



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
16 May 2023

Original: English

Committee against Torture
Seventy-sixth session

Summary record of the 2000th meeting

Held at the Palais Wilson, Geneva, on Thursday, 4 May 2023, at 3 p.m.

Chair: Mr. Heller

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Second periodic report of Ethiopia (continued)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Second periodic report of Ethiopia (continued) (CAT/C/ETH/2; CAT/C/ETH/Q/2; CAT/C/ETH/RQ/2)

1. *At the invitation of the Chair, the delegation of Ethiopia joined the meeting.*
2. **Mr. Wondimeneh** (Ethiopia), apologizing for his country's failure to engage in the process of follow-up to the Committee's previous concluding observations (CAT/C/ETH/CO/1), adopted nearly 15 years earlier, said that he wished to assure the Committee of the current Government's renewed commitment to engaging with all international human rights mechanisms. The information requested by the Committee and other treaty bodies would, in the future, be provided promptly. He wished, too, to stress that neither the information contained in the documentation submitted by Ethiopia nor his opening remarks at the meeting of the previous day had been meant to suggest that the implementation of the Convention depended on the whim of successive Governments.
3. Although disaggregated data on the Government's fulfilment of its human rights obligations were indeed lacking, data on the country's refugee and prison populations were not. Those data had been included in an annex to the Government's replies to the list of issues in relation to the country's second periodic report (CAT/C/ETH/RQ/2). The authorities were working with the Office of the United Nations High Commissioner for Human Rights (OHCHR) to develop a human rights database. The drafters of the periodic report had begun by collecting information from a wide range of sources, including government institutions and civil society organizations. Those institutions and organizations had also taken part in consultations held to discuss the first draft of the report. The military and security forces, including the police, had been among the key stakeholders involved in the process.
4. **A representative of Ethiopia** said that, as noted by the Ethiopian Human Rights Commission and OHCHR in their joint report on alleged human rights violations during the conflict in the Tigray region, hundreds of thousands of ethnic Tigrayan and Amhara civilians had fled their homes as a result of the conflict. Their flight, according to the report, had been prompted by fear and exposure to violence. While ethnicity had been a factor in the conflict, the allegations of ethnic cleansing made by Amnesty International could nonetheless not be taken at face value, as Amnesty, unlike the joint investigation team of the Ethiopian Human Rights Commission and OHCHR, had not conducted investigations on the ground. The joint investigation team had not concluded that any acts of ethnic cleansing had been committed. In any event, anyone who had committed acts of forced displacement would be held accountable under the relevant Ethiopian and international laws. Allegations that the parties to the conflict in northern Ethiopia had been responsible for the unlawful detention and summary execution of civilians would be investigated and all necessary steps would be taken to ensure accountability.
5. The strategy followed by the Investigation and Prosecution Committee mandated to investigate such allegations had three tracks, each with its own time frame. Track 1 investigations focused on the Amhara and Afar regions, while investigations under tracks 2 and 3 focused, respectively, on rights violations allegedly committed in the areas of Wolqayit, Tsegede and Humera in Tigray and violations allegedly committed by members of the national defence forces and regional forces. The investigations conducted under track 1 had found ample evidence of thousands of serious crimes, including sexual violence and extrajudicial killings. The investigations under tracks 2 and 3 would take place within the framework of the transitional justice process. The Ministry of Defence, too, had investigated allegations of crimes committed during the conflict. As a result, military tribunals had convicted 25 defendants on charges of rape and other serious crimes.
6. Special training had been provided to the 158 core members of the Investigation and Prosecution Committee, who had been drawn from the Ministry of Justice, the Ministry of Defence and other government institutions. The training, provided by the Institute for International Criminal Investigations, had emphasized techniques for the investigation of

atrocities and gender-based violence. Any evidence showing that the Ethiopian Air Force had targeted civilians and civilian infrastructure would be duly investigated.

7. The Government had taken measures to support the victims of atrocities even before hostilities had ceased. On many occasions, for example, it had unilaterally declared a ceasefire to facilitate the passage of humanitarian aid into affected areas, benefiting 5.8 million people. The Government had provided 70 per cent of the food and non-food aid distributed in Tigray, with the country's international partners providing the remainder. In addition to distributing aid, the Government, well aware of the conflict's multidimensional effects on civilian victims, had taken measures to promote healing and rehabilitation. Plans to provide emergency medical and psychosocial assistance to victims of sexual violence in Amhara and Afar were being made. Funds had been set aside for the construction of five more rehabilitation centres in those two regions. One of the rehabilitation centres, in Afar, was already operating. Training on providing psychological and social support had been given to thousands of people.

8. The Government had been opposed to the establishment of the International Commission of Human Rights Experts on Ethiopia and had objected to the conclusions drawn by the Commission in its report (A/HRC/51/46). The Commission had been established despite the Government's previous expression of its readiness to conduct independent and impartial national-level investigations in line with international law standards. In establishing the Commission, the Human Rights Council had disregarded a fundamental principle of international law, namely that the primary responsibility for the protection and promotion of human rights lay with States themselves. The measures to ensure accountability and provide redress taken by the Ethiopian authorities obviated the need for the establishment of a parallel international mechanism such as the Commission.

9. The Government had nonetheless been willing to cooperate in some respects with the Commission. In July 2022, the Government had allowed the Commission to visit Ethiopia and had put forward reasonable proposals regarding the scope of its work. However, the Commission members seemed to have arrived with preconceived notions of their findings and conclusions. The Commission's report was a clearly political document reliant on sources of questionable credibility. It had been unable to verify at first hand many of the allegations that had informed its findings. The window of opportunity for the Government's cooperation with the Commission was now firmly closed. It was nonetheless still willing to cooperate with other international and regional human rights mechanisms. It had, for example, invited OHCHR to partner with the Ethiopian Human Rights Commission on the deployment of a team of human rights monitors to conflict-affected areas in the country's north.

10. The Government's transitional justice initiative was an expression of its commitment to preventing impunity for gross human rights violations and promoting accountability, justice and reconciliation. The Government believed that in order to consolidate democracy and ensure a sustainable peace, it was imperative to develop a comprehensive transitional justice policy. The first step in that direction had been to draft the policy options paper, which was informed by the experiences of other countries that had undertaken transitional justice processes and which included proposals relating to amnesty, reparations and reconciliation. It had been discussed with a broad range of stakeholders, including representatives of vulnerable groups, victims of human rights violations and members of the diaspora community. International experts on transitional justice had also been consulted. Further consultations would be held once the policy had been drafted. The policy would be adopted by September 2023.

11. Amnesties were a customary component of transitional justice processes, but they must not, as noted in the paper, lead to impunity for gross human rights violations. The transitional justice process would be conducted in accordance with the Constitution and the international human rights instruments, including the Convention, to which Ethiopia was a party.

12. The state of emergency declared in November 2021 had been lifted. The declaration of a state of emergency, which had been in line with the Constitution, had been necessitated by the threat posed by the activities of armed groups whose stated intention had been to topple

the Government. Steps had been taken to ensure that the state of emergency did not lead to abuses of power or undue restrictions on the enjoyment of human rights. The Ethiopian Human Rights Commission had had unfettered access to places of detention throughout the emergency.

13. **A representative of Ethiopia** said that work to ensure that all acts of torture were offences under the country's criminal law was ongoing. The provisions of the Criminal Code on the jurisdiction of domestic courts over acts of torture were in line with article 5 of the Convention. The Ethiopian courts had jurisdiction over anyone, whether he or she was an Ethiopian or a foreign national, who was suspected of having committed criminal acts anywhere in the country. They also had jurisdiction over crimes committed outside Ethiopia against Ethiopian nationals where the alleged criminal was not tried in a foreign court. In addition, Ethiopian courts had universal jurisdiction over crimes, including torture, committed in violation of international law or an international convention to which Ethiopia was a party.

14. States requesting the extradition of suspects from Ethiopia were required to provide the Ethiopian authorities with assurances that the rights of extradited persons, including to protection from torture or cruel inhuman or degrading treatment or punishment, would be respected. The agreements on international cooperation in criminal matters to which Ethiopia was a party explicitly prohibited extradition where there was reason to believe that such cooperation would result in violations of fundamental rights. The Ministry of Justice was responsible for considering incoming extradition requests and formulating outgoing ones. In one noteworthy recent case, Ethiopia had extradited a person suspected of trafficking in human beings to the Netherlands; in another, a suspect had been extradited to Italy. Three people suspected of being terrorists had recently been extradited to Djibouti, and other people had been extradited to the United States of America. None of those cases had involved the extradition of asylum-seekers.

15. Marital rape was not a punishable offence under Ethiopian criminal law on account of the spousal obligation to consummate the marriage. A national study on the legislative gaps relating to gender-based violence and marital rape had been conducted and discussions on its outcome and the way forward were under way.

16. Although corporal punishment was criminalized under Ethiopian law, the Criminal Code provided that acts reasonably carried out in exercise of the right of correction or discipline were not punishable. As part of its ongoing efforts to eliminate corporal punishment, the Government had issued a manual on positive child discipline and had conducted campaigns to raise awareness of the need to eliminate violence against children and to promote alternative forms of discipline. Positive child discipline was also promoted in schools.

17. The measures taken by the Government to eliminate harmful traditional practices, particularly female genital mutilation, included establishing a multidisciplinary committee and adopting a national strategy and related action plan and two national road maps. Child protection units had been set up within police institutions, and community policing activities had been expanded to make it easier for victims of harmful traditional practices to seek assistance. The Government was conducting sustained awareness-raising and educational activities to draw attention to the illegality of such practices and to help change public attitudes towards them. It was also training community, clan and religious leaders and persons who had previously performed female circumcision to become agents of change. Clan and religious leaders were already openly denouncing female genital mutilation and urging their communities to abandon the practice. Government surveys indicated that the prevalence of female genital mutilation was decreasing significantly on account of the measures taken to date.

18. The National Children's Policy set out measures to protect all children from harmful traditional practices, child labour and human trafficking. The measures taken to prevent violence against children and the exploitation of child labour included the adoption of a national action plan for that purpose. The Government conducted extensive campaigns to raise public awareness of the dangers of child labour and human trafficking. It also worked with grass-roots associations and used community gatherings as a platform to advocate for

children's education and the need to prevent child labour. The minimum age of employment had been raised from 14 to 15 years. Workers below the age of 18 years were prohibited from performing hazardous work. The Government had drawn up a list of activities prohibited for young workers and was working with employers' associations and trade unions to ensure that collective bargaining agreements included clauses prohibiting the engagement of young workers in hazardous work.

19. Ethiopia was a party to seven core international human rights treaties and was considering ratifying the remaining two, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families. As to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, public consensus was currently against abolishing capital punishment. However, although the death penalty remained on the country's statute books, in practice it had not been imposed for many years and a de facto moratorium could be said to be in place. Procedural safeguards had been introduced to limit the imposition of capital punishment, and the Federal Supreme Court had issued sentencing guidelines according to which the death penalty should be imposed only on perpetrators of the most serious crimes and in the absence of any mitigating circumstances. In practice, the guidelines precluded the imposition of capital punishment in virtually all cases. In certain circumstances, the death penalty could be commuted, and persons sentenced to death could seek a pardon.

20. **A representative of Ethiopia** said that the right to protection against cruel, inhuman or degrading treatment or punishment was enshrined in article 18 (1) of the Constitution. Article 28 (1) of the Constitution, concerning the non-applicability of any statute of limitations to crimes against humanity, made explicit reference to torture. Article 74 (1) of the Criminal Code stated that an order from a superior officer could not be invoked as a defence for grave rights violations, including acts of torture. Article 270 (a) of the Criminal Code prohibited torture in situations of armed conflict, while article and 424 made the use of torture to obtain a confession punishable by law. The Criminal Justice Policy of 2011 prohibited the admission of evidence obtained illegally, including forced confessions, in a court of law.

21. The Government was committed to laying down a definition of torture in domestic law that was, at a minimum, similar to or, if possible, broader than the definition contained in the Convention. The preparation of a draft statute to bring existing legal provisions on torture into conformity with the Convention was under way. The draft statute would establish the absolute prohibition of torture in all circumstances, including in non-custodial settings, and in the context of conflicts and emergencies; ensure that criminal and civil proceedings brought for the crime of torture were not subject to a statute of limitation and that no mitigating circumstances could be applied in respect of that crime; and stipulate that no exceptional circumstances or order from a superior officer or public authority could be invoked as a justification for torture. The draft statute was expected to be signed into law by the end of 2023.

22. The 2018 political reform had been motivated by, inter alia, public grievances against law enforcement and intelligence officers, some of whom had been involved in committing acts of torture and ill-treatment. Following the reform, thousands of prisoners had been released and the charges brought against them had been dropped. Federal Courts Proclamation No. 1234/2021 established that the federal courts had jurisdiction over cases arising in relation to international treaties ratified by Ethiopia and that international treaties were among the substantive laws to be applied by the courts in their everyday decision-making processes. The Federal High Court could therefore apply international human rights treaties directly in adjudicating on alleged violations of the fundamental rights and freedoms protected by the Constitution.

23. **A representative of Ethiopia** said that fundamental legal safeguards for arrested persons were enshrined in article 19 of the Constitution and in article 27 (2) of the Criminal Procedure Code. However, there was strong evidence to suggest that, in practice, suspects were rarely informed of the reason for their arrest or of their rights, including the right to remain silent. A handbook setting out the obligations of criminal investigation officers and

the rights of arrested persons had been issued to help remedy such procedural oversights. Pre- and in-service training for investigators likewise covered those rights and obligations.

24. To broaden access to legal assistance for persons of limited means, all licensed lawyers were required to provide at least 50 hours of pro bono legal services per year. The Ministry of Justice was responsible for assigning lawyers to persons who requested free legal assistance; any refusal by lawyers to carry out pro bono work could jeopardize the renewal of their licence to practise law. The Public Defenders' Office continued to represent defendants who could not afford to hire private counsel during criminal proceedings. University law schools also provided free legal assistance to vulnerable persons. A comprehensive strategy for the provision of free legal assistance had been drafted and was awaiting approval by the Council of Ministers.

25. With a view to avoiding prolonged detention of arrested persons, the Government was preparing amendments to the relevant provisions of the Criminal Procedure Code. Currently, an arrested person could be remanded in custody by the courts for up to 14 days on each occasion, but there was no overall maximum period of remand custody. The amended text would limit the maximum duration of remand custody to four months. Most defendants were entitled to be released on bail.

26. The assigning of prosecutors to each police station to oversee the entire investigation process had helped to ensure that criminal cases were brought before the courts in a timelier manner. It was hoped that the caseload management guidelines adopted by the Federal Supreme Court would serve to expedite judicial proceedings and to allow the courts to deliver verdicts sooner.

27. To shorten pretrial detention, the Government had implemented a real-time dispatch system to handle criminal cases. As a result, suspects indicted for flagrant and non-complicated offences were tried by a court of law in an expedited manner. Some 30 police officers had been brought to justice for having kept suspects in pretrial detention for longer than the maximum legally prescribed period. Persons who had been held in prolonged pretrial detention under the new Anti-Terrorism Proclamation could apply to the courts for compensation.

28. As part of the 2018 political reform, the Government had closed the Maekelawi detention centre, where persons suspected of serious crimes had been routinely tortured and subjected to ill-treatment. Several secret detention facilities where suspects had been held incommunicado and subjected to torture by former members of the national intelligence and security services had also been shut down. The detention facilities used by the Federal Police Commission were equipped with audiovisual technology as a safeguard against the ill-treatment of suspects. Superior officers could now monitor the entire investigation process and detect any potential rights violations. There were plans to install such audiovisual equipment in all investigation centres.

29. Overcrowding in places of detention had been eased by the building of new detention facilities. For instance, in Addis Ababa, 10 police stations had been fitted with new pretrial detention facilities. The four new prisons built at the request of the Federal Prison Commission could house 18,050 inmates. There were currently 10,654 inmates in the federal prison system. Young offenders were currently held in the same prison facilities as adults but were housed in separate areas. Once the newly built prisons became operational, young offenders would be moved to their own separate facility. Female prisoners were held in a separate prison facility. Even though several allegations of rape of women in detention facilities had been received, only one case had been investigated and prosecuted. It could not therefore be concluded that rape was systematically practised in prison and detention facilities in Ethiopia.

30. A range of safeguards and measures were in place to prevent incommunicado detention, which was not recognized as a legitimate practice in Ethiopian law. The rights of arrested, accused and convicted persons, which included the right of habeas corpus and the right to receive visits from a family member, a lawyer or a physician, were enshrined in the Constitution. Allegations of the denial of those rights had been investigated and dealt with. The need to uphold those rights was underscored in various procedural manuals and training courses.

31. As part of the 2018 political reform, several measures had been taken to promote freedom of expression. Media laws had been revised, new media outlets had been created and media outlets that had previously been closed had been reopened. Article 29 of the Constitution, which enshrined the right to hold and express opinions without interference, also stipulated that the right to freedom of expression could be limited by law when the opinion expressed was intended to incite war or might endanger national security. A number of journalists had been arrested, investigated and charged with engaging in hate speech and spreading disinformation; some of the defendants had been released on bail, while others had been remanded in custody. Journalists who broke the law were not exempt from punishment; they were investigated and prosecuted on the basis of their conduct, not their profession.

32. Article 17 of the Constitution outlawed unlawful deprivation of liberty and arbitrary arrest, which were punishable under article 423 of the Criminal Code. Allegations that lawfully arrested journalists and bloggers had suffered human rights violations had been brought to the Government's attention by various entities and remedial action had been taken. While the investigation process might have its shortcomings, they were not major and could not be characterized as systemic.

33. **A representative of Ethiopia** said that, while the independence of the judiciary was guaranteed under article 48 (1) of the Constitution, challenges remained. To address those challenges, in 2019 the Federal Supreme Court had set up a judicial affairs reform task force composed of 20 independent legal professionals and academics. The task force had issued comprehensive recommendations, pursuant to which two proclamations had been adopted in 2021 with a view to ensuring transparency and credibility in the recruitment and appointment of judges and guaranteeing the independence, neutrality and accountability of the judiciary. To that end, the Federal Judicial Administration Council, whose membership included justice officials, parliamentarians, academics, representatives of the bar association and distinguished citizens, had been established to recruit qualified candidates for judicial positions, design work procedures and develop a judicial code of conduct and rules of disciplinary procedure; the latter instruments had already been adopted.

34. The Federal Courts Establishment Proclamation No. 1234/2021 was intended to provide the basis for an accessible, efficient, accountable and predictable justice system with the autonomy to manage its budget with no interference from the executive branch. In addition to the Proclamation, a number of administrative measures had also been introduced to ensure the independence of the judiciary, including several directives on matters such as the immunity of federal judges and disciplinary proceedings. A directive on case-flow management had had a measurable impact on the efficiency of the federal courts, which had adjudicated over 95 per cent of the cases brought before them in 2021 and 2022.

35. In a strong signal of the commitment to tackle judicial corruption and strengthen judicial integrity, the Federal Judicial Administration Council had recently revoked the immunity of two federal high court judges suspected of accepting bribes. The Government was aware of allegations of widespread corruption in the judiciary. However, while there had been some instances of corruption or failure to abide by judicial decisions, the problem could not be characterized as systemic. Whenever it became aware of an allegation of corruption, the Government launched an investigation and, where appropriate, imposed disciplinary measures and other punishments.

36. To address lingering doubts regarding the domestic application of international instruments to which Ethiopia was a party, the Federal Courts Establishment Proclamation made it clear that federal courts had jurisdiction to hear cases arising in relation to international treaties and that they were required to apply those treaties in their decision-making process. The establishment of the fundamental rights bench at the Federal High Court had opened the door for victims of torture and inhuman treatment to file for compensation from institutions and individuals. In that connection, 18 cases of alleged violation of the rights to life, security of person, liberty, access to justice and protection from torture had been brought before the Court, including a civil compensation suit against five government institutions for alleged acts of torture.

37. Following the amendment of the proclamation establishing the Ethiopian Human Rights Commission, Commission members were appointed through a merit-based process.

The Commission's mandate had been expanded to enable it to make unannounced visits to detention centres and to monitor national elections. The Commission enjoyed the autonomy to administer its budget, which had been increased from 85.2 million birr in 2019 to 95.6 million birr in 2022.

38. There were no legal or practical exceptions to the Commission's visiting mandate, and no authority could deny it access to any of the places enumerated in the amended proclamation. During visits, Commission staff could speak privately with detained persons, and persons who interacted with the Commission were afforded the same protections under the law as whistle-blowers and witnesses in court proceedings. Obstacles to the exercise of the monitoring mandate could not be characterized as systemic. Any problems encountered were brought to the Government's attention for appropriate action. The relevant authorities paid heed to the Commission's reports and recommendations. For example, the Federal Police Commission had investigated 30 allegations, leading to disciplinary sanctions against officers whose conduct had breached human rights. Criminal investigations had been initiated in two cases involving the security forces. In one of those cases, in which civilians had been injured and killed, 12 members of the security forces had been arrested.

39. **Mr. Buchwald**, welcoming the State party's commitment to complying with its reporting obligation under the Convention, said that, while establishing legal frameworks was important, the only way to ascertain whether laws were having the desired effect was through data. He therefore applauded the State party's efforts to enhance data collection. He wished to know what mechanisms were in place in the State party to facilitate compliance with the Convention by the various levels of government. For instance, how would the federal authorities share information on the current constructive dialogue with stakeholders at the regional and local levels? While the joint investigation team of the Ethiopian Human Rights Commission and OHCHR had not found evidence of ethnic cleansing, they had stated that war crimes and crimes against humanity might have occurred. He would be interested in hearing the Government's views as to whether such crimes had in fact been committed.

40. **Mr. Touzé** said that he would appreciate hearing the delegation's comments on allegations that the Eritrean authorities had been involved in the conflict in the Tigray region and on the apparent contradiction between the State party's claim that no ethnic cleansing had taken place and reports of public incitements to violence against the Tigrayan population. There also seemed to be a contradiction between the argument that the findings of the International Commission of Human Rights Experts on Ethiopia were not credible because they were not based on fieldwork and the fact that the Government had denied the experts entry to certain places. He would appreciate further details on the status of the investigations conducted by the various mechanisms into alleged arbitrary executions and on any proceedings that might subsequently be initiated. He had taken note of the State party's efforts to facilitate the delivery of humanitarian aid, but he remained concerned by reports that humanitarian aid shipments from international partners had been diverted. He would appreciate a comment from the delegation in that regard. He would also like a response to his questions concerning the recruitment of child soldiers during the conflict.

41. He welcomed the new law on legal aid but wondered about its viability in practice, given the dire shortage of lawyers in the State party. He noted the disparities between the data provided by the State party concerning deaths in custody and the figures reported by other sources. It would be useful to learn more about the four new detention facilities mentioned by the delegation, including their location, capacity and current occupancy rate. He would also like to know what proportion of the inmate population was composed of pretrial detainees. While rape in prisons might not be a systemic issue, the number of women who became pregnant after their admission to prison nonetheless begged an explanation.

42. Concerning violence against women, he wished to better understand the State party's position on marital rape and the reason why the minimum marriage age was different for women and men. Data on forced marriage would be helpful. He would appreciate clarifications regarding the data on female genital mutilation, as the stated decline in the practice did not square with the proportion of Ethiopian women and girls who were reported to have undergone the procedure. Was the precipitous drop in arrests, prosecutions and convictions of practitioners of female genital mutilation the result of government strategies to eradicate the practice? Lastly, he invited the delegation to address previously raised

questions about the repression of protests and the excessive use of force and to comment on reports that journalists had been arrested without warrants and prosecuted on questionable legal grounds.

43. **Mr. Tuzmukhamedov** said that it would be useful to know how many capital offences there were in Ethiopian law, whether they were all defined in the Criminal Code or were provided for under other laws – for instance those on terrorism and drug trafficking – and how the courts applied article 258 of the Criminal Code, which required the imposition of the death penalty, rather than life imprisonment, in certain circumstances. How many people were currently on death row and what was the longest time an individual had remained there?

44. **Mr. Liu** said that he wished to know whether the State party planned to amend the Criminal Code to bring the age of criminal responsibility, currently set at 9 years, into line with international standards. He would also like to know whether the alternative treatment reserved for juvenile offenders under the age of 15 might be extended to juveniles between the ages of 15 and 18, particularly with regard to segregation from adult offenders. He invited the delegation to comment on whether Ethiopia, as a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), intended to adopt a more victim-oriented approach, avoid criminalizing victims of sexual exploitation and promote birth registration as a basic means of protecting children from human trafficking.

The meeting was suspended at 5.05 p.m. and resumed at 5.20 p.m.

45. **A representative of Ethiopia**, pointing out that the international and regional human rights instruments ratified by Ethiopia did not prohibit the application of the death penalty, said that, under the Criminal Code, capital punishment was applicable only when expressly stipulated in the Code or other legislation; it could only be applied when the offender was considered exceptionally dangerous and when there were no mitigating circumstances. It was never imposed on minors. The list of offences punishable by death and the applicable laws would be provided in writing.

46. Minimum ages of criminal responsibility varied widely internationally and there was no internationally accepted standard. The Criminal Code set the age at 9 years because in Ethiopian society it was believed that children of that age had the moral and psychological capacity to understand the consequences of their actions.

47. **A representative of Ethiopia** said that the prisons constructed in recent years to remedy overcrowding were located at Aba Samuel, Ziway, Shewarobit, and Diredawa, in different regions of the country. Remand and convicted prisoners were held in separate facilities. Pursuant to the Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation, victims of trafficking in persons were not subject to criminal liability. On the contrary, they were entitled to protection and compensation.

48. **A representative of Ethiopia** said that his Government was committed to ensuring accountability for human rights violations committed in places under its jurisdiction by any actor. Accordingly, it was investigating allegations that Eritrean forces had been involved in the conflict in the north of the country and would take the necessary measures to bring any identified perpetrators to justice. The Government considered that the International Commission of Human Rights Experts on Ethiopia had been established for political reasons and had gone beyond its mandate by attempting to replace the work of the joint investigation team of the Ethiopian Human Rights Commission and OHCHR, contrary to the principle of complementarity. For those reasons, it had denied the Commission access and considered that its report was not credible.

49. The federal Government, in collaboration with the interim government of Tigray, was investigating allegations that humanitarian assistance had been diverted to markets for sale. The Government urged international partners not to make a unilateral decision to suspend aid, which would ultimately harm the population in need. Regarding the discrepancies in data alluded to by Mr. Touzé, the Government had provided official data gathered from the relevant stakeholders; the Committee was, of course, free to consider data from other sources

and assess their credibility. Federal government data had been provided as an example of actions taken over the period. However, in accordance with legislation on intergovernmental relations, the federal and regional governments cooperated to plan initiatives and evaluate their outcomes, using horizontal platforms, including those established between the Ministry of Justice and regional bureaux of justice and between the federal and regional prison commissions. Such platforms were also used to disseminate the recommendations of human rights bodies.

50. **A representative of Ethiopia** said that, under a strategy covering the period up to 2030, the Federal Police had been implementing institutional reform policies to modernize the police force and ensure transparency in police practices. The Federal Police had no tolerance for torture or ill-treatment. Current detention centres had been modernized with advanced technology. Officers received the necessary training to ensure that they abided by human rights standards. Funding had been secured for a new facility of the Federal Police Crime Investigation Bureau with interrogation rooms that would reduce the risk of torture and ill-treatment of suspects. The Federal Police had adopted a forensic strategy and an investigation manual and were working closely with regional and international organizations to strengthen police cooperation with a view to enhancing peace and security in the country.

51. **Mr. Buchwald** said that he would appreciate clarification regarding the Government's view on whether crimes against humanity had been committed in Tigray and whether it considered the involvement of Eritrean forces an established fact. He wished to have confirmation that the horizontal platforms established for communication between the federal and regional governments would be used to disseminate the Committee's recommendations. He would like to have a response to his questions concerning a potential role for the International Criminal Court or other international mechanisms in the transitional justice process.

52. **Mr. Touzé** said that he would be interested to hear the delegation's response to reports that journalists covering the Tigray conflict and non-governmental organizations cooperating with the Committee and other United Nations bodies faced a risk of reprisals.

53. **A representative of Ethiopia** said that the Government had not yet finalized its investigations into allegations of crimes against humanity committed during the conflict. Preliminary findings of the Interministerial Task Force conducting the investigation indicated that torture and extrajudicial killings had occurred. Although the investigation had been hampered by the security situation, the Government was committed to ensuring accountability through the transitional justice process. It had already ensured international involvement by requesting OHCHR, in cooperation with the Ethiopian Human Rights Commission, to monitor the implementation of the recommendations set out in the report of the joint investigation team. No incidents of reprisals against victims of the conflict who had given testimony to the joint investigation team had been recorded. However, any such cases that came to light would be addressed in line with international standards.

54. **A representative of Ethiopia** said that all relevant federal and regional institutions had focal points for the National Human Rights Action Plan and consultative working groups on the recommendations of international human rights bodies. The Committee's recommendations would be disseminated through those mechanisms, as well as in letters sent to the various institutions. The same channels had been used to gather information for reporting to the Committee, although the collection of disaggregated data remained a challenge.

55. **The Chair** said that the Committee appreciated the information provided, which had given it a better understanding of many sensitive issues related to the armed conflict.

56. **Mr. Wondimeneh** (Ethiopia) said that his delegation acknowledged the shortcomings highlighted during the dialogue. He hoped that the Committee understood the challenges posed by the security situation and recognized the progress achieved in that context. His country's commitment to peace, human rights, justice and accountability was stronger than ever. Ongoing reforms to comply with its obligations under the Convention included the enactment of comprehensive legislation on torture and crimes against humanity. The transitional justice initiative would address current and past human rights violations, while the national dialogue initiative would help chart a new path towards justice, peace and

prosperity. The Government would fully implement the peace agreement signed in 2022, in line with the African Union “Silencing the Guns by 2030” initiative, beginning with the disarmament, demobilization and reintegration of armed forces in Tigray and the initiation of negotiation with armed groups in Oromia. It would cooperate with all regional and international partners genuinely interested in improving human rights for the Ethiopian people with respect for the sovereignty, territorial integrity and political independence of the nation. The Government would carefully consider and implement the Committee’s recommendations.

The meeting rose at 6 p.m.