



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

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Committee against Torture

**Second periodic report submitted by Ethiopia
under article 19 of the Convention, due in 2014***

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List of acronyms

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| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| COB | Concluding Observations |
| CSOs | Civil Society Organizations |
| EHRC | Ethiopian Human Rights Commission |
| FDRE | Federal Democratic Republic of Ethiopia |
| FGM | Female Genital Mutilation |
| GBV | Gender Based Violence |
| HoPR | House of Peoples' Representatives |
| HTPs | Harmful Traditional Practices |
| ICCPR | International Covenant on Civil and Political Rights |
| ICRC | International Committee of the Red Cross |
| NHRAP | National Human Rights Action Plan |
| NISS | National Intelligence and Security Service |
| OAG | Office of the Attorney General |
| OHCHR | Office of the High Commissioner for Human Rights |
| UPR | Universal Periodic Review |

I. Introduction

1. This is the 2nd and 3rd combined periodic report of Ethiopia prepared pursuant to Article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). It is prepared according to the Compilation of Guidelines on the Form and Content of Reports to be Submitted by State Parties to the International Treaties HRI/GNE/2/Rev.6 of 3 June 2009, and the General Guidelines adopted by the Committee against Torture Regarding the Form and Contents of Periodic Reports to be submitted by States Parties under Article 19, Paragraph 1, of the Convention CAT/C/14/Rev.1 of June 02, 1998. Moreover, all general comments of the Committee have been consulted and explanations provided to the concerns raised in the concluding observations of the Committee as was reported in the document CAT/C/ETH/CO/1.
2. An inter-ministerial group of experts led by the Office of the Attorney General shouldered the assignment of preparing the report. Accordingly, experts from the Office of the Attorney General, Ministry of Foreign Affairs, Ministry of Health, Ministry of Education, Ministry of Labour and Social Affairs, Ministry of Women, Children and Youth, Ministry of Peace, the Central Statistics Agency and the Agency for Civil Societies Organizations were amongst the drafters of the report. Technical assistance of the East Africa Regional Office of the United Nations Office of the High Commissioner for Human Rights (OHCHR) was also instrumental in preparing the report.
3. National consultative meetings were held on the draft report with government and non-governmental organizations to enrich the document and ensure that it accurately describes the state of human rights in Ethiopia during the reporting period.
4. Ethiopia submitted its 3rd Cycle UPR Report in January and its 2nd and 3rd combined periodic report on ICCPR in September of 2019. Ethiopia is also working to meet its reporting obligations to all international and regional human rights instruments through its newly established National Implementation, Monitoring, Reporting and Follow-up Mechanism (NIMRFM).
5. The Government welcomes clarification sought on the contents of this report.

II. Information on new measures and new developments relating to the implementation of the convention

6. The information provided in Ethiopia's initial report with reference to Articles 5, 6, 7, 8, and 9 is still valid.

Article 1 Definition

7. In addition to the discussion in the initial report about the definition of torture, Ethiopia's position in relation to domestication of the Convention 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. Therefore, the Convention with its entirety and the definition provided under Article 1 in particular, already form part of the domestic law of the Country.
8. Limitations with respect to the comprehensive definition of torture within the Ethiopian legal system and planned measures to rectify these limitations are discussed under paragraph 84 below.

Article 2

Prevention of all acts of torture

Legal framework

9. Article 18 of the FDRE Constitution expressly states that everyone has the right to protection against cruel, inhuman or degrading treatment or punishment. The right enshrined under this article does not admit any exceptions and thereby ensures the non-derogability of the right to protection from cruel, inhuman or degrading treatment in any circumstance.

10. As per Article 13(2) of the Constitution, the rights and freedoms enshrined under the Bill of Rights section which include the right to protection against torture and other cruel, inhuman and degrading treatment or punishment, shall be interpreted in a manner conforming to Universal Declaration of Human Rights, International Covenants on Human Rights and International Instruments adopted by Ethiopia.

11. Apart from the constitutional provisions, the Criminal Code of Ethiopia under Article 74 (1) stipulates that superior order cannot be evoked as a defence in cases where the subordinate is aware of the criminal nature of the superior's order particularly in cases of heinous crimes including acts of torture. Furthermore, under Articles 243 (3), 424, 270 (a), 271 (1) (a), 272 (a) and other provisions of the Criminal Code of Ethiopia, acts of torture have been criminalized.

12. Ethiopia has promulgated Protection of Witnesses and Whistle blowers of Criminal Offences Proclamation No. 699/2010. The law has provided measures to be taken by the State to protect witnesses and whistle-blowers from consequential direct or indirect intimidation and attack. To this effect, OAG has established a directorate to facilitate the protection measures in organised manner.

13. OAG, Federal Police Commission and Federal Prison Commission have, respectively, been established by Proclamation No. 943/2016, 720/2011 (as amended by Proclamation No. 944/2016) and Proclamation No. 1174/2019). The Treatment of Federal Prisoners Regulation No. 138/1999 has also been enacted to specify measures to be taken in order to secure the rights and safety of prisoners including the protection from cruel and inhuman treatment or punishment.

14. One of the major legislative developments during the reporting period is the promulgation of the new Prison Proclamation. This law has significantly enhanced Ethiopia's compliance to the principles and standards of international human rights instruments with regard to conditions of detention and prisoners' rights. Noteworthy developments compared to the previous laws include the express prohibition of torture, cruel and inhuman treatment or punishment, the prohibition of solitary confinement for more than fifteen consecutive days and the introduction of complaint mechanism allowing appeals to be lodged before courts with regard to treatment and disciplinary measures.

15. A draft regulation has also been prepared based up on the Federal Police Proclamation has expressly provided that police officers are subject to disciplinary measure if there is a valid ground to believe that they have committed acts of torture. A separate law has also been drafted pertaining on the use of force and is under consultation before it is submitted to HoPR.

16. Significant development has been taken to enhance the compliance of the military justice system with international human rights standards. In this regard, the recently adopted proclamation No. 1100/2019 gives military courts power to try any member of military force charged with having committed any of the criminal acts specified under the Criminal Code of Ethiopia (see article 270 (a), 271 (1) (a) and 272 (a)). Regulations have also been adopted prohibiting members of the national defence force from violating citizen's right and human dignity and protection against bodily harm and inhuman treatment in the course of their active duty.

Policy and Administrative Measures

17. Ethiopia has adopted Criminal Justice Policy in 2011. The policy provides that, in any criminal proceedings, evidence should be gathered in a manner provided by law. Thus, evidence collected arbitrarily against procedural norms specified by law including any evidence obtained under coercion shall not be admissible. This is in conformity with the constitutional principle and detailed rules of the Criminal Procedure Code.

18. As an administrative measure, Ethiopia adopted its 1st NHRAP which lasted from 2011 to 2015 and is now implementing its 2nd NHRAP which remains in effect until mid-2020. In order to follow up the implementation of the action plan, a National Coordination Board composed of nine senior federal government officials headed by the Attorney General has been established.

19. As part of the political reforms that commenced in April 2018, the *Ma'ekelawi* detention center where suspects of serious crimes used to be subjected to torture and kept in inhuman conditions has been closed. A subsequent criminal investigation led by OAG uncovered and shut down a number of secret detention facilities where suspects were subjected to torture and other abuses by former members of the National Intelligence and Security Service (NISS). Other places of torture and inhuman treatment have also been shut down such as the *Jigjiga* Central Prison located in the capital of the Somali Regional State.

20. The Justice Sector Reform Council composed of the President of the Federal Supreme Court, the Attorney General, the Federal Police and the Federal Prison Commissioners oversees the implementation of reform initiatives that, among others, target the improvement of conditions of arrested persons and convicted prisoners.

21. 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 members of the Federal Police or the National Defence Force violate individuals' right and human dignity, particularly the right to be protected against bodily harm and inhuman treatment in the course of their active duty, a mechanism is in place to ensure accountability.

22. Federal and regional police as well as prison commissions have incorporated the right to human dignity and prohibition against torture and inhuman treatment in the curricula of their respective training institutions and provide regular pre-service and on-job trainings to their members to ensure that they do not commit violations and are able to prevent violations by third parties.

23. Business Process Reengineering (BPR) has been implemented in the justice sector since 2010. This reform enhances cooperation between institutions in the justice sector. As a result, prosecutors are assigned to each police station and investigation center and oversee the entire investigation process. They visit persons under custody and take legal measures if there is any violation of human rights. Further strengthening this scheme, OAG has now been legally mandated to lead, supervise, follow up and coordinate the criminal investigation function of the federal police pursuant to Definition of Powers and Duties of the Executive Organs of the FDRE Proclamation No. 1097/2018. Equivalent offices of regional states are also entrusted with similar duties and responsibilities.

24. In 2018, OAG established an independent body, the Justice and Legal Affairs Advisory Council, with a mandate to advise it with respect to legal and administrative reform measures in the justice sector. Members of the Council include renowned legal scholars, jurists and private practitioners. With the facilitation and serious engagement of the Council, laws which had allegedly been undermining the enjoyment of rights, such as the Anti-terrorism, the charities and societies, media related and election laws are being revised. Amongst these the Charities and Societies law and the Anti-Terrorism Proclamation have already been repealed and replaced by the Organization of Civil Societies Proclamation No. 1113/2019 and Proclamation to Provide for the Prevention and Suppression of Terrorism Crimes No. 1176/2020, respectively. Likewise, the new Electoral, Political Parties Registration and Election's Code of Conduct law has recently been enacted as Proclamation No. 1162/2019.

25. As a result of the policy decision to lax undue control in the post reform period, print and electronic media have been instrumental in following-up and reporting on human rights violations particularly in detention and prison facilities which helped the Government to take measures towards ensuring accountability and prevention of further human rights abuses.

26. OAG adopted a Prosecution Manual in April 2016. This manual provides guidance on proper procedures for the investigation and prosecution of all crimes and emphasizes the protection of suspects and detainees including the right to be protected from torture. Regular pre-service and on-job trainings are provided to prosecutors based on the manual. Likewise, the Federal Police Commission is finalizing the preparation of an investigation manual.

27. Prison commissions have built-in mechanisms to receive and entertain transfer applications from prisoners to prison facilities proximate to the domicile of their families.

28. In order to shorten pre-trial detention, Ethiopia adopted and implemented the Real Time Dispatch (RTD) model of criminal justice in 2010. As a result, suspects indicted of flagrant as well as non-complicated offences appear and are tried before a court of law in an expedited manner and with due regard to the principle of due process of law.

29. Ethiopian courts have established special benches to entertain cases involving children in conflict with the law. Article 52-56 and 157-168 of the Criminal Code of Ethiopia provide special procedures and measures to be taken in cases of children in conflict with the law including for them to be kept separately from adults.

30. Courts have likewise established special benches to entertain cases of human trafficking and smuggling of migrants. Judges assigned to the benches have also taken special trainings on the adjudication of such cases.

Article 3 Expulsion, deportation and extradition

31. The FDRE Criminal Justice Policy has laid down the framework for international cooperation in criminal matters including extradition. Such framework should be based on international law principles and conventions that Ethiopia is a party to. Therefore, the Criminal Justice Policy requires that the principle stipulated under Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment concerning extradition of persons be followed.

32. Ethiopia has concluded bilateral agreements on extradition with People's Republic of China, Republic of Djibouti, Rwanda, Sudan and Uganda. It also became a party in 2011 to the Inter-Governmental Authority for Development Convention on Extradition. Issues of extraditing offenders or suspects of a crime are dealt according to these agreements and standards set under Ethiopian law and international treaties including CAT.

33. The Refugee Proclamation 1110/2019 under Article 11 enshrined the non-refoulement principle which gives due recognition to Article 3 of CAT. According to this provision, "no person shall be refused entry in to Ethiopia or expelled or returned from Ethiopia to any other country or be subject to any similar measure if as a result of such refusal, expulsion or return or any other measure, such person is compelled to return to or remain in a country where he may be subject to ...torture...." Currently, Ethiopia is the second largest host in Africa having more than 950,000 refugee population and complies with the non-refoulement principle.

34. The decision making process to ascertain refugee status and asylum request gives adequate procedural due process safeguards to the applicant including granting an observer status for representative of United Nations High Commissioner for Refugees in the decision making.

35. One of the important developments introduced by the Refugee Proclamation No. 1110/2019 relating to the ascertainment of refugee status is an appeal procedure whereby, in addition to the already existing administrative appeal scheme, an applicant denied of

refugee status may challenge the legality of the administrative decisions before the Federal Supreme Court.

36. With regard to expulsion of a criminal offender of foreign nationality, Article 150 of the Criminal Code of FDRE stipulates that the decision is reserved to the judiciary. In addition, the same provision provides that such decision should not be in contradiction with international conventions that Ethiopia is a party to.

Article 4

Acts of torture, attempts, participation and penalties

37. Notwithstanding the limitations with respect to a comprehensive legislation on torture, Ethiopia has promulgated a number of legislations that criminalize acts amounting to torture and other cruel, inhuman or degrading treatments during the reporting period. These include the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation, the Proclamation on the Prevention and Suppression of Money Laundering and Financing of Terrorism, and Computer Crimes Proclamation.

38. The Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909/2015, for instance, provides that if anyone, including public officials and civil servants, for the purpose of exploitation or any other purpose uses a threat or force or other means of coercion as a means to traffic persons and smuggle migrants will be punished with rigorous imprisonment and fine or in extreme cases such as where the victim lost his/her life as a consequence of the crime, with the death penalty.

39. The Proclamation on the Prevention and Suppression of Money Laundering and Financing of Terrorism No. 780/2013 has also provided for a punishment of rigorous imprisonment from five to ten years and fine from birr 10,000 to 50,000 on a person who causes a threat, inducement or violence for the purpose of preventing a person who is or can be a witness or a person who has close relationship with the witness for an act of money laundering and financing of terrorism from testifying.

40. Similarly, the Computer Crimes Proclamation No. 958/2016 also provides for a punishment up to five years rigorous imprisonment on perpetrators who intimidates or threatens another person or his families with serious danger or injury by disseminating any writing, video, audio or any other image through computer systems. The law further stipulates that a person will be punished up to ten years of rigorous imprisonment if he/she causes fear, threat or psychological strain on another person by sending or by repeatedly transmitting information about the victim or his families through computer system or by keeping the victim's computer communication under surveillance.

Article 10

Education and information

41. To foster the effective realization of the Convention, Ethiopia has widely conducted trainings on protection and promotion of human rights including the right to be protected from acts of torture and ill-treatments to different personnel of law enforcement institutions and the public in general. So far, the training has been provided to police, military, public prosecution, public defenders, courts, prison administration and medical personnel. Students and the general public have also benefitted from trainings on human rights.

42. The thematic areas of the trainings include constitutional safeguards, protection of human rights during criminal investigations, weighing of evidence in the administration of justice, interrogation and investigation techniques, framing of criminal charges, techniques of public defending, and skills of identifying and reporting acts of torture.

43. In 2017/18 alone, the Ethiopian Human Rights Commission provided human rights awareness trainings and workshops to more than 32,088 members of police, prison officers, National Defense Forces, community elders, school children, women, persons with disabilities, and others. OAG has also provided trainings to more than 5,300 government officials, experts and the general public on human rights and Ethiopia's NHRAP in

2017/2018 (these figures are not inclusive of awareness created through media). The Federal Police Commission has also provided trainings on anti-terrorism and human rights to 6,500 recruits and police officers in 2017/18.

44. Moreover, courses on constitutional law, human rights, and humanitarian law are integral part of the curricula in all universities with faculties of law. International Human Rights Law is also a stream of specialization in universities offering post-graduate programs.

45. Trainings to health sector practitioners working in different government institutions were also given by Ministry of Health so as to equip them with necessary skill towards identifying and reporting signs of torture and ill-treatments.

46. As a result of the lifting of legal restrictions on CSOs from engaging in human rights activism, several trainings were also provided by different CSOs especially, in the latter stage of the reporting period. Accordingly, the CSO's Proclamation No. 1113/2019 has shorn off the financial and other restrictions its predecessor (Proclamation No. 621/2009) had put in place. As a result, while it is now possible for national CSOs which engage in human rights activism to substantially raise funds from foreign sources, locally registered foreign CSOs themselves can directly engage in such activities.

Article 11

Rules on arrest, detention or imprisonment

47. The information laid down on rules of arrest, detention or imprisonment and standards on treatment of prisoners under paragraphs 52–56 of Ethiopia's initial report on CAT (CAT/C/ETH/1) are still valid.

48. Article 19 of the FDRE Constitution entitles that every individual has a right to be informed of the reason why he/she is arrested. Some other fundamental safeguards specified under the said provision of the Constitution are discussed in paragraphs dealing with Article 13 of the Convention in this report. The Criminal Justice Policy of Ethiopia also gives a priority to provide a strong limitation on action or measures to be taken by investigators if it has a nature of violating human rights.

49. The Criminal Procedure Code of Ethiopia has expressly provided procedural safeguards to rights of suspects and accused persons. Accordingly, Article 27 of the Code obliges an arresting or investigating officer to expressly inform a detainee that he/she has the right to remain silent and that any statement he/she voluntarily gives can be brought before a court of law as evidence against him/her. Similarly, Article 31 of the same Code prohibits the police from inducing or threatening or applying any other improper method in the process of examination of witnesses. In fact, revision of the Procedure Code itself has now been completed and submitted to the Council of Ministers of the FDRE for further deliberations. When adopted by HoPR, it will provide further protections in these respects.

50. Pursuant to Article 19 of the FDRE Constitution, arrested persons have a right to be released on bail. This right can be exercised as of the time of detention lasting through the course of trial. Where an investigating police officer refuses or is not mandated to release detainees on bail, and fails to bring them before a court within the prescribed time limit; or if the arresting police officer or the law enforcer fails to disclose the reasons of arrest, the detainees are entitled to the right of *habeas corpus*.

51. Based on the National Human Rights Action Plan (2015/16–2019/20), the Prison Administration Commission, subject to annual revision, adopted its own action plan on protection of prisoner's rights. The action plan has incorporated the right to be protected from torture and other cruel, inhuman or degrading treatment or punishment.

52. The EHRC regularly visits police detention centers and prisons across the country to evaluate their compliance with international human rights standards. The Commission publishes an annual police station and prison reports. The findings are shared with the relevant authorities and measures are taken regularly to improve the conditions of detention

with available resources. The HoPR and Regional Councils, Offices of the Federal and Regional Attorney Generals as well as Justice Bureaus conduct regular visits to police detention centers and prisons to ensure these facilities continually improve the conditions of detention.

53. Independent observers are also given access to places of detention. The ICRC and local CSOs that work on human rights issues visit places of detention. The ICRC has signed a MoU with the Government to allow them free access to all prison facilities. In 2017, the UN High Commissioner for Human Rights also visited the *Kilinto* Remand Center located in Addis Ababa. These independent observers and CSOs give their findings to the prison administrations for any concern that need their immediate attention and appropriate measures will be taken accordingly. Furthermore, the findings of these independent observers and CSOs, to the extent they are found credible and useful, are incorporated into the NHRAP for further measures towards the improvement of conditions of detention.

54. Moreover, the Government has also created a system of inspecting the conditions of prison facility as it has been discussed under paragraph 19 above.

55. In order to prevent acts of detention *incommunicado*, different safeguarding mechanisms and measures have been implemented. In this regard, the law does not recognize the practice of detention *incommunicado* as legitimate act in any way. Consequently, acts amounting to it will be regarded as illegal *per se*. In addition to this, the Constitution acknowledges the right of arrested, accused and convicted persons which include the right of *habeas corpus*, the right to be visited by spouses, relatives, friends, legal & religious counsel and physician. Furthermore, as stated under paragraph 18, the Government has closed down seven secret detention centers that were administered by the NISS, which served as places where detention *incommunicado* were conducted contrary to domestic and international legal obligation of the Country. Further criminal investigations are underway to bring the perpetrators of grave violation of human rights to justice.

56. EHRC is mandated as per Proclamation No. 210/2000 to undertake investigation, upon complaint or on its own initiation, with respect to human rights violations and to give recommendations to the concerned governmental agencies. Accordingly, the Commission regularly visits prison facilities and submits its findings and recommendations to the Government. The latter gives due attention to implement recommendations of the Commission.

Article 12

Investigation

57. The Criminal Justice Policy of Ethiopia lays down the principles for criminal investigation. Section 3.4 states that a criminal investigation may be conducted on crimes planned to be committed, on preparation, on an attempt or on alleged fully committed crimes. In addition to the rules in the Criminal Procedure Code, the policy introduced organized system of investigation involving the police and public prosecutors. The Federal and Regional public prosecution offices have duty to lead and follow up the investigation in order to ensure its legality.

58. The Federal Attorney General's Establishment Proclamation No. 943/2016 states under Article 6(3)(a) that the OAG has the power to initiate, monitor, discontinue or restart criminal investigations and ensure investigations are conducted in accordance with the law. In line with its duty to oversee investigation, the Federal Attorney General also has a responsibility as per Article 6(8)(c) to ensure the protection of human rights of persons arrested by taking appropriate measures to avert any unlawful act and to be corrected forthwith. It also takes measures or cause measures to be taken based on the law against people who are found to have transgressed the law. These same powers and responsibilities are also vested in Regional Attorney General Offices and Justice Bureaus.

59. The power and duty of investigating crimes is conferred upon police institutions. Under Articles 22 *et seq* of the Criminal Procedure Code of Ethiopia, police have duty to investigate whenever they know or suspect that an offence is committed. They have a duty

to investigate even though they have an opinion that the accusation or the information they got is open to doubt. Ethiopian law requires mandatory commencement of criminal and disciplinary investigations into all allegations of torture.

60. Federal Police Officers Administration Regulation No. 268/2012 classifies the commission of any act of torture or infliction of bodily injury by a member of the police forces as a serious disciplinary offence. Members subject to disciplinary and criminal investigations for violation of criminal and serious disciplinary breaches may be suspended for up to two months during the investigation where there is reason to believe that they may obstruct the investigation or the offence may entail dismissal.

61. Likewise, Federal Public Prosecutors Administration Regulation No. 443/2018 requires public prosecutors to respect and uphold human dignity while carrying out their duties. Violation of this responsibility entails disciplinary measures in addition to criminal liability. Prosecutors may be suspended for up to 45 days during the investigation.

62. There is also an instance where a court of law may monitor an investigation. The conjoint readings of Articles 22(2) and 172 of the Criminal Procedure Code shows that an investigation against a young person is to be carried out with express order of a court. The court gives instructions to the police officer as to the manner in which the investigation should be conducted. In cases where the offence a young person is accused of entails a punishment of rigorous imprisonment exceeding ten years or death penalty, the court directs the public prosecutor to frame a charge.

63. With regard to fundamental safeguards of persons under investigation, the Constitution and other legislations of Ethiopia have provided several essential principles. The right not to be arbitrarily arrested, to be informed of any charge against them in a language they understand, not to be compelled to answer any question, to be informed of their rights to remain silent, to be informed that any statement they might make may be used as evidence before the court, to be brought before the court within 48 hours, to be released by courts from arbitrary arrest or to be released on bail, and not to be searched without warrant.

64. Following the commencement of the political reforms in 2018, one of the major reform priorities was ensuring accountability for serious human rights breaches. Criminal investigations against senior federal and regional public officials for acts of torture have been completed and most are currently on trial. For example, Mr. Getachew Assefa¹ (former Director of the NISS) *et al* (26 Persons), Mr Abdi Illey (former President of the Somali Regional State), General Abdurrahman Abdullahi Duralleh (Senior Commander of the Somali Regional State *Liyu* (special) Police and other senior officers of Somali *Liyu* (special) Police *et al* (47 persons), Commander Alemayehu Hailu (former Director for Terrorism Crimes Investigation Division at the Federal Police) *et al* (10 Persons), Officer Gebemariam Welday (former Chief of Kilinto Prison Guard) *et al* (8 Persons) are some of the cases of torture and other grave human rights violations being tried before the Federal Courts currently.

Article 13

Right to complain

65. Since acts of torture and ill treatment are expressly prohibited by the Constitution and made criminal offence by the Criminal Code and other legislations the ordinary compliant mechanism enshrined under the Criminal Procedure Code apply *per se*.

66. The Criminal Procedure Code, from Articles 11-18, provides that any person has the right to report any offence, whether or not he/she has witnessed the commission of the offence, with a view to criminal proceedings being instituted. Moreover, anonymous complaints/accusations mechanisms are allowed with a view to disclose serious breaches of the law.

¹ Federal High Court Case File No 238040.

67. By virtue of Article 19 of the FDRE Constitution and Article 29/1/ of the Criminal Procedure Code, an arrested person has the right to be brought before a court within 48 hours after detention. An arrested person can lodge his/her complaint before a judge concerning ill treatment in police custody. The Court may order the commencement of criminal investigations and that the detainee receive medical treatment, release of the victim from custody or any other remedy that is deemed appropriate to the particularities of the case. Arrested persons are also regularly visited by public prosecutors who are legally required to ensure the physical and mental wellbeing of persons in custody and take appropriate legal measures where violations of rights have been committed or complaints are received.

68. Besides the above mentioned complaint mechanisms, EHRC serves as a complaint outlet for victims of torture or ill treatment. 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 the Commission is punishable by imprisonment and/or fine.

69. Federal and regional law enforcement institutions such as Police, Attorney General Offices and Prison Commission and Administrations have established complaints mechanisms through their respective regulations and directives. For instance, pursuant to Article 28 of the Council of Ministers Regulation on the Treatment of Federal Prisoners 138/2007, prisoners have the right to lodge any complaint, including complaints of torture or ill treatment either orally or in written form before concerned officials of the Prison Commission or Administration. The new Federal Prison Proclamation allows complaints to be lodged before courts of law in addition to the prison administration.

70. The Protection of Witnesses and Whistle-blowers of Criminal Offences Proclamation No. 699/2010 has extends equal protection to both complainants of torture as witnesses and whistle-blowers. By the same token, Proclamation No. 210/2000 extends protection to complainants of rights violations including torture or ill treatment with the EHRC. Any person who causes harm to witnesses (or complainants) before the Commission is punishable with imprisonment and/or fine.

71. Because HTPs are made criminal offences by virtue of Article 561-570 of the Criminal Code, the state's law enforcement machinery has the duty to receive and entertain any complaints and allegations related to these offences. The police and militia structure at the grass root level all over the country are required to refer to one-stop centres (further explained under paragraph 138) so as to make the environment conducive for complaints related to HTP offences.

72. In addition to the role of the law enforcement structure's duty, NHRI like the EHRC and the Ombudsman are institutions to receive, channel and entertain complaints related to HTPs. Some CSOs also receive complaints and forward it to the relevant institutions.

73. Notwithstanding the presence of internal complaints mechanisms within the various law enforcement agencies, the Government is cognizant of the fact that the independence and impartiality of these mechanisms still leaves much to be desired. It is with this realization in mind that the Government is currently undertaking the design of a new system of accountability for the police institution along with a new legislation to regulate the use of force. The draft law aims to establish a robust complaint mechanism independent from the regular crime prevention and investigation departments within the police institution to enhance accountability for human rights violations.

Article 14

Remedies for victims

74. In addition to the information provided under the previous report, Proclamation No. 909/2015 provides for the establishment of a Fund to prevent and control crimes of trafficking in persons and smuggling of migrants and rehabilitate victims of the same. The sources of the Fund are from the Government, proceeds of sale of properties confiscated or fines imposed as per the law, voluntary contributions from individuals, the private sector,

CSOs and grants from different international organizations and donors. The funds are used to provide assistance and material support for victims, provide trainings, covering relief, rehabilitation, re-integration expenses for victims and the construction of temporary shelters. These funds can also be used for victims of torture where it occurs in connection with trafficking offenses.

75. 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 consisted primarily of the provision of free public housing or land, creation of job opportunities and in some cases monetary support. However, the State recognizes that there is need to systematize the provision of redress and rehabilitation.

Article 15

Statements obtained under torture

76. In addition to the information provided under the initial State report, the Criminal Justice Policy of 2011 prohibits admission of illegally obtained evidences including forced confessions in a court of law. This is one of the main reasons for releasing and/or dropping of charges brought against thousands of prisoners and all arrested persons in 2018.

Article 16

Acts of cruel, inhuman or degrading treatment or punishment

77. Any acts of cruel, inhuman or degrading treatment or punishment are outlawed under Ethiopian laws. The constitutional as well as other prohibitions, the preventive measures and remedies stated with regard to torture equally apply to these acts as well.

78. In addition, different legislations made cruel, inhuman or degrading treatment or punishment a punishable crime. Starting from the Criminal Code, Articles 243/3/ (Endangering or Subjecting of Migrants to Inhuman or Degrading Treatment While Smuggling them), 590 (Aggravated Crimes of Coercion, Illegal Restraint, and Abduction), 620-628 and 634-638 (Sexual Violence including Rape) in one or another way aimed at criminalizing acts of cruel, inhuman or degrading treatments or punishments. Furthermore, human trafficking, which is one of the forms of cruel, inhuman or degrading treatments or punishments is made a punishable crime by Proclamation No. 909/2015.

79. The 2011 Criminal Justice Policy caters for the needs and special situation of women — both as defendants and victims. It further provides for the establishment of a separate system for prevention, investigation and prosecution of crimes committed against women, children and persons with disability.

80. In tandem with the above, the Government also adopted the National Strategy on Harmful Traditional Practices (HTPs) and the accompanying action plan on Female Genital Mutilation (FGM), child marriage and abduction in 2013. The Revised Sentencing Guideline No. 2/2012 is issued by the Federal Supreme Court in 2012 to guide determination of criminal sentences. Accordingly, the guideline has set an increased lower end of the penalty in sentencing sexual violence crimes covered under articles 620–628 of the Criminal Code.

81. Through platforms created by the Government with the aim of facilitating community based dialogue against the deep rooted practices of HTPs and different forms of GBV, sensitization of 385 religious organizations and 830,352 religious and community leaders on the need to end FGM and other forms of HTPs; inclusion of HTPs and GBV in the curriculum of theology colleges, and dissemination of messages concerning FGM and HTPs through print and electronic media to an estimated nine million people. These efforts contributed to the decrease in the rate of FGM from 56 per cent to 23 per cent; child marriage from 21 per cent to 8 per cent, and decline in the incidence of abduction by 12.7 per cent.

82. Extensive measures have been taken in Ethiopia to improve the conditions of detention centres and prisons. Among the measures taken include improvement of basic services with in police custody centres and prisons. Accordingly, the daily budget for food and drink for a single prisoner at the federal prison administration has doubled. A decision has been reached in May 2019 to further increase the daily budget allotment. The OAG is also working with development partners to improve conditions of detention in all police stations in Addis Ababa including reduction of congestion, improved water supply, better sleeping facilities and other basic amenities.

83. The Federal Prison Commission and regional state prison administrations are building new prison facilities and upgrading existing ones to enhance compliance with international human rights standards. For instance, the Federal Government is building four new prison facilities to ensure prisoners are kept in conditions that respect their human dignity. The facilities under construction, inter alia, include modern cells, administrative blocks, academic and vocational schools and are also fitted with ramps and disability friendly latrines.

III. Additional information requested by the Committee

84. Additional information requested under paragraph 42 of the Committee's concluding observations (CAT/C/ETH/CO/1) has been addressed by paragraphs under the subsequent section of this report dealing with compliance with the Committee's conclusions and recommendations.

IV. Compliance with the Committee's conclusions and recommendations

85. Ethiopia has accepted a recommendation given by this Committee on the relevant concluding observation (CAT/C/ETH/CO/1, paragraphs 9, 10) and under the third cycle review of the UPR concerning the incorporation of torture as an offence in its criminal laws and make it punishable by appropriate penalties taking into account the grave nature of the offence. The new legislation on torture will incorporate a definition that covers all of the elements contained in Article 1 of the Convention.

86. In response to the concerns and recommendation of the Committee relating to making accountable the perpetrators of torture and cruel, inhuman, and degrading treatment or punishment, taking effective measures of prevention and redress (CAT/C/ETH/CO/1, paragraphs 10), Ethiopia has taken important steps described under paragraph 18, 63, and 74 of this report.

87. Moreover, in a televised address before Parliament, the Ethiopian Prime Minister publicly admitted that torture was practiced by the security forces as a means to stifle political dissent and obtain coerced confessions from suspects. He apologised for and condemned the practice and immediately thereafter proceeded to hold to account perpetrators including senior members of the security and law enforcement agencies. This has marked a new era of commitment to human rights in Ethiopia including the unconditional prohibition of torture and cruel, inhuman and degrading treatment or punishment.

88. Regarding the Committee's concerns and recommendations in relation to investigation and prosecution of culprits to acts of torture and cruel, inhuman and degrading treatment or punishment (CAT/C/ETH/CO/1, paragraphs 11), measures have been taken as is stated under paragraphs 18, 63, and 74 of this report. Thus, while there are instances where officials and members of regional militia forces are held accountable for acts of torture, there are, however, no private militia forces operating in regional states throughout Ethiopia.

89. In relation to the Committee's concerns on legal safeguards for detained persons, (CAT/C/ETH/CO/1 Para. 12), Article 19 (3) of the Constitution guarantees arrested persons the right to be brought before a court within 48 hours of their arrest. Hence, the law requires

any arrested person to be brought before a court of law promptly and that this may not exceed 48 hours. However, cognizant of the fact that there are areas in Ethiopia that are extremely remote, inaccessible and more than two days away from any court of law, the law creates an exception to the 48 hour maximum limit. Accordingly, the police are still bound by a duty to produce the arrested person promptly; save for the reasonable time spent in journey to the court. The Government is assiduously engaged in efforts to enhance the accessibility of courts across the country to curb delays in the appearance of arrested persons before a court of law within the prescribed time frame.

90. Regarding concerns raised in connection with the possibility of repeated remands of 14 days, the Criminal Procedure Code provides under Article 59/3/ that a remand may be granted for not more than 14 days on each occasion. However, the police are required to provide clear justifications for each request for remand while judges are required by law to ensure that each remand given is strictly limited to the amount of time strictly necessary to effectively carryout the investigation and that no remand time is wasted by the investigative officers. Where the court is of the opinion that there are no legal grounds to justify the detention or the continued detention of the suspected person is no longer necessary for the investigation or that the police have not effectively utilized the time provided under remand, the court has the power to grant bail to the suspect or order his/her release from custody. Efforts are underway to make investigative officers strictly observe these provisions and for courts to be more stringent in their interpretation of the law.

91. In a bid to shorten pre-trial detention, the Criminal Justice Policy provides that deadlines must be put in place for criminal investigations and those unjustifiable failures on the part of the investigative authorities to complete investigations in time where the suspect has been denied bail must entail disciplinary measures on the investigator. Accordingly, Business Process Re-engineering documents adopted by police and prosecutorial authorities at the federal and regional levels place deadlines for the completion of investigations on petty, medium and serious crimes. Both investigators and prosecutors are required to adhere to these rules and are evaluated accordingly.

92. Article 20(5) of the FDRE Constitution guarantees accused persons the right to be represented by legal counsel of their choice, and if they do not have sufficient means to pay for it and miscarriage of justice would result, to be provided with legal representation at the state's expense. While the law clearly guarantees everyone this right, it is often the case that most arrested persons cannot afford to obtain legal counsel or representation from the moment of arrest. This, coupled with the serious challenges in the country related to the small number of private practitioners, free legal aid providers and public defenders, has meant that most indigent arrested persons go without legal counsel. To rectify these challenges, the Government is currently finalizing a National Legal Aid Strategy that will enhance the provision of free legal aid services to persons in need both in civil and criminal matters. 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.

93. Article 19(1) and (2) of the Constitution provide that persons arrested have the right to be informed promptly, in a language they understand, of the reasons for their arrest and of any charge against them. They also have the right to remain silent, and to be informed promptly that any statement they make may be used as evidence against them in court. The same guarantees are provided under Article 27(2) of the Criminal Procedure Code. In reality however, repeated assessments by both the OAG and the EHRC have revealed that the suspected persons are rarely informed of their rights. To rectify this, the Government has recently adopted an investigation manual that compels investigators to inform arrested persons of their rights. All pre-service and continuous on-job trainings provided to investigators also emphasise this right.

94. The Government has taken various important measures in response to the Committee's concerns and recommendations concerning a visit of prisons by independent entities and to address the issues raised in the findings of the EHRC report (CAT/C/ETH/CO/1, paragraph 13). The measures taken with respect to conditions of detention and prison facilities have already been discussed under paragraphs 81 and 82 above.

95. Furthermore, visits to prison facilities by independent humanitarian organizations such as the ICRC are discussed under paragraph 52 of this report. The restrictions placed on the activities of the ICRC in the Somali Regional State has now been resolved and the Committee is functional throughout the country. The new Federal Prison Proclamation has also provided a permit scheme for local and international bodies to visit prison facilities.

96. Reform initiatives are also being carried out at the EHRC to strengthen its capacity to carryout regular, meaningful and consequential monitoring of detention places. To this end, the EHRC is currently reviewing its establishing proclamation to strengthen its mandate and enhance its compliance with the Paris Principles.

97. Taking into account the recommendations of the Committee about the Anti-terrorism Proclamation, (CAT/C/ETH/CO/1 Para. 14) and other necessitating identified concerns, Ethiopia has repealed the Anti-Terrorism Proclamation No. 652/2009 and replaced it with a new proclamation. Provisions of the former proclamation which permit the police to arrest, without court warrant, any person whom he/she reasonably suspects to have committed or are committing a terrorist act and other evidentiary and procedural rules that unduly restrict legal safeguards against torture and ill-treatment for persons including provisions that deal about detention and remand order and admissibility of evidences are entirely deleted and not the regular Criminal Procedure Code is the applicable law to investigate and prosecute terrorism crimes.

98. With regard to arbitrary arrest or detention, (CAT/C/ETH/CO/1 Para. 15), Article 17 of FDRE Constitution has expressly recognized the right to liberty. Accordingly, every person is protected from arbitrary arrest. Unlawful arrest or detention is a punishable act under Article 423 of the Criminal Code of Ethiopia. Furthermore, in order to minimize the prolonged pre-trial detention, the Government has taken important measure as discussed under paragraphs 89 and 90 above.

99. Acts indicated in the recommendation (CAT/C/ETH/CO/1 Para. 16) are admittedly atrocious and entail grave punishment as per the criminal law. Any member of the security or the National Defence Force suspected of committing such acts will thus be brought before formal or military courts as the case may be. In this regard, the Government has taken important steps to hold accountable the perpetrators of grave human right violations including torture as it has been indicated under paragraph 63 above. However, we regret not to have included specific measures taken against members of these forces as per paragraph 16 of the COB for the lack of evidence to initiate investigations and institute charges against them.

100. With respect to the recommendations of the Committee as to effective compliant mechanisms (CAT/C/ETH/CO/1 Paragraph 18), Ethiopia has taken measures as discussed under paragraphs 18, 63 and 74 of this report.

101. Complying with the Committee's recommendation (CAT/C/ETH/CO/1 Para. 19), Ethiopia has adopted Refugees Proclamation No. 1110/2019. This Proclamation permits any person denied refugee status by the Refugees and Return Affairs Agency to appeal to the Appeal Hearing Council established by the Proclamation. If still not satisfied with the decision of the Council, the person may, within thirty days of receipt of the written decision of the Council, appeal to the Federal Supreme Court claiming error of law.

102. Ethiopia is also undertaking a study and consultations to determine the existence and magnitude of the problem of statelessness in the country. The ratification of the Conventions relating to the Status of Stateless Persons and the Reduction of Statelessness depends on the outcome of the study and these deliberations.

103. Concerning the recommendations regarding abduction of terrorism suspects from other countries (CAT/C/ETH/CO/1 Paragraph 20), the Government shares the Committee's concerns pertaining to abduction of suspects of terrorism. Although the Government is not aware of the specific instance of abduction allegedly conducted in neighbouring Somalia, there were few incidents where suspects and convicts *in absentia* used to be brought to Ethiopia without fulfilling the formal requirements. Following the political reforms that commenced in 2018, the suspects (who had been charged with terrorism out of political motivations) have been released from detention and the intelligence and police officers

responsible for the irregularities as well as a number of other human rights abuses are currently standing trial.

104. With respect to the Committees' recommendation regarding trainings to personnel of judicial, law enforcement and other sectors (CAT/C/ETH/CO/1 paragraph 21), the Government has been providing pre-service and on-job trainings as discussed under paragraphs 40, 41 and 42 of this report.

105. With regard to the Committee's concerns and recommendation in connection with the independence of the judiciary (CAT/C/ETH/CO/1 Paragraph 22), the FDRE Constitution under Article 78 has guaranteed the independence of the judiciary. In order to further enhance their independence, courts are currently undergoing deep-rooted reforms to ensure their independence and improve their efficiency. The Federal Supreme Court has recently established an independent Judiciary Reform Advisory Council. The Council is composed of 15 prominent independent legal professionals in the country and is mandated to identify and recommend measures that will enhance the independence and professionalism of the courts.

106. The Federal Judicial Administration Proclamation is also being reviewed with the aim of ensuring transparency and credibility in the recruitment and appointment of judges, to guarantee the independence, neutrality and accountability of the judiciary and curtail any undue interventions in its functioning.

107. As part of affirming its institutional independence and in keeping with the law, the Federal Supreme Court, for the first time, presented its 2019/2020 budget request directly to the Parliament and not to the executive branch of the Government (Ministry of Finance) as was the practice.

108. To address the recommendations and concerns of the Committee in relation to the jurisdiction of *Sharia* and customary courts (CAT/C/ETH/CO/1 Paragraph 23), Article 78(5) of the Constitution stipulates that the HoPR and State Councils can establish or give official recognition to religious and customary courts. It is further stated that those religious and customary courts, which had state recognition and were functional prior to the adoption of the Constitution would be organized.

109. Thus, while there exist no formally recognized customary courts so far, Islamic *Sharia* courts are established as part of the independent courts both at the Federal and Regional level, in the case of the former, by the Federal Courts of *Sharia* Consolidation Proclamation No. 188/1999.

110. Accordingly, Federal First Instance, High and Supreme Courts of *Sharia* are established pursuant to Article 2(4) of the aforementioned Proclamation. However, these courts have no jurisdiction in criminal cases, and their civil jurisdiction in addition to being confined to family and succession cases, is subject to the consent of both litigating parties. Furthermore, the litigants in family disputes, and the deceased whose estate is to be liquidated in succession cases, need to be followers of Islam. Decisions rendered by Regional States' and Federal Courts of *Sharia* are subject to further scrutiny as an appeal against such decisions can be lodged to the Cassation Bench of the Federal Supreme Court if a basic error of law was made in the decisions.

111. To this effect, the decisions of *Dire Dawa* City Federal First Instance, High and Supreme Courts of *Sharia* relating to a dispute of possessory right were quashed for lack of jurisdiction of the courts on the subject.² In another case relating to dissolution of marriage though, the applicant lodged the appeal based on lack of consent and *Res Judicata*, accepting the second claim, the cassation bench of Federal Supreme Court quashed the decisions of Afar Regional State High and Supreme Courts of *Sharia* in favour of the

² Cassation File No. 36677, Reported in Federal Supreme Court Cassation Decisions Series Vol. 9 PP 111-112.

applicant, as the case had already been brought before and decided by the First Instance Court of the Regional State before it was brought to the attention of the *Sharia* courts.³

112. Concerning the Committees' recommendation pertaining to imposition of death penalty (CAT/C/ETH/CO/1 paragraph 24), further to what the Committee noted in the COB the Federal Supreme Court of Ethiopia during this reporting period has issued sentencing guideline, which even further narrowed the likelihood of imposition of the death penalty. Thus, although as of April 2019, there have been 147 death row inmates (143 male and 4 female) no one has been executed since the last report. Furthermore, 41 death row inmates have been pardoned and released from prison during the reporting period.

113. In response to the Committee's recommendations in relation to EHRC (CAT/C/ETH/CO/1 paragraph 25), important measures and developments taken by the Government has been discussed under paragraphs 51 and 55 of this report.

114. With respect to the Committee's recommendation concerning conditions of detention, (CAT/C/ETH/CO/1 paragraph 26), Ethiopia recognizes that the conditions of detention centers and prison facilities lag behind and require significant improvements to meet international standards. Accordingly, challenges such as overcrowding, inadequate or obsolete infrastructure, lack of sanitary conditions, disease, malnutrition and violence between prisoners remain to be addressed and require relentless effort towards their significant improvement. The Government is committed to resolve these shortcomings and is working assiduously through the allocation of additional resources and capacity building.

115. Thus, as stated under paragraph 82 above, with designs fulfilling at least minimum international human rights standards, the Federal Government is building four modern prison complexes to reduce overcrowding and provide better services to prisoners to facilitate their effective rehabilitation. These complexes, *inter alia*, include cells, administrative blocks, academic and vocational schools, garages and workshops, video conference facilities for court attendance and family visitation areas. They are also fitted with ramps and accessible latrines to make them friendly to persons with disabilities. Similar efforts are underway in all regional states and city administrations to improve the conditions of detention including through the improvement of water supply, medical and sanitation services, sporting facilities, libraries and the likes.

116. At the Federal level, for the time being, young offenders are held in a quarter/zone separate from adults in the same prison facility. With the completion of the new complexes, however, there is a plan to allocate one of the existing or the new complexes entirely for juvenile offenders.

117. The subsistence budget allocated per prisoner was amended in 2015 so as to serve prisoners with better quality and quantity of meals. The effort to further improve the budget allotment is still ongoing and a decision has been made as recently as in April 2019 to further increase the daily budget allotment per prisoner. Regional governments are also expected to allocate an increasing budget to prison facilities accountable to them.

118. Standard health centers are under construction in every prison facility so as to improve the provision of health services. The prison administration has also employed ten physicians with different specialties. The prison facilities also host standard laboratories. Separate quarters are prepared for the treatment of the mentally ill and the prison administration has its own psychiatrists.

119. The Federal Prison Administration also keeps proper documentation of prisoners living with HIV. This is used for Antiretroviral Treatment and Counselling the administration renders. HIV prevention is also amongst the services provided.

120. Despite the existence of broad legislative framework and institutions vested with the protection of rights of persons deprived of liberty, serious human rights violations have been witnessed during the reporting period. The existing complaint mechanisms, even those that were considered impartial (including EHRC's regular visits to police detention centers

³ Cassation File No. 93779, Reported in Federal Supreme Court Cassation Decisions Series Vol. 15 PP 247-250.

and prisons across the country to evaluate their compliance with international human rights standards) were revealed to have at times been ineffective in preventing wide ranging human rights violations in police detention centers and prisons in many parts of the Country.

121. Therefore, major initiatives were launched after the reform to strengthen the legal framework and enhance the capacity and compliance of institutions for the protection of the rights of persons deprived of their liberty. The removal and replacement of senior management in police, prison and intelligence institutions with new management committed to the protection of human rights was the first step. This was immediately followed with the launching of criminal investigations against some of the former senior leadership of these institutions suspected of crimes such as torture, inhuman and degrading treatment as well as extra-judicial killings.

122. In addition to the statement under paragraph 95, the HoPR, as recently as the end of June 2019, has appointed a renowned former human rights activist and scholar as the new commissioner to head the EHRC.

123. The drafting of a new police use of force law and a new system of accountability, which is now being deliberated, is also a key part of the effort. Regulating police and prison officers' interactions with persons deprived of their liberty and narrowing the wide discretions existing laws provide to law enforcement regarding what type of force to use is the main objective of the draft legislation.

124. Independent observers are also given access to places of detention. The ICRC and local CSOs that work on human rights issues visit places of detention. As stated under paragraph 94 of this report, the new prison proclamation introduces a permit scheme to visit prison facilities.

125. So far as judicial supervision is concerned, a joint committee including the President of the Federal Supreme Court, the Attorney General and the Federal Police Commissioner conduct a bi-annual supervision of prisons and attempt to give solution to prisoners' complaints concerning their respective Bureaus.

126. The new prison proclamation puts obligation on the administration including to: allow prisoners take their grievances against the Commission to formal courts, permit researchers as well as mandated national and international bodies including various UN committees and special rapporteurs, access to and inspect the conditions of prisons and prisoners. These all are encouraging measures towards the betterment of conditions of detention.

127. In response to the Committee's recommendations in relation to children in detention (CAT/C/ETH/CO/1 Paragraph 27), unless it's for a discrepancy between the Amharic and English versions of the Criminal Code of the FDRE, in which case the former prevails, the cumulative readings of Articles 53 and 56 of the Code reads that all persons between the ages of 9 and 18 are treated as young persons.

128. Thus, while the law treats young persons between the ages of 9 and 15 as those who are not tried under the normal criminal procedure and are not liable to the ordinary punishments prescribed for adult offenders, young persons between the ages of 15 and 18 years on the other hand, can be tried under the normal procedures and may, in exceptional circumstances, such as where the offender is a recidivist or heinous nature of the crime, be liable to the punishments set down for adult offenders.

129. However, even in the case of the latter group of young persons between the ages of 15 and 18 emphasis should be given to the fact that the mere age of a young offender could be a mitigating factor to reduce any potential punishment. Furthermore, a young person in this age group can never be sentenced to death, though the punishment itself is subject of contention.

130. Note should also be take of the fact that Article 56 of the Revised Penal Code doesn't totally preclude applicability of those penalties prescribed under Article 166 through 168 for young offenders between the ages of 9 and 15 to those young offenders between the ages of 15 and 18 years as well.

131. The establishment of child friendly courts and child protection units in police institutions that give primary consideration to a child's right to protection has also further advanced a prompt and effective judicial procedure which minimizes arbitrary and prolonged detention of children. Such protection from arbitrary detention is not limited to criminal or juvenile justice detention but also applies in all cases where the government deprives children their liberty because of mental illness, vagrancy, drug addiction, and immigration control.

132. Currently, federal and most of regional correction centers have a separate quarter/zone for juvenile offenders who are above the age of 15 years. Similarly, there is a separate rehabilitation center for children from the age of 9-15 years who are in conflict with the law. On the other hand, rehabilitation centers for drug addiction provide the service based on the free and full consent of the beneficiaries.

133. In response to the Committee's recommendations in relation to corporal punishment (CAT/C/ETH/CO/1 paragraph 28), 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.

134. With regard to the request for detailed information by the Committee concerning numbers, causes and measures taken in relation deaths in custody (CAT/C/ETH/CO/1, paragraph 29), the Government has been taking a series of measures to ensure accountability for a number of deaths that occurred during police investigations. A number of cases of death of detainees in custody in connection with allegations of torture have been investigated and former members of the police and intelligence agencies suspected of being responsible for the deaths are currently standing trial.

135. The provision of adequate health care, within available resources, is also one of the key priorities for the prison administrations and police institutions across the country in efforts to prevent death in custody. Both the Federal Prisons Administration and the Federal Police Commission, administer their own hospitals equipped with the necessary medical equipment to provide medical services to prisoners. Most prison facilities at the regional level also have medical clinics that examine prisoners upon admission and provide continuous medical care and prevention services. Those that do not have health clinics ensure prisoners receive medical treatment at the nearest public health facilities. However, owing primarily to budget constraints, most medical clinics in federal and regional prison facilities are not adequate staffed and there is a lack of medication.

136. With regard to the Committee's request for detailed information concerning redress provided to the family members and victims of torture or ill-treatment, (CAT/C/ETH/CO/1, paragraph 30), it has been addressed in the new developments part of this report under paragraph 74 above.

137. Concerning the Committee's request which demand Ethiopia to submit information on the application of the provisions prohibiting admissibility of evidence obtained through torture, and to indicate whether any officials have been prosecuted and punished for extracting such confessions (CAT/C/ETH/CO/1, paragraph 31), both the Constitution and the Criminal Code prohibit and criminalize coerced confessions. However, as was rightly noted in the previous Concluding Observations of the Committee, ensuring the practical application of these prohibitions had proved to be a major challenge as the police and intelligence frequented the use of torture and ill treatment to obtain confessions. As noted above, the Government has taken a number of practical measures to ensure accountability for these acts 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. The reform measures in the Courts have significantly enhanced the independence of the judiciary. Judges now face no intervention in their functions and are solely guided by the law and their conscience.

138. As described in paragraph 96, the anti-terrorism proclamation has been repealed and replaced by a new proclamation. One of the reasons that necessitated the revision of the law is the need to ensure that counter-terrorism efforts are undertaken in compliance with

human rights standards. It is believed that the new proclamation has addressed the shortfalls of its predecessor. In this regard, the new law has put an obligation on the Government to assign professionals who have taken training on matters of crimes of terrorism and protection of human rights and who possesses the required experience, skill and good ethical behaviour as investigators. Moreover, to protect the dignity and fundamental rights of prisoners, and to abolish any attack, torture or any other cruel, inhuman and degrading treatments or punishments, the Federal Prison Commission is obliged to establish and implement internal and external control, permit third party visit and respect the right of prisoners to lodge a complaint both to the administration and courts of law.

139. With respect to the recommendations of the Committee as to ensure access to legal, medical, psychological and rehabilitative services for victims of child abduction, human trafficking (CAT/C/ETH/CO/1 paragraph 33), Ethiopia has expanded number of child friendly courts throughout the country. In line with these structures, there are 36 one-stop centers and 22 safe houses throughout the country to ensure the safety and rehabilitation of victims of sexual violence and psychological abuse. Moreover, a National Children's Policy has been adopted in 2017 which provides policy directions on creating conducive environment to prevent and control child abuse, trafficking, labour and HTPs, expanding appropriate rehabilitation services and child friendly courts so as to ensure speedy trial.

140. The Office of Attorney General, Ministry of Woman, Children and Youth Affairs, and bureaus at different regions with their own capacity and in collaboration with international organization and CSOs has conducted several trainings for law enforcement organs on HTP and sexual abuse against woman.

141. In relation to Committee's request to provide statistical data on a number of prosecution on perpetrators of crimes related with harmful traditional practices and other forms of violence against women, although considerable number of persons have been prosecuted and convicted both at federal and regional levels, we regret not to produce an aggregated data on the subject due to lack of well-organized documentation and ICT infrastructure.

142. It is also to be recalled that the Committee has requested Ethiopia to provide information on measures taken to provide assistance to victims of trafficking and statistical data on the number of complaints, investigations, prosecutions and sentences in relation to trafficking. (CAT/C/ETH/CO/1, para.33). Accordingly, Ethiopia has ratified the Palermo convention and its two supplementary protocols through ratification Proclamation No. 526/2007, 736/2012 and 737/2012 respectively. Relying on these instruments, the legislative organ of the State has also promulgated Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation 909/2015.

143. In addition to the establishment of fund for prevention, victim protection and rehabilitation provided under paragraph 73 of this report, the law has also established the national committee and anti-human trafficking and smuggling of migrants task force for better coordination of activities designed for victims' protection, assistance and rehabilitation, for advising in policy, plans and implementation framework formulations process, to accommodate the interest of victims and for combating the crime of human trafficking and smuggling of migrants.

144. With regard to investigation and prosecution of the reports, in 2017/18, criminal charges were filed in 731 cases against human trafficking suspects at the federal level, the Amhara, Oromia and the Southern Nations, Nationalities and Peoples Regional States. Of these, convictions were passed in 312 cases, while the defendants in 62 cases were acquitted and the remaining 357 cases are still pending. Moreover, since the promulgation of the Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation No. 909/2015, 2,686 persons have been indicted at both federal and regional levels out of which 1178 have so far been convicted.

145. With respect to recommendation of the Committee to adopt the strategy for combating trafficking in person, Ethiopia has prepared the national action plan to combat trafficking in persons which is composed of a comprehensive strategy that will be deployed as a standard operating procedure to prevent and combat the crime and to assist victims as

well. Moreover, Ethiopia has begun drafting the National Migration Policy with aim to prevent and combat trafficking in person and smuggling of migrants.

146. In relation to call of the Committee to Ethiopia, as state party, to consider lifting the funding restrictions on local human rights CSOs and to acknowledge the crucial role of CSOs in preventing, documenting and assisting victims of torture and ill treatment, (CAT/C/ETH/CO/1, para. 34), Ethiopia has lifted the restrictions on Civil Society Organizations from engaging in human rights activism. In addition, the Civil Societies Organizations' Proclamation No. 1113/2019 has also withdrawn the financial and other restrictions that had been put in place by its predecessor law as has been discussed under paragraph 45 of this report.

147. Paragraph 45, 52, 71 and 139 of this report acknowledges the role of CSOs on preventing, and assisting victims of torture and ill treatment. Furthermore, Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants Proclamation 909/2015 has also provided expressly that one of sources of fund for victims' protection, assistance and rehabilitation; combating the crime of human trafficking and smuggling of migrants are CSOs.

148. Regarding the recommendation by the Committee as to the strengthening of cooperation with the UN human rights mechanisms and other international organizations (CAT/C/ETH/CO/1 paragraph 36), Ethiopia would like to mention new developments to this effect. The UN High Commissioner for Human Rights visited Ethiopia twice on the invitation of the Government in 2017 and 2018. We have also recently accepted the requests for visits from the UN Special Rapporteurs on the Freedom of Peaceful Assembly and of Association, Freedom of Expression, Extreme Poverty, Education and Leprosy. In this regard, Ethiopia would like to reaffirm its commitment to continue to work closely with all special procedures mandate holders and the African Commission on Human and Peoples' Rights.

149. Besides this, Ethiopia also works in close collaboration with the UN organizations such as the UNDP, OHCHR, UNICEF, UNWOMEN, IOM and UNODC to improve the promotion, protection and fulfilment of human rights.

150. With regard to the Committee's recommendation concerning ratifying United Nations human rights treaties and protocols to which Ethiopia is not a party yet (CAT/C/ETH/CO/1 Paragraph 39), Ethiopia is a party to many of the international and regional human rights instruments and is ready to consider ratifying others to which it is not yet a party. To this end, Ethiopia is making preparations to accede to the International Convention on the Protection of All Persons from Enforced Disappearances (CED) and the International Convention on the Rights of All Migrant Workers and Their Families (CMW).

151. Ethiopia acceded to the Optional Protocol to the Convention of the Rights of the Child on the involvement of Children in Armed Conflict and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography on May 14, 2014 and March 25, 2014 respectively and will continue its efforts to work with all stakeholders in the adoption of international as well as regional human rights instruments.

152. Regarding regional human rights instruments, Ethiopia is a party to the African Charter on Human and People's Rights (the African Charter) and the African Charter on the Rights and Welfare of the Child (Children's Charter). Recently, Ethiopia ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) in February 2018 and is also working to accede to the African Union Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention).