



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

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## Committee against Torture

### Concluding observations on the second periodic report of Ethiopia\*

1. The Committee considered the second periodic report of Ethiopia<sup>1</sup> at its 1997th and 2000th meetings,<sup>2</sup> held on 3 and 4 May 2023, and adopted the present concluding observations at its 2008th meeting, held on 10 May 2023.

#### A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party, although it regrets that the report was submitted six years late. The Committee also appreciates the State party's written replies<sup>3</sup> to the list of issues.<sup>4</sup>

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation, and the responses provided to the questions and concerns raised during the consideration of the periodic report.

#### B. Positive aspects

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

(a) The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), on 3 June 2020;

(b) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), on 18 July 2018;

(c) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 14 May 2014;

(d) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, on 25 March 2014;

(e) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, on 22 June 2012.

5. The Committee also welcomes the State party's initiatives to revise and introduce legislation in areas of relevance to the Convention, including the adoption of the following:

\* Adopted by the Committee at its seventy-sixth session (17 April–12 May 2023).

<sup>1</sup> [CAT/C/ETH/2](#).

<sup>2</sup> See [CAT/C/SR.1997](#) and [CAT/C/SR.2000](#).

<sup>3</sup> [CAT/C/ETH/RQ/2](#).

<sup>4</sup> [CAT/C/ETH/Q/2](#).



- (a) Proclamation No. 1233/2021 of 20 May 2021 on the federal judicial administration, which aims to strengthen the independence of the judiciary;
- (b) Proclamation No. 1234/2021 of 26 April 2021 on federal courts which, inter alia, defines an institutional framework for litigating violations of human rights;
- (c) Proclamation No. 1238/2021 of 5 April 2021 on the media, which aims to ensure better protection for media workers from arbitrary detention;
- (d) Proclamation No. 1178/2020 of 1 April 2020 on the prevention and suppression of trafficking in persons and smuggling of persons;
- (e) Proclamation No. 1174/2019 of 17 February 2020 on federal prisons, which establishes controls with the objective of preventing torture and ill-treatment in detention, including prohibiting solitary confinement for more than 15 consecutive days, and provides for certain national and international bodies to visit prison facilities;
- (f) Proclamation No. 1156/2019 of 5 September 2019 on labour, which introduces minimum working conditions to avoid forced labour and labour exploitation;
- (g) Proclamation No. 1113/2019 of 5 February 2019 on civil society organizations, which lifts the financial and administrative restrictions put in place by Proclamation No. 621/2009 of 13 February 2009 on charities and societies;
- (h) Regulation No. 443/2018 on the federal public prosecutors administration, which requires public prosecutors to respect and uphold human rights while carrying out their duties;
- (i) Proclamation No. 699/2010 of 11 February 2011 on the protection of witnesses and whistle-blowers of criminal offences.

6. The Committee commends the State party's initiatives to amend its policies and procedures in order to afford greater protection of human rights and apply the Convention, in particular the following:

- (a) The adoption, in 2023, of a paper entitled "Policy options for transitional justice" and the creation of the Transitional Justice Working Group of Experts;
- (b) The signature, on 2 November 2022, by the Federal Government and the Tigrayan People's Liberation Front of a permanent cessation of hostilities agreement, which aimed to end more than two years of armed conflict in the regions of Tigray, Afar and Amhara;
- (c) The establishment, in 2021, of the interministerial task force to oversee the implementation of the recommendations contained in the *Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia*;
- (d) The adoption, in 2021, of the national strategy to prevent and repress crimes of trafficking in person and smuggling of persons (2021–2025) and the establishment of the National Partnership Coalition and the National Council at the federal level and of task forces in the regions to implement the strategy;
- (e) The creation, in 2018, of the Justice and Legal Affairs Advisory Council to advise the Office of the Attorney General with respect to legal and administrative reforms in the justice sector;
- (f) The adoption, in 2017, of the National Children's Policy, which aims, inter alia, to prevent and combat child abuse, exploitation and trafficking;
- (g) The establishment, in 2016, of the national implementation, monitoring, reporting and follow-up mechanism to coordinate and support effective implementation of human rights instruments to which Ethiopia is a party;
- (h) The adoption, in 2016, of the National Human Rights Action Plan (2016–2020) and the creation of a high-level National Coordination Board to monitor its implementation;

(i) The development, in 2016, of a prosecution manual by the Office of the Attorney General, which provides guidance on the protection of suspects and detainees, including from torture and ill-treatment, during criminal investigation and prosecution;

(j) The adoption, in 2012, of Federal Supreme Court revised sentencing guideline No. 2/2012, which requires judges to increase the lower threshold for penalties when handing down sentences for crimes of gender-based violence and sexual violence covered under the Criminal Code;

(k) The adoption, in 2011, of the Criminal Justice Policy, which provides that in any criminal proceedings, evidence should be gathered in a manner provided by law;

(l) The establishment, within the Federal High Court, of a fundamental rights bench, as well as benches for hearing cases of trafficking in persons, violence against women, and children in conflict with the law within both federal and regional courts.

## C. Principal subjects of concern and recommendations

### Pending follow-up issues from the previous reporting cycle

7. In its previous concluding observations, the Committee requested the State party to provide information on its implementation of the Committee's recommendations on: fundamental legal safeguards, rape and other forms of sexual violence in the context of armed conflict and coerced confessions.<sup>5</sup> Although the Committee's Rapporteur for follow-up to concluding observations sent a reminder to the State party on 1 December 2011,<sup>6</sup> the Committee received no response from the State party. In the light of the information contained in the State party's second periodic report and the additional information provided by the delegation during the dialogue, the Committee is of the view that the recommendations set out in paragraphs 12, 16 and 31 of the previous concluding observations have not been implemented. Those issues are covered in paragraphs 13, 17 and 47 of the present concluding observations.

### Definition and criminalization of torture

8. While noting that a comprehensive diagnostic study has been carried out by a team of experts to identify the gaps in the State party's legislation, the Committee is concerned that torture has not yet been integrated into domestic legislation as a specific crime with a definition that corresponds to the definition of torture enshrined in article 1 of the Convention and that, notwithstanding the provisions of article 9 (4) of the Constitution, under which the Convention forms part of domestic law in Ethiopia,<sup>7</sup> acts of torture that fall under article 424 of the Criminal Code are punishable only under the offence of "use of improper methods". It is further concerned that there is no clear provision in the State party's legislation to ensure that the prohibition against torture is absolute and non-derogable and that a person convicted of acts of torture under the label "use of improper methods" may be liable only to a fine, which is a penalty that is not commensurate with the grave nature of the crime (arts. 1, 2 and 4).

#### 9. The State party should:

(a) **Amend article 424 of the Criminal Code to ensure that the definition of torture is fully in line with article 1 of the Convention and that penalties for acts of torture reflect the grave nature of such crimes, in accordance with article 4 (2) of the Convention. In that regard, the Committee draws the attention of the State party to its general comment No. 2 (2007), in which the Committee stated that by naming and defining the offence of torture in accordance with the terms of the Convention, as distinct from other crimes, States parties would directly advance the overarching aim**

<sup>5</sup> CAT/C/ETH/CO/1, paras. 12, 16 and 31, respectively.

<sup>6</sup> See

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUR%2FETH%2F12336&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FFUR%2FETH%2F12336&Lang=en).

<sup>7</sup> See art. 9 (4) of the Constitution.

**of the Convention to prevent torture, inter alia by alerting everyone, including perpetrators, victims and the public, to the special gravity of the crime of torture and by strengthening the deterrent effect of the prohibition itself;**

**(b) Ensure that the principle of absolute prohibition of torture is incorporated into its legislation and that it is strictly applied, in accordance with article 2 (2) of the Convention, which stipulates that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture and that, in accordance with article 2 (3) of the Convention, in no case may an order from a superior officer or authority be invoked as a justification for torture.**

#### **Statute of limitations and amnesty**

10. The Committee is concerned that the offence of torture may be subject to a statute of limitations and to amnesties in cases when it does not qualify as a crime against humanity under article 28 of the Constitution.

**11. The State party should ensure that the offence of torture is not subject to any statute of limitations or amnesty, even in cases when it does not qualify as a crime against humanity, in order to preclude any risk of impunity in relation to the investigation of acts of torture and the prosecution and punishment of perpetrators.**

#### **Fundamental legal safeguards**

12. While noting the existing constitutional and legislative provisions regulating police custody, the Committee is concerned about consistent reports indicating that, in practice, persons in custody are not routinely afforded all fundamental legal safeguards from the outset of deprivation of liberty, in particular persons detained for terrorism-related offences or during states of emergency, including in the context of the conflict in the regions of Tigray, Afar, Amhara and Oromia. In that respect, it has been reported that: (a) the rights of persons in custody to be informed of the reasons for their arrest, the nature of any charges against them and their right to remain silent are not always respected; (b) access to lawyers is not guaranteed in practice, particularly during the period of investigation; (c) timely access to an independent medical examination is not a standard practice aimed at uncovering signs of torture and ill-treatment; (d) the right to notify a relative or a person of one's choice is often delayed and sometimes denied; (e) registers of persons deprived of liberty, including the details thereof, are not used systematically and consistently at all stages of detention; and (f) arrested persons are often brought before the competent authority well beyond the 48-hour legal time limit under Ethiopian law, leaving suspects vulnerable to an increased risk of torture or ill-treatment. In that respect, the Committee is concerned that, under article 19 (3) of the Constitution and article 29 (1) of the Criminal Procedure Code, the maximum period of 48 hours within which anyone arrested or detained on a criminal charge must be brought before a judge "shall not include a reasonable time taken in the journey to a court of law" and that, under article 59 (3) of the Criminal Procedure Code, remand in custody may be repeatedly prolonged for periods of 14 days. The Committee also notes with concern reports about the insufficiency and inadequacy of legal aid services, despite the adoption of Proclamation No. 943/2016 of 2 May 2016 on the establishment of the Office of the Federal Attorney General, which provides for free legal services for persons who do not have sufficient resources. It is also concerned about reports of frequent non-compliance by police officers with court orders to release suspects on bail (arts. 2, 11 and 16).

**13. The State party should:**

**(a) Ensure that all fundamental legal safeguards are guaranteed, both in law and in practice, for all detained persons from the outset of their deprivation of liberty, including the right to:**

**(i) Be informed immediately in a language that they understand of the reasons for arrest, the nature of any charge against them and their rights;**

- (ii) **Be assisted by an independent lawyer of their choice, including during the investigation stage, and have access to qualified, independent and free legal aid, if necessary;**
- (iii) **Request and receive a medical examination by an independent medical physician free of charge, or by a doctor of their choice, in addition to any medical examination that may be conducted at the authorities' behest. Medical examinations should be conducted out of the sight and hearing of police officers and prison staff, unless the doctor concerned explicitly requests otherwise, in conformity with the principle of medical confidentiality;**
- (iv) **Inform a family member or another person of their choosing about their detention;**
- (v) **Be registered at the place of detention;**
- (vi) **Challenge the legality of their detention at any stage of the proceedings;**
- (b) **Amend article 19 (3) of its Constitution and article 29 (1) of the Criminal Procedure Code to ensure that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours;**
- (c) **Amend article 59 (3) of its Criminal Procedure Code to prevent prolonged remand in custody;**
- (d) **Ensure that court orders to release suspects on bail are strictly enforced;**
- (e) **Provide information to the Committee in the next periodic report on the number of complaints received regarding failure to respect fundamental legal safeguards and on the outcome of such complaints, including the disciplinary measures taken against officials who fail to afford fundamental legal safeguards.**

#### **Allegations of war crimes and crimes against humanity in the context of the armed conflict**

14. While welcoming the signature, on 2 November 2022, by the Federal Government and the Tigrayan People's Liberation Front of a permanent cessation of hostilities agreement, the Committee is deeply concerned about the alleged extensive violations of international human rights, humanitarian and refugee law, including in the regions of Tigray, Amhara and Afar, carried out against civilians suspected to be members or supporters of armed insurgent groups and members of the political opposition, in particular ethnic Tigrayans, as well as human rights defenders, dissenting journalists and protesters. It is gravely concerned about reports of summary executions, deliberate, sometimes ethnically motivated, attacks on civilian populations, enforced disappearances, torture and ill-treatment, arbitrary and prolonged detention without charge and judicial process, incommunicado detention in unofficial facilities or military centres, the recruitment and use of children in the hostilities, conflict-related sexual and gender-based violence, trafficking in persons, denial of access to humanitarian assistance and the destruction of civilian property by the federal and local security forces, the Ethiopian National Defence Forces, the Eritrean Defence Forces, the Tigrayan special forces, Tigrayan militias, the Amhara special forces, the Amhara militias and other allied groups. While taking note of the initial steps taken through the work of the interministerial task force established in November 2021, the Committee notes that a number of these violations may amount to war crimes or crimes against humanity<sup>8</sup> and deplors the inadequacy of the investigations and proceedings aimed at identifying and prosecuting perpetrators, including superior officers and officials who knew or should have known about such acts, but failed to take the appropriate action to prevent them (arts. 2, 12 and 16).

<sup>8</sup> See *Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia* (3 November 2021) and [A/HRC/51/46](#).

15. **The State party should:**

(a) **Take appropriate measures to ensure the safety and security of the population affected by the conflict and to prevent violations of their human rights by any party to the conflict, including by ensuring full and unconditional humanitarian access to all conflict-affected areas;**

(b) **Conduct prompt, impartial and effective investigations into alleged violations of international human rights, humanitarian and refugee law committed in the context of the conflict in Tigray and surrounding areas, both by non-State and State actors, in order to identify, prosecute and punish those responsible, including superior officers and officials who knew or should have known about such acts but failed to take appropriate action to prevent them, and ensure that victims have access to effective remedies and full reparation;**

(c) **Ensure, in particular, that all persons suspected of war crimes and crimes against humanity, or of complicity in such acts, are swiftly brought to justice, including those occupying senior positions in the armed forces, such as superior officers and officials who knew or should have known about such acts but failed to take appropriate action to prevent them;**

(d) **Cooperate fully with the International Commission of Human Rights Experts on Ethiopia established by the Human Rights Council and continue to cooperate with OHCHR and other international and regional actors, as well as with the Ethiopian Human Rights Commission and civil society organizations in order to combat impunity;**

(e) **Consider acceding to the Rome Statute of the International Criminal Court or, at a minimum, accepting the jurisdiction of the Court by making a declaration under article 12 (3) of the Rome Statute.**

**Conflict-related sexual violence**

16. The Committee remains alarmed by the alleged widespread use of sexual and gender-based violence against women and girls, including rape, gang rape and sexual slavery, as a method of warfare by all parties to the armed conflict in the regions of Tigray, Amhara and Afar. While noting the initial steps taken to provide support to the victims and hold perpetrators accountable, including through the work of the Investigation and Prosecution Committee and the Committee on Sexual and Gender-based Violence, the Committee is concerned that victims lack sufficient access to justice and that the lack of independence of civil and military courts exercising jurisdiction over cases of sexual violence linked to the armed conflict is giving rise to a pervasive environment of impunity. The Committee also deplores the fact that, as a result, very few victims have access to effective remedies, reparation or rehabilitation and reintegration services (arts. 2, 12–14 and 16).

17. **The State party should expedite implementation of the corresponding recommendations set out in the report of the Ethiopian Human Rights Commission and OHCHR joint investigation (2021). In particular, the State party should:**

(a) **Ensure that all cases of sexual and gender-based violence against women and girls committed in the context of the armed conflict in the north of the country are promptly and effectively investigated and that perpetrators, including instigators and accomplices, are prosecuted and, if convicted, punished with appropriate penalties;**

(b) **Assess the needs of victims of acts of sexual and gender-based violence and ensure effective access to redress, including adequate compensation and specialized medical and psychological rehabilitation services;**

(c) **Increase the number of, and training for, judges specializing in sexual and gender-based violence in conflict-affected areas and strengthen their capacity;**

(d) **Facilitate access to justice for victims, including in remote areas, by educating the public, protecting witnesses and establishing mobile courts, as necessary.**

### Transitional justice

18. The Committee notes with appreciation the measures taken to lay the groundwork for transitional justice, including the establishment of the Transitional Justice Working Group of Experts in 2023 and the ongoing public consultations on the paper entitled “Policy options for transitional justice”, and emphasizes the importance of such consultations being conducted in as inclusive a manner as possible to build widespread support for the transitional justice process. It is also concerned at the slow pace of progress in holding to account perpetrators of serious human rights violations, including torture and ill-treatment, committed in the context of the armed conflict. It is particularly concerned by the lack of publicly disseminated information on the progress of investigations and the low number of convictions. The Committee is also concerned about the lack of a comprehensive mechanism of redress for victims of human rights violations so as to ensure that all victims have access to appropriate compensation, rehabilitation and other measures as required (arts. 2, 12–14 and 16).

19. **The State party should:**

(a) **Ensure that the transitional justice process under consultation is designed and implemented with the meaningful participation of conflict-affected populations, especially victims, their families, women and girls, members of ethnic minority groups, refugees and asylum-seekers, internally displaced persons, other sections of civil society and members of the diaspora community. The Committee stresses that transitional justice mechanisms do not obviate the requirements for investigation and prosecution of those responsible for torture or other international crimes, and that the mechanisms ultimately adopted by the State party need to include provisions that ensure compliance with such requirements;**

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

(c) **Consider a more substantial role for international participation in the investigation, prosecution and adjudication of allegations of violations of international human rights, humanitarian and refugee law, emphasizing that such a role can play an important part in instilling confidence in the credibility, objectivity and impartiality of judicial proceedings, including in parts of the population that have been victimized in the recent violence and by past impunity;**

(d) **Provide effective protection for victims, witnesses and their families and all other persons involved in criminal proceedings, and prevent their revictimization;**

(e) **Establish a comprehensive mechanism of redress to ensure that all victims and/or their families have access to effective remedies and that they can benefit from appropriate compensation, restitution and rehabilitation measures, taking into account the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law and in accordance with the Committee’s general comment No. 3 (2012).**

### State of emergency

20. The Committee is concerned that the state of emergency declared under Proclamation No. 05/2021 for the period 2 November 2021 to 15 February 2022 in the context of the conflict in the north of the country contained excessively broad provisions allowing for the mass arrest and detention of persons suspected of supporting outlawed opposition groups, in particular Tigrayans living outside Tigray (art. 2).

21. **The State party should ensure that state of emergency restrictions are expressed in clear and precise terms to guarantee respect for the principles of legality, necessity and proportionality, and for non-derogable rights, including due process and fair trial rights and the prohibition of torture. It should refrain from the blanket removal of legal safeguards and judicial review, in particular review of the legality of arrest and detention.**

### Ethiopian Human Rights Commission

22. The Committee notes the adoption of Proclamation No. 1224/2020 of 18 August 2020, which aimed to strengthen the effectiveness and independence of the Ethiopian Human Rights Commission. It also notes that the Commission was granted A status by the Global Alliance of National Human Rights Institutions in 2021. The Committee remains, however, concerned that the resources allocated to the Commission are insufficient to allow it to perform all its functions effectively, notably its role in conducting visits to places of detention and in receiving and investigating complaints about alleged human rights violations. The Committee also regrets the lack of information regarding the capacity of the Commission to conduct regular unannounced visits to all places of deprivation of liberty. It is further concerned about the lack of information regarding concrete measures taken by the State party to ensure effective monitoring of the Commission's recommendations and appropriate implementation and follow-up (art. 2 (1)).

**23. The State party should take the necessary measures to ensure the Commission's functional independence by allocating it an adequate budget that allows it to effectively and independently fulfil the mandate entrusted to it, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The State party should also ensure that the Commission is able to conduct unannounced and regular visits to all places of deprivation of liberty in the State party. Furthermore, the State party should take all necessary measures to ensure effective implementation of the Commission's recommendations and, in particular, follow up on complaints of torture lodged with the Commission, undertake effective investigations and prosecutions of perpetrators and provide redress to victims.**

### Gender-based violence

24. While taking note of the range of measures being implemented in the framework of the recently adopted National Strategy and Action Plan on prevention and response to violence against women and children (2021–2026), the Committee is concerned at the widespread incidence of gender-based violence against women and girls, including in the home and in places of detention. The Committee is also concerned about:

- (a) The absence of a comprehensive law on gender-based violence and the fact that marital rape is still not criminalized;
- (b) The low number of prosecutions and convictions for gender-based violence, the leniency of the penalties imposed and the lack of expertise within the judiciary on the issue;
- (c) The failure to provide adequate redress for victims and the insufficiency of the resources allocated to victim support programmes;
- (d) The lack of up-to-date disaggregated statistical data on gender-based violence in all its forms and on the resolution of such cases, including prosecutions, sentences and convictions of the perpetrators and victim compensation awards (arts. 2 and 16).

**25. The State party should:**

- (a) Adopt a comprehensive law on gender-based violence, preventing and combating all forms of violence against women, criminalize marital rape and consider withdrawing its declaration to the Maputo Protocol regarding the criminalization of marital rape;**
- (b) Ensure that all cases of gender-based violence, especially those cases involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention, are thoroughly investigated, that the alleged perpetrators are prosecuted and, if convicted, are punished appropriately, and that the victims receive redress, including adequate compensation;**
- (c) Provide members of the judiciary, prosecutors, police officers and other law enforcement officials with adequate training on women's rights and on gender-**



**sensitive investigation and interrogation procedures in cases of gender-based violence against women;**

**(d) Strengthen its judicial system to ensure that women have effective access to justice and facilitate women's access to justice by increasing both the number of specialized courts dealing with domestic and family violence cases and judges with expertise in such cases;**

**(e) Maintain statistics, disaggregated by age and ethnic origin or nationality of the victim, on complaints, investigations, prosecutions, convictions and sentences relating to gender-based violence, as well as on the number of women who receive redress.**

#### **Traditional harmful practices**

26. While noting the measures taken by the State party to eliminate child marriage, the adoption of the national costed road map to end child marriage and female genital mutilation/cutting by 2025 and the adoption of the National Strategy and Action Plan on harmful traditional practices against women and children in 2013, the Committee is concerned that traditional harmful practices, including female genital mutilation and child marriage, remain prevalent, particularly in rural areas and in some communities. It also notes with concern the lack of accurate data on cases of traditional harmful practices, the underreporting of such cases and the relatively low level of prosecutions and the continued impunity of perpetrators (arts. 2 and 16).

**27. The State party should ensure effective implementation of the National Strategy and Action Plan on harmful traditional practices against women and children and the national costed road map to end child marriage and female genital mutilation/cutting by 2025, including by strengthening targeted measures to address discriminatory attitudes at the community level, including among actors in customary justice systems. It should also ensure adequate enforcement of the penalties envisaged for female genital mutilation under the Criminal Code (arts. 561, 562, 567, 569 and 570) and that perpetrators of female genital mutilation, including medical practitioners, are prosecuted and adequately punished. It should take measures to eradicate female genital mutilation, including through cross-border cooperation and increased awareness-raising among religious and traditional leaders and the general public, in cooperation with civil society, about the criminal nature of the procedure, its adverse effect on the human rights and health of women and the need to eradicate it and its underlying cultural justifications.**

#### **Refugees and asylum-seekers**

28. While acknowledging the State party's generous policy to admit and grant permission to remain in the country to a significant number of nationals from, inter alia, Eritrea, Somalia and the Sudan, and noting the adoption of Proclamation No. 1110/2019 of 17 January 2019 on refugees, which allows refugees to obtain work permits, to have access to primary education and to legally register life events, the Committee is concerned about the severe impact of the armed conflict on the situation of those populations, especially those who have been displaced from refugee camps in Tigray without adequate support or protection measures. The Committee is also concerned at reports of targeted violence against Eritrean refugees, including sexual and gender-based violence against Eritrean refugee women and girls, by parties to the armed conflict, resulting in their deaths, displacement, trafficking, disappearance and refoulement. It also notes with concern that the State party has not presented comprehensive information on the asylum applications received and granted or on cases in which return, extradition or expulsion were carried out during the reporting period and the guarantees and risk assessments afforded to such individuals (arts. 2, 3 and 16).

**29. The State party should:**

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

(b) **Effectively investigate and prosecute cases of violence, including sexual and gender-based violence against refugee women and girls, trafficking, disappearance and refoulement, particularly of Eritrean nationals, and bring the perpetrators to justice;**

(c) **Ensure that, in practice, no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture;**

(d) **Guarantee that all asylum-seekers have access to refugee status determination procedures and to the swift and fair determination of refugee status;**

(e) **Ensure that procedural safeguards against refoulement are in place and that effective remedies with respect to refoulement claims in removal proceedings are available, including reviews of rejections by an independent judicial body, in particular on appeal;**

(f) **Ensure the establishment of effective mechanisms to promptly identify victims of torture, trafficking and sexual and gender-based violence among asylum-seekers.**

#### **Unofficial places of detention**

30. While taking note of the domestic prohibition of unlawful detention in places not designated for that purpose, as well as the State party's assertion that all secret places of detention have been shut down, the Committee nevertheless received information from credible sources on unlawful and incommunicado detention in unknown facilities, in particular in the context of the armed conflict (arts. 2, 11 and 16).

31. **The State party should ensure, as a matter of priority, that national legislation is applied effectively throughout the country and immediately close any unofficial places of detention. It should also provide the Committee, when it submits its next periodic report, with a comprehensive list of all its places of detention.**

#### **Pretrial detention**

32. While taking note of the measures to address the overuse of prolonged pretrial detention and chronic overcrowding in detention facilities, including the adoption of the real-time dispatch model of criminal justice in 2010, the Committee remains concerned by the high number of detainees awaiting trial and by the fact that they are often being held for prolonged periods in detention. It is also concerned that domestic legislation does not provide for a clear time limit for pretrial detention and that bail conditions are still too prohibitive to be effective in practice (arts. 2, 11 and 16).

33. **The State party should:**

(a) **Review its domestic legislation to clearly set appropriate maximum time limits for pretrial detention;**

(b) **Ensure that the regulations governing pretrial detention are scrupulously respected and that it is resorted to only in exceptional circumstances and for limited periods and in accordance with the law, taking into account the principles of necessity and proportionality;**

(c) **Intensify efforts to significantly reduce overcrowding in detention facilities by increasing the judicial capacity to reduce the backlog of cases and by making more use of alternatives to detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

(d) **Ensure systematic oversight of the lawfulness of pretrial detention by the Office of the Public Prosecutor.**

#### **Conditions of detention**

34. While acknowledging the steps taken by the State party to improve conditions in places of detention, such as the closure of substandard detention centres, the construction of

additional detention facilities and the increased budget for the provision of essential services, the Committee remains concerned at reports indicating overcrowding in some prisons, particularly following the armed conflict, and poor material conditions of detention in places of deprivation of liberty, in particular insalubrity and inadequate hygiene, lack of ventilation, the poor quality and insufficient quantity of the food and water provided and limited recreational or educational activities to foster rehabilitation. Furthermore, the limited access to quality health care, including mental health care, in particular for pregnant women and women held in detention with their children, and the lack of trained and qualified prison staff, including medical staff, remain serious problems in the prison system. The Committee is also concerned at reports indicating the prevalence of violence in prisons, including violence perpetrated by prison staff against detainees and inter-prisoner violence and sexual abuse, and the practice of detaining pretrial detainees with convicted prisoners and children with adults (arts. 2, 11 and 16).

**35. The Committee calls on the State party to strengthen its efforts to bring conditions of detention, including with regard to access to food, clean water, hygiene and health care, into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It should also:**

(a) **Reduce overcrowding in prisons, particularly through the wider application of non-custodial measures as an alternative to imprisonment, and continue to implement plans to develop the prison infrastructure and improve detention conditions;**

(b) **Ensure that the necessary resources are allocated for the proper medical and health care of prisoners, including mental health care, in particular for pregnant women and women held in detention with their children, in accordance with rules 24–35 of the Nelson Mandela Rules;**

(c) **Increase the number of trained and qualified prison staff, including medical staff, and strengthen the monitoring and management of inter-prisoner violence, including sexual violence;**

(d) **Ensure that prompt, impartial and effective investigations are undertaken into all allegations relating to acts of torture and ill-treatment by prison personnel and that the alleged perpetrators are prosecuted and adequately punished;**

(e) **Ensure that juveniles are strictly separated from adults, and pretrial detainees from convicted prisoners, in all detention facilities.**

#### **Deaths in custody**

36. The Committee is concerned about the reported high number of deaths, including violent deaths, occurring in places of detention. It regrets that the State party did not submit complete statistical information for the entire period under review. It also regrets the lack of information on the outcomes of the investigations carried out, on specific measures taken to prevent the recurrence of similar cases and on any cases in which compensation might have been awarded to the relatives of the deceased (arts. 2, 11, 12 and 16).

**37. The State party should:**

(a) **Ensure that all cases of death in custody are promptly and impartially investigated by an independent body, with due regard to the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and any possibility that agents of the State or their superiors are the responsible parties should be evaluated and, if this is found to be the case, the guilty parties should be duly punished and the families of the victims should be provided with adequate reparation;**

(b) **Review the effectiveness of programmes for the prevention, detection and treatment of chronic degenerative diseases and infectious or contagious diseases in prisons;**

(c) **Compile and provide to the Committee detailed information on deaths in all places of detention, their causes and the outcome of the investigations.**

**Monitoring of detention facilities**

38. While noting the information provided by the State party that regular inspections of prison facilities and other places of deprivation of liberty are conducted by the Office of the Public Prosecutor and parliamentary committees, as well as by the Ethiopian Human Rights Commission, the Committee is concerned about reports that the Commission has sometimes faced undue restrictions during its visits. It is also concerned about the lack of information on any unannounced visits to places of deprivation of liberty by independent mechanisms and on the measures taken to ensure effective implementation of the Commission's recommendations (arts. 2, 11 and 16).

**39. The State party should:**

(a) **Ensure that monitoring bodies with a mandate to visit places of deprivation of liberty are able to carry out independent, unhindered and unannounced monitoring activities of all places of deprivation of liberty in the country and to speak confidentially to all detained persons;**

(b) **Establish an effective independent national system to monitor and inspect all places of deprivation of liberty and follow up on the outcome of such systematic monitoring;**

(c) **Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;**

(d) **Include in its next periodic report detailed information on the place, time and periodicity of visits, including unannounced visits, to places of deprivation of liberty and on the findings of and follow-up to such visits.**

**Allegations of torture and impunity**

40. In view of the numerous, ongoing and consistent allegations and complaints of torture and ill-treatment by police officers, prison guards and other members of the security forces, as well as the military, in police stations, detention centres, federal prisons, military bases and in unofficial or secret places of detention, particularly during the investigation stage of proceedings, the Committee remains deeply concerned at the lack of accountability, which contributes to an environment of impunity. In that regard, it regrets that it has not received comprehensive information on the number of cases that have resulted in criminal proceedings and the number of prosecutions and convictions, as well as the penalties and disciplinary measures imposed on the persons convicted for acts of torture and ill-treatment during the period under review. Furthermore, the Committee is concerned at reports that detainees often do not lodge complaints owing to their fear of retaliation and, in cases where such complaints are lodged, the information on investigations carried out and their outcome is lacking. Moreover, it is concerned that there is still no specific, independent, effective and confidential mechanism for the receipt of complaints of torture or ill-treatment in all places of deprivation of liberty and that existing investigation bodies lack the necessary independence, as they belong to the same structure that employs the alleged perpetrators (arts. 2, 4, 11–13 and 16).

**41. The State party should:**

(a) **Ensure that all complaints of torture and ill-treatment are investigated in a prompt and impartial manner by an independent body and that there is no institutional or hierarchical relationship between that body's investigators and the suspected perpetrators of such acts;**

(b) **Ensure that the authorities open an investigation ex officio whenever there are reasonable grounds for believing that an act of torture or ill-treatment has been committed;**

(c) **Ensure that, in cases of torture and/or ill-treatment, the suspected perpetrators are immediately suspended from duty for the duration of the investigation, particularly when there is a risk that they might otherwise be in a position to repeat the alleged act, take reprisals against the alleged victim or obstruct the investigation;**

(d) **Ensure that the suspected perpetrators of acts of torture and ill-treatment and the superior officers responsible for ordering or tolerating such acts are duly tried and, if found guilty, punished in a manner that is commensurate with the gravity of those acts;**

(e) **Establish an independent, effective, confidential and accessible complaints mechanism in all places of detention, including police custody facilities and prisons, and protect victims and witnesses and members of their families from any risk of reprisals;**

(f) **Compile and disseminate up-to-date statistics on the complaints filed, investigations conducted, prosecutions initiated and convictions handed down in cases involving allegations of torture and ill-treatment, at both the federal and state levels.**

#### **Independence of the judiciary**

42. While noting the measures taken to strengthen the independence of the judiciary, such as the adoption of Proclamation No. 1233/2021 on the federal judicial administration and Proclamation No. 1234/2021 on federal courts, the Committee remains concerned about reports regarding the lack of independence of the judiciary vis-à-vis the executive branch and its susceptibility to political pressure, which may contribute to impunity, including for cases of torture. That concern is compounded by shortcomings in the justice system, such as a shortage of resources, including a dearth of judges and lawyers and a lack of basic training for them, delays in processing cases and a failure to enforce some court decisions (arts. 2, 12, 13 and 16).

43. **The State party should intensify its efforts to:**

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

(b) **Ascertain that judicial or other authorities found to be responsible for corruption or abuse of power are punished adequately;**

(c) **Build up the justice system's human resource capacity in both quantitative and qualitative terms and provide the judicial authorities with better training in order to restore people's trust in the justice system.**

#### **Excessive use of force**

44. The Committee is concerned about the allegations of excessive use of force, notably in the context of protests, resulting in deaths and injuries, including of children, arbitrary arrests, incommunicado detention, torture and ill-treatment and enforced disappearances by the security forces. It is also concerned about the limited progress made on investigations and prosecutions. While noting that a new law on the use of force is currently being drafted by the Office of the Attorney General, the Committee is further concerned that the State party's legal framework for the use of force and firearms by State agents is still not in line with international standards (arts. 2, 12, 13 and 16).

45. **The State party should:**

(a) **Expedite the adoption of the draft law on the use of force by State agents, ensuring that it is in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and develop clear guidelines incorporating the principles of lawfulness, necessity and proportionality and the precautionary principle, and provide training to all the security forces on those principles;**

(b) **Ensure that all instances of excessive use of force, especially lethal force, are investigated promptly, impartially and effectively, that those responsible are brought to justice and that victims or their families are granted full reparations.**

**Confessions obtained as a result of torture**

46. While taking note of the guarantees set forth in article 19 (5) of the Constitution regarding the inadmissibility of evidence obtained under coercion, the Committee regrets the lack of information about court decisions in which confessions obtained through torture or ill-treatment have been admitted as evidence. Moreover, it is concerned about reports indicating that torture is routinely used to extract confessions and that confessions obtained through torture are invoked against defendants in court as evidence of their guilt. It is also concerned about consistent reports maintaining that the courts do not investigate complaints of this kind (arts. 2, 15 and 16).

**47. The State party should:**

(a) **Adopt effective measures to ensure that confessions and statements obtained through torture or ill-treatment are not admitted as evidence in practice, except against persons accused of committing torture, as evidence that the statement was made;**

(b) **Ensure that, when it is alleged that a statement has been obtained through torture, the allegation is investigated immediately;**

(c) **Expand specialized training programmes for both judges and prosecutors so as to ensure their ability to effectively identify torture and ill-treatment and investigate all allegations of such acts;**

(d) **Compile and make public information on criminal proceedings in which judges, either on their own initiative or at the request of parties to the case, have ruled that evidence obtained under torture is inadmissible, and the measures taken in that regard.**

**Death penalty**

48. While noting the de facto moratorium on the death penalty applied by the State party, which has not carried out any executions since 2007, the Committee remains concerned about: (a) the fact that such sentences are still handed down, including for relatively less serious crimes that do not involve intentional killing, as reflected in Proclamation No. 1176/2020 on the prevention and suppression of terrorism crimes, which provides for the death penalty for crimes such as “causing damage to property, natural resources or the environment”; (b) the information received indicating that such death sentences are often accompanied by a lack of due process and fair trial guarantees; and (c) reports that death row inmates face conditions of detention that, in and of themselves, can amount to ill-treatment (arts. 2, 11 and 16).

**49. The State party should:**

(a) **Revise its legislation, including Proclamation No. 1176/2020 on the prevention and suppression of terrorism crimes and other relevant laws, to restrict the crimes for which the death penalty may be imposed to the most serious crimes, understood to be crimes involving intentional killing;<sup>9</sup>**

(b) **Consider the possibility of reviewing its policy, with a view to abolishing the death penalty in law or taking affirmative steps to formalize the moratorium on the death penalty, and take steps towards commuting to life imprisonment the death penalty imposed on persons on death row;**

(c) **Ensure that conditions of detention for condemned prisoners do not constitute cruel, inhuman or degrading punishment or treatment by taking immediate steps to strengthen legal safeguards and ensure access to free legal aid;**

(d) **Consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**

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<sup>9</sup> International Covenant on Civil and Political Rights, art. 6 (2), and Human Rights Committee, general comment No. 36 (2018), para. 35.

### Human rights defenders and journalists

50. While noting the adoption of Proclamation No. 1238/2021 of 5 April 2021 on the media, which aims to ensure better protection from arbitrary detention for media workers, the Committee is gravely concerned by continued reports of threats, harassment, intimidation and attacks against, and arbitrary arrests and detentions of, human rights defenders, journalists, political opponents, government critics and activists. It is particularly concerned about numerous reports of arrests of journalists, including 39 journalists between June 2021 and June 2022 in Addis Ababa and the regions of Amhara and Oromia, and of prominent journalists critical of the Government during a crackdown on the media between January and May 2022. It is further concerned at reports that the authorities resort to criminal provisions, including those of Proclamation No. 1176/2020 on the prevention and suppression of terrorism crimes and of Proclamation No. 1185/2020 on the prevention and suppression of hate speech and disinformation, to suppress dissenting opinions and critical reporting, especially about the ongoing conflict. The Committee regrets the low number of convictions for the acts mentioned above. Furthermore, it is deeply concerned about allegations of threats of reprisals against human rights defenders who engaged with the Committee on behalf of Ethiopian civil society during its consideration of the State party's second periodic report (arts. 2, 12, 13 and 16).

#### 51. The State party should:

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

(b) **Investigate thoroughly, impartially and without delay all allegations of unlawful or arbitrary arrest and detention, prosecution, torture or ill-treatment of, or violence against, journalists, human rights defenders, government critics and activists, and immediately release all persons who remain in custody for having defended their opinions or demonstrated peacefully;**

(c) **Review Proclamation No. 1176/2020 on the prevention and suppression of terrorism crimes and Proclamation No. 1185/2020 on the prevention and suppression of hate speech and disinformation to ensure that they do not criminalize the work of human rights defenders and journalists;**

(d) **Ensure that members of civil society who have cooperated with the Committee in the context of its consideration of the State party's second periodic report are protected from any acts of reprisal, intimidation or harassment. The State party should take all appropriate measures to prevent the occurrence of acts of intimidation or reprisal and promote a safe and enabling environment for engagement with the United Nations, its representatives and mechanisms in the field of human rights.<sup>10</sup>**

### Violence against children

52. While noting the explanation provided by the State party during the dialogue, the Committee regrets that the State party maintains the minimum age of criminal responsibility at 9 and continues to treat children aged from 15 to 18 as adults. In addition, while welcoming the promotion of positive forms of discipline through the elaboration of awareness-raising and training programmes, the Committee is concerned that the law does not expressly prohibit corporal punishment in the home and in the institutional child- and day-care centres where adults exercise parental authority over children. Furthermore, it is concerned at reports that since November 2020, children have been increasingly subjected to grave and systematic human rights violations by all parties to the conflict in Tigray, Amhara, Afar and Oromia, including torture and ill-treatment, physical and sexual abuse, abduction, forced separation from families, recruitment as child soldiers and trafficking for the purpose of child labour

<sup>10</sup> See [A/HRC/45/36](#).

and sexual exploitation. It regrets the reported lack of prosecutions and convictions for such alleged violations and the reported lack of adequate rehabilitation and reintegration services for victims (arts. 2, 11–14 and 16).

53. **The State party should bring its juvenile justice system fully into line with the Convention and other relevant international standards. In particular, it should promote alternatives to detention and ensure that detention is used as a last resort and for the shortest possible period of time.<sup>11</sup> The State party should also:**

(a) **Raise the minimum age of criminal responsibility and utilize specialized courts with trained specialized judges for all children, including those aged from 15 to 18;**

(b) **Amend its Criminal Code and Family Code, with a view to prohibiting corporal punishment in all settings, including in the home and alternative care settings, and continue raising public awareness about positive, participatory and non-violent forms of discipline;**

(c) **Ensure that all cases of torture and ill-treatment, including physical and sexual abuse, abduction and trafficking for the purpose of labour and sexual exploitation of children, are promptly and effectively investigated, that perpetrators are prosecuted and, if convicted, punished with appropriate penalties, and that victims have access to effective remedies, including rehabilitation and compensation, and means of protection and assistance. The State party should also establish effective mechanisms to assess and monitor the extent of such violations;**

(d) **Detect and eradicate the recruitment and use of child soldiers, ensure their prompt disarmament, demobilization, rehabilitation and reintegration, and reunite them with their families.**

#### **Training**

54. While taking note of the efforts made by the State party to develop and implement human rights education and training programmes for members of the police, the judiciary and prison staff, the Committee regrets the limited information available on training activities on the provisions of the Convention and the contents of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol, as revised) for forensic doctors and medical personnel dealing with detainees to enable them to detect and document the physical and psychological sequelae of torture. It also regrets that no mechanism for evaluating the effectiveness of training programmes has been established (art. 10).

55. **The State party should:**

(a) **Continue to develop and implement mandatory initial and in-service training programmes to ensure that all public officials, in particular law enforcement officers, military personnel, judicial officials, prison staff, immigration personnel and others who may be involved in the custody, interrogation or treatment of persons subjected to any form of arrest, detention or imprisonment, are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture, and that they are fully aware that breaches will not be tolerated and will be investigated and that those responsible will be prosecuted and, on conviction, appropriately punished;**

(b) **Ensure that all relevant staff, including medical personnel, are specifically trained to identify and document cases of torture and ill-treatment, in accordance with the Istanbul Protocol (as revised);**

(c) **Develop and apply a methodology for assessing the effectiveness of educational and training programmes in reducing the number of cases of torture and**

<sup>11</sup> See the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), para. 13.1.



**ill-treatment and in ensuring the identification, documentation and investigation of such acts, as well as the prosecution of those responsible.**

#### **Redress**

56. The Committee regrets that the State party has not submitted complete information on the measures of redress and compensation ordered by the courts and other State bodies and actually provided to victims of torture and their families during the reporting period, or on the level of cooperation in this area with specialized non-governmental organizations. It is also concerned about reports indicating the very limited medical or psychosocial rehabilitation received by victims of torture, including those affected by the armed conflict in the north of the country, in addition to compensation, and regrets the lack of information on whether specific rehabilitation programmes have been established for them. The Committee draws the State party's attention to its general comment No. 3 (2012), in which it elaborated on the nature and scope of the obligations of States parties under the Convention to provide full redress to victims of torture (art. 14).

**57. The State party should ensure, in law and in practice, that all victims of torture and ill-treatment obtain redress, including an enforceable right to fair and adequate compensation and the means for as full a rehabilitation as possible. The State party should compile and disseminate up-to-date statistics on the number of victims of torture and ill-treatment who have obtained redress, including medical or psychosocial rehabilitation and compensation, as well as on the forms of such redress and the results achieved.**

#### **Statistical data**

58. While noting the statements by the State party about its plans to improve data collection and analysis, the Committee regrets the lack of comprehensive and disaggregated statistical data on cases of torture and other cruel, inhuman or degrading treatment or punishment, including in relation to allegations of police violence and excessive use of force, gender-based violence and trafficking in persons, and other matters about which such data were requested. The Committee is concerned about the lack of a more focused and coordinated system of data collection and analysis that is necessary to effectively monitor the implementation of the State party's obligations under the Convention.

**59. The State party should intensify its efforts to strengthen its capacity to compile, disaggregate and analyse statistical data relevant to the monitoring of the implementation of the Convention in a more targeted and coordinated manner, including with regard to complaints filed, investigations and prosecutions conducted and convictions handed down in cases of torture and ill-treatment, gender-based violence and trafficking in persons, as well as on remedies, including compensation and rehabilitation, provided to victims, and other matters on which such data were requested by the Committee in its list of issues.**

#### **Follow-up procedure**

**60. The Committee requests the State party to provide, by 12 May 2024, information on follow-up to the Committee's recommendations on allegations of war crimes and crimes against humanity in the context of the armed conflict; transitional justice; and statistical data (see paras. 15 (a) and (b), 19 (a) and 59 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the present concluding observations.**

#### **Other issues**

**61. The Committee encourages the State party to consider making the declarations under articles 21 and 22 of the Convention.**

**62. The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through**

official websites, the media and non-governmental organizations and to inform the Committee about its dissemination activities.

63. The Committee requests the State party to submit its next periodic report, which will be its third, by 12 May 2027. For that purpose, the Committee invites the State party to accept, by 12 May 2024, the simplified reporting procedure consisting of the transmittal, by the Committee to the State party, of a list of issues prior to the submission of the report. The State party's replies to that list of issues would then constitute its third periodic report under article 19 of the Convention.

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