result confirmed by other surveys.

26. The Ethiopian Peoples Revolutionary Democratic Front (EPRDF) was not led by the Tigray People's Liberation Front (FPLT) although the latter had played a very influential role in creating the EPRDF in 1989 and the launching of the liberation movement. In 2006 EPRDF had had 4 million members, 3.5 per cent of them farmers, which showed its strong presence in rural areas. Parliament, ministry staff, the security forces and army were not however dominated by any particular group.

27. Proclamation No. 621/2009 on accreditation of charitable organizations and associations was intended to facilitate the establishment of such organizations, recognize their diversity and help them join together in a consortium. It also authorized such organizations to undertake fund-raising activities, which had not previously been the case.

28. With regard to the income of charitable organizations, while it was true that any organization or association that received more than 10 per cent of its income from foreign donors was considered to have become an international association rather than a national organization, it was not true that the new status prevented it from carrying out its activities in Ethiopia, as suggested by one Committee member.

29. The agency established pursuant to Proclamation No. 621 on the accreditation of charitable organizations and associations had accelerated registration procedures. Contrary to accusations by certain organizations, for example Human Rights Watch and Amnesty International, that agency was not all-powerful and many non-governmental organizations, for example religious, mutual aid and international organizations, were not subject to its authority. Furthermore, any organization banned or dissolved by the agency had the right to

lodge a complaint with its Director-General, appeal to its Council, which was made up of representatives from civil society, or even appeal to the Federal Supreme Court.

30. **Mr. Reda** (Ethiopia) said that conflicts were not exclusively inter-ethnic; they sometimes involved members of the same ethnic group who were in conflict over access to resources, for example grazing land, water or arable land. They were often attributable to poor management of resources by the authorities, with poverty as their root cause. Decisions by the House of Federation relating to the granting or denial of subsidies had never led to such conflicts.

31. With a view to putting an end to all such conflicts, his Government had implemented two prevention strategies: promotion of a culture of peace through education; and local, regional and federal early warning and rapid response mechanisms. It hoped that those measures would prevent some 90 per cent of conflicts. For the other 10 per cent, which had the potential to degenerate into violent conflicts, his Government would initially respond by rapidly deploying security forces in order to limit loss of life and damage to property as much as possible, and then encourage dialogue between the parties to the conflict through meetings of clan chiefs and religious leaders. After the conflict had ended those responsible might be brought before the courts.

32. **Mr. Yibabe** (Ethiopia) said that before the adoption of the Constitution certain languages had enjoyed de facto dominance, which had caused speakers of other languages to protest in order to ensure that their languages were recognized. In order to put an end to such disputes, article 5 of the Constitution enshrined the principle of equality of all languages and cultures in the country and granted the regional states the right to choose their official language, with Amharic remaining the national official language. In judicial proceedings interpretation services were provided free of charge to persons who did not speak the regional state official language or Amharic.

33. The Constitution prohibited any form of discrimination, but no law criminalizing it had as yet been adopted. The Convention did not in fact require States parties to adopt such a law.

34. Grave human rights violations had occurred during the military regime, a very sad chapter in the country's history. Upon assuming power the new Government had taken action to ensure that persons suspected of having committed those heinous acts, including those at the highest levels, would be brought to justice and punished. A special prosecutor for those crimes had been appointed. Some of the accused had been acquitted, others had been sentenced to life imprisonment or imprisonment of 5–15 years, depending on the seriousness of the crimes of which they had been found guilty. Some had appealed their conviction or sentence.

35. Judges and prosecutors were trained in a specialized school in order to qualify them to interpret legislation and make them perfectly familiar with the country's federal and regional institutions.

36. **Mr. Berude** (Ethiopia) said that boarding schools had been established, in particular for the nations and nationalities in the south, so that members of minorities could take full advantage of the Government's corrective measures. Awareness campaigns had also been launched to combat deep-rooted harmful traditional practices.

37. **Mr. Yimer** (Ethiopia) requested that Mr. Hersho, Chairman of the Ethiopian Human Rights Commission, be allowed to take the floor. While not a member of the official delegation of Ethiopia, he was well placed to provide an overview of the human rights situation in the country.

38. **Mr. Hersho** (Ethiopian Human Rights Commission) said that the Commission was an independent body established pursuant to the Constitution and reported on its activities

to Parliament. According to its mandate, which was described in Ethiopia's core document (HRI/CORE/ETH/2008. paras. 161–164), it was authorized to, for example, investigate human rights violations, including acts involving racial discrimination, and follow up Government measures to implement international human rights instruments, such as the Convention to which Ethiopia was a party. It also had a mandate to undertake human rights awareness-raising and training programmes. The Commission was a relatively young body and had not yet been able to fully implement its mandate; nevertheless, since beginning its work in 2005, it had been quite active. It had organized seminars, workshops and forums on human rights, particularly with regard to racial discrimination, for members of Parliament, civil servants from the federal government and the regional public bodies, the national police, persons belonging to vulnerable groups, such as ethnic minorities and representatives of civil society organizations. As a result of its awareness-raising activities the number of complaints lodged with it had increased; many of them involved acts of racial discrimination (see CERD/C/ETH/7-16, table 3, pp. 44–45).

39. As part of its mandate the Commission had begun to translate the international human rights instruments to which Ethiopia was a party into the three main popular languages, Amharic, Oromifa and Tigrigna. In time they would also be translated into other local languages.

40. He did not agree with the Country Rapporteur that the Commission had not undertaken any human rights education activities or investigated complaints of racial discrimination; that was not accurate and did a disservice to the work of the Commission. While the Commission might not have been as active as it would have liked to be, it had really endeavoured to be accessible to the public and was working actively to open local offices in all the regions of the country.

41. The Commission had also launched an initiative to help the Government meet its obligations regarding submission of its periodic reports to the treaty bodies. That initiative had been brought to fruition thanks to the technical assistance and support of the East Africa regional office of the Office of the High Commissioner for Human Rights (OHCHR), in Addis Ababa. The report currently before the Committee had been prepared in several phases: organization of activities to provide information on the procedure for the submission of reports; formation of a drafting committee; creation of an inter-ministerial committee; and collection of data from federal and regional bodies, as well as NGOs and members of minorities. The final version of the report had been prepared following wide-ranging consultations in which both governmental and non-governmental organizations had participated.

42. In conclusion he called on the delegation to pay particular attention to certain recommendations put forward by Committee members, in particular those concerning ratification of the main human rights instruments to which Ethiopia was not yet a party; campaigns to raise awareness of harmful traditional practices; and the elimination of prejudice against certain ethnic groups. Lastly, the Commission recommended that the Government should establish a permanent body to prepare the periodic reports, ensuring Ethiopia's regular and timely submission of periodic reports to the treaty bodies.

43. **Mr. Yimer** (Ethiopia) said that there were no quotas for women in Parliament but that political parties decide how many women representatives they wished to have. The number of representatives of the nations, nationalities and peoples of Ethiopia in the House of Federation was stable and essentially as described in paragraph 115 of the report. No individual could be refused, because of his or her ethnic origin, the right to join a political party and stand for election.

44. **Mr. Amir** agreed with the delegation that the term "ethnic federalism" was incorrect because membership in an ethnic group was not the basis for the federal system and could

only weaken its political and moral foundations. With regard to implementation of article 4 of the Convention, a number of the cases mentioned in the report (table 3, pp. 44–45) involved the issue of ethnic superiority and were therefore directly relevant to article 4. Contrary to the delegation's assertions, the State party's legal system had therefore already had to deal with violations of that article.

45. **Mr. Ewomsan** said that the delegation seemed to have misunderstood his question about the federal system. His intention had not been to question its validity, in which he believed. He simply wondered whether the delegation thought that the federal system more effectively prevented inter-ethnic conflicts than the unitary systems of other African countries.

46. **Mr. Avtonomov** said that the State party's next report should contain detailed information on how customary law was applied in certain regions of the country, especially *gedda* in Oromia, *Abbo-gereb* in Tigray and *xeer* in Somali (report, para. 47).

47. **Mr. de Gouttes** said that the next report should describe any provisions of domestic legislation that gave effect to article 4 (a) and (b) of the Convention, and should also provide statistics on complaints, prosecutions and judicial decisions relating to repression of the dissemination of racist ideas and the banning of organizations that encouraged racial discrimination.

48. **Mr. Peter**, Country Rapporteur, welcomed the frank, open and constructive dialogue with the delegation but regretted that the State party had not submitted written replies to the list of issues, even though the delegation's detailed oral response had, to some extent, made up for the lack of written replies. He also welcomed the renewed dialogue between the Committee and the State party after more than two decades of silence and noted that the current Government seemed ready to collaborate actively with the treaty bodies.

49. He had himself visited Ethiopia in April 2009 and had procured a number of documents that had helped him better understand the situation in the country, enabling him to prepare for an in-depth consideration of the report. He had made use of those documents as well as sources from various quarters relating to different periods of Ethiopia's history. His comments, questions and remarks had therefore been based on at least three different sources. Lastly, he was pleased that the representative of the Ethiopian Human Rights Commission had drawn the delegation's attention to the same issues underscored by the Committee.

51. **The Chairperson** reiterated the importance of submitting written replies to the list of issues if there was to be a productive dialogue between the Committee and the delegation. Information provided in those replies helped clarify many issues and avoid misunderstandings. She urged the State party to take due note of the importance of written replies to the list of issues and hoped that such replies relating to future reports would be submitted in good time. She also called on the State party to submit its reports regularly and ensure that in the future its delegations would include at least one woman.

The meeting rose at 1.05 p.m.