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**ETHIOPIA'S NATIONAL REPORT UNDER THE UNIVERSAL
PERIODIC REVIEW MECHANISM***

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Introduction

1. Ethiopia has been able to implement a Project on its reporting obligations under the various international human rights agreements with the assistance of the OHCHR East Africa Regional Office. The Project, which has been implemented in collaboration with the Ethiopian Human Rights Commission [a national human rights institution], was designed with the objective of preparing all the over-due initial, combined and periodic reports the Country had to make under the various international and regional human rights instruments. To carry out the project, a Legal Experts' Committee, a Drafting Committee, and an Ad hoc National Inter-Ministerial Committee have been established and focal persons at relevant government organs have been identified. With the work of these ad hoc committees, focal persons and others concerned, the State has submitted (or is about to submit) its overdue human rights reports. It should be stated that the preparation of the overdue reports is one expression of the State's continuous and renewed commitment for the promotion and protection of human rights.

2. The preparation of this National Report, which is submitted for the review of the UN Human Rights Council at its 6th Universal Periodic Review (UPR) session to be held from 30 November to 11 December 2009, coincided with the preparation of the State's overdue treaty-specific reports. Hence the Report under UPR was made part of the project and benefited from, *inter alia*, the *ad hoc* institutions devised, data gathered, and workshops organized for the overdue reports. It is prepared on the basis of the 'General Guidelines for the Preparation of Information under the Universal Periodic Review', HRC Decision 6/102, 27 September 2007. As required under the UPR mechanism, the Report has been made in the spirit of examining challenges, shortcomings, achievements and prospects in the implementation of human rights. This Report, which is the State's first report for the first cycle of the UPR, will briefly outline the achievements the State has registered in the implementation of the State's international human rights obligations. It will also provide challenges, shortcomings and the prospects in the promotion and protection of human rights.

I. METHODOLOGY OF AND PROCESS FOR PREPARATION

3. Ethiopia has finalized the preparation of all its overdue treaty-specific reports under international and regional human rights instruments to which it is a Party. For the preparation of the overdue reports, three *Ad hoc* Drafting Committees, namely the Legal Experts, the Drafting, and National Inter-Ministerial Committees, were established. To facilitate the data gathering at all levels of administration, focal persons were also identified at federal and regional government organs. With the data gathered from government and non-governmental organs, the three drafting committees prepared the overdue reports. The draft reports prepared by the drafting committees were later consolidated through constructive comments from government organs, civil societies, and national human institutions ensuring the participation of all concerned in the process of submitting the human rights reports.

4. This National Report under the UPR is prepared within the system set up for the preparation of the overdue reports referred to in the previous paragraph. As a result, the National Report has considerably benefited from the enormous amount of information and data gathered from different governmental and non-governmental organs for the preparation of the overdue reports, from the *ad hoc* institutions established for the same purpose, and from the extensive knowledge and experience acquired during the process of preparation of the reports.

5. Before commencing the preparation of this National Report, training workshops on the UPR System were conducted with the assistance of the OHCHR East Africa Regional Office in collaboration with the Ethiopian Human Rights Commission and the Ministry of Foreign Affairs. One such workshop, which focused on the National Report to be submitted by the Government, was the workshop on the "Government of Ethiopia Reporting to the Human Rights Council under the Universal Periodic Review" held in February 2009. Stakeholders from governmental as well as non-governmental organs participated in the training workshops. The workshops were conducted to raise the awareness of all stakeholders on their roles and contributions to the reporting process and the UPR system and to enhance the report preparation skills of those stakeholders who prepare and submit the Report under the UPR. After the training workshops, the draft of the Report was prepared by the Legal Experts. The principal source of information for the draft was the data gathered from governmental (federal and regional) organs and civil society organizations for preparation of treaty-specific reports. The draft was later developed by the Drafting Committee and the National Inter-Ministerial Committee.

6. Afterwards, to ensure more participation of all stakeholders, the draft report was presented to the National Conference, in which federal and regional organs and civil society organizations participated. This report incorporated the comments/suggestions made at the National Conference as well as comments/suggestions the participants of the Conference were able to forward after the Conference. The Report has also taken into account comments on the draft made by the Ethiopian Human Rights Commission, which is empowered under the law to comment on human rights reports the State submits to international organs.

II. THE POLITICAL SYSTEM

7. The Federal Democratic Republic of Ethiopia (FDRE) has a parliamentary form of government. The FDRE comprises the Federal Government and nine National Regional States, namely, the Regional State of Tigray, the Regional State of Afar, the Regional State of Amhara, the Regional State of Oromia, the Regional State of Somalia, the Regional State of Benshangul Gumuz, the Regional State of the Southern Nations, Nationalities and Peoples, the Regional State of Gambela and the Regional State of Harari. The Regional States are established on the basis of settlement patterns, language, identity and the consent of the people concerned. There are also two self-governing Cities under the Federal Government: Addis Ababa and Dire Dawa.

8. The Federal Government and the Regional States have legislative, executive, and judicial powers. The powers of the Federal and Regional State Governments are defined by the Federal Constitution. All powers not given expressly to the Federal Government alone or concurrently with the Regional States are reserved to the latter. Member states are entitled to equal rights and powers. It is incumbent upon the Regional States to respect the power of the Federal Government which likewise is bound to respect the powers of the Regional States. Regional States are entitled to have their own Constitutions that shall certainly comply with the Federal Constitution.

Legislative Bodies

9. The FDRE has two Federal Houses: the House of Peoples' Representatives (HPR) and the House of Federation (HOF). The HPR is the highest authority of the Federal Government and has legislative powers in all matters assigned to the Federal Government by the Constitution.

The HOF is composed of representatives of the Nations, Nationalities and Peoples of Ethiopia. The HOF has the power, *inter alia*, to interpret the Constitution and decide on the basis of the Constitution on matters relating to the right of Nations, Nationalities and Peoples to self-determination, including secession. The State Council is the highest organ of the regional state authority. Each State Council has legislative power on matters falling under regional state jurisdiction.

The Executive

10. The President of the FDRE is the Head of the State. The President's powers and functions include opening the joint session of the two Houses, appointing Ambassadors and other envoys, conferring high military titles upon the recommendation of the Prime Minister and granting pardon in accordance with the law. A political party or a coalition of political parties that has the majority seats in the HPR forms and leads the executive. The highest executive powers of the Federal Government are vested in the Prime Minister and in the Council of Ministers that are accountable to the HPR. The political Party that has the majority seats in a State Council forms the Executive of that Regional State and leads it. The Executive Council is the highest administrative body of the Regional States and is accountable to the Regional State Council.

The Judiciary

11. An independent judiciary is established by the Constitution. Supreme Federal judicial authority is vested in the Federal Supreme Court. Judicial powers both at the Federal and State levels are vested in the Courts. Courts at all levels are free from any interference or influence of any governmental body, government official or any other source. Judges exercise their functions in full independence and are directed solely by the law.

Periodic Elections

12. In Ethiopia, the right to elect and be elected is enshrined in the Constitution. Under the Constitution, every Ethiopian national, without any discrimination, has the right to take part in the conduct of public affairs directly and through freely chosen representatives, to vote in accordance with the law and to be elected at genuine and periodic elections to any office at any level of government.

III. NORMATIVE FRAMEWORK

A. Status of International Instruments under Domestic Legal System

13. According to the FDRE Constitution, all international agreements including the human rights agreements ratified by Ethiopia are part of the law of the land. The Constitution also stipulates that the human rights provisions enshrined in it should be interpreted in a manner consistent with international human rights instruments adopted by Ethiopia.

B. The Constitution and Other Domestic Legislations

14. One third of the provisions of the FDRE Constitution relate to fundamental human and democratic rights. The fundamental human and peoples' rights recognized in the international human rights instruments are provided in the Constitution. The right to life, liberty and security

of the person including freedom from arbitrary arrest, detention and conviction; the prohibition against cruel, inhuman and degrading treatment and punishment; the prohibition of acts of slavery, servitude and human trafficking of any form are all provided in the Constitution. Due process of law and protections for persons arrested, accused, deprived of liberty and convicted prisoners; the right to be promptly informed of reason for arrest; the right to be brought before a Court of law within 48 hours; *habeas corpus*; protection against self-incrimination; the right to speedy trial; the right to be presumed innocent; the right to legal counsel and right to appeal to a competent Court are all rights guaranteed in the Constitution. Humane treatment of persons deprived of their liberty and basic principles such as non-retroactivity of criminal law and prohibition of double jeopardy are also enshrined in the Constitution.

15. Right to recognition as a person is also protected. The equality and non-discrimination provisions of the Constitution guarantee equality of everyone before the law and equal protection of the law and prohibit discrimination on the grounds of sex, nation, nationality, or other social origin, colour, sex, language, religion, political or other opinion, property, birth or other status. The right to privacy, freedom from unlawful search and seizure and inviolability of correspondence are all provided. Freedom of religion, belief and opinion are also rights protected by the Constitution. Statute of limitation and amnesty or pardon for the criminal liability of persons accused of crimes against humanity are prohibited.

16. Freedom of expression, thought and opinion; freedom of the press, prohibition of censorship and the right of access to information; citizens' right to assembly, peaceful demonstration and petition; and freedom of association, movement and right to nationality are also enshrined in the Constitution. The right of everyone to marry and establish a family is provided. Rights of specific categories of people such as women, who among others are entitled to affirmative measures to remedy the historical legacy of inequality and discrimination. Children are also accorded special protection under the Constitution.

17. The Constitution guarantees the right of access to justice and to get remedies from judicial bodies. The right to participate in the conduct of public affairs directly and through representatives elected through genuine, periodic, free and fair elections has been provided. Nations, Nationalities, and Peoples are accorded group protection, particularly the right to self-determination, including the rights to use their own languages, to develop and promote their culture and to full measure of self government. The right to property is also enshrined in the Constitution.

18. Economic, social and cultural rights are also guaranteed. The obligation of the State to allocate increasing resources to public health, education and other services, and to allocate resources for vulnerable sections of the society such as the physically and mentally disabled, the elderly and children without guardian, is expressly prescribed in the Constitution. Employment related rights such as the right to form trade unions; the right to strike, to rest and leisure, to healthy and safe working environment; the rights of women to equal pay for equal work have been provided. The Constitution also recognizes the right to development, including right to participation and consultation in national development policies and projects affecting their communities.

19. Other domestic legislation on the promotion and protection of human rights:
In addition to the federal and state Constitutions and international human rights agreements

ratified by Ethiopia, the following domestic laws have a direct bearing on the promotion and protection of human rights in Ethiopia:

- Ethiopian Human Rights Commission Establishment Proclamation No. 210/2000;
- Institution of the Ombudsman Establishment Proclamation No. 211/2000;
- Electoral Law of Ethiopia Amendment Proclamation No. 532/2007;
- Political Parties Registration Proclamation (as amended) No. 46/1993;
- Peaceful Demonstration and Public Political Meeting Procedure Proclamation No. 391/1991;
- Broadcasting Service Proclamation No. 533/2007;
- Labor Proclamation No.377/2003;
- Federal Civil Service Agency Establishment Proclamation (as amended) No. 8/1995;
- Federal Civil Servants Proclamation No. 515/2007;
- Public Servants Pension Proclamation No.345/2003;
- Revised Family Code Proclamation No. 213/2000;
- Ethiopian Environmental Protection Authority Establishment Proclamation No. Proc 9/1995;
- Criminal Procedure Code, 2004;
- The Freedom of the Mass Media and Access to Information Proclamation No. 590/2008;
- Proclamation for Registration and Regulation of Charities and Societies Proclamation No.12/2009;
- Federal Prisons Commission Proclamation No. 365/2003;
- The Public Health Proclamation No. 200/2000;
- Relevant sections of the Civil Code regulating personal rights, property, association, succession, etc.

C. Policy Measures

20. There are a number of policies targeted to enhance the implementation of human rights. Some of them are listed below:

- The Plan for Accelerated and Sustainable Development to End Poverty (PASDEP)
- The Cultural Policy
- The Environmental Protection Policy
- The Social Development and Welfare Policy
- The National Water Resources Management Policy
- The National Urban Development Policy
- The National Health Policy
- The Education and Training Policy
- The Science, Technology and Innovation policy
- The National Policy on Ethiopian Women
- The National Population Policy
- The Urban Development Policy

IV. INSTITUTIONAL FRAMEWORK

21. Organs and institutions that are involved in the protection and promotion of human rights include:
22. **The House of Peoples Representatives (HPR):** has legislative power on all federal matters, including ratification of international human rights instruments. It also oversees the Executive branch.
23. **The State Councils:** State Councils have legislative power on matters falling under State jurisdiction.
24. **The House of Federation:** with the advisory service of the Council of Constitutional Inquiry, it is mandated with the power of interpreting the Constitution including human rights provisions of the Constitution. It also has the mandate to promote equality among the peoples of Ethiopia.
25. **National Electoral Board:** has the mandate to organize elections, and to receive and consider complaints from various stakeholders on election related matters.
26. **Courts:** the Constitution provides for an independent judiciary. Both federal and regional courts are empowered to adjudicate cases relating to violations of human rights.
27. **Police Commissions:** are mandated with the power to prevent and investigate crimes including crimes related to violation of human rights.

28. **Prison Administrations:** are empowered to take custody of convicted prisoners and work for the rehabilitation and the smooth reintegration of prisoners to society at the end of sentence;
29. **Civil Service Agency:** has the mandate to prepare laws and policies relating to civil servants as well as to adjudicate cases involving violations of rights of civil servants.
30. **Labor Relations Board:** has the authority to adjudicate matters relating to collective rights of workers under labor law.
31. **The Ethics and Anti-Corruption Commission:** has the power to detain, investigate and prosecute individuals suspected of corruption offences.
32. **Social Security Agency:** has the authority to decide on matters relating to the rights of public servants to monetary or other entitlements such as pension rights.
33. **Social Security Appeal Tribunal:** has the mandate to examine and give final decisions on appeals made against decisions of the Social Security Authority relating to social security rights and benefits.
34. **Environmental Protection Authority (EPA):** one of its objectives includes ensuring that all developmental activities are carried out in a manner that will protect welfare of human beings.
35. **Ethiopian Broadcasting Authority:** has the power to issue, suspend and cancel a broadcasting service license. It also has the power to issue permits and control the manner of use of radio waves allocated for broadcasting.
36. **Ethiopian Women Development Fund:** is empowered to assist in the capacity building of women and in the promotion and protection of the rights of women.
37. **Ethiopian Human Rights Commission:** a national human rights institution which has the mandate of providing human rights education to the public; ensuring that human rights are protected, respected and enforced; and ensuring that necessary measures are taken when human rights violations occur.
38. **Institution of the Ombudsman:** entrusted with bringing about good governance with high quality, efficiency and transparency, based on rule of law, by ensuring that the rights and benefits of citizens are respected by executive organs.
39. **Administration for Refugees and Returnees Affairs:** executes laws, regulations and directives enacted to regulate the case of refugees.
40. **Ministry of Labor and Social Affairs:** has various responsibilities on the promotion and protection of economic and social rights including responsibilities with regard to the elderly and persons with disability.
41. **The Ministry of Women Affairs:** the Ministry has the power and the duty, among others, to initiate recommendations on the protection of the rights and interests of women at national level and follow up the implementation of the same by devising strategies and follow-up

mechanisms, to ensure that the preparation of policies, legislations, development programs and projects by federal government organs give due consideration to gender issues. Moreover the Ministry has the mandate to undertake studies to promote the well being of mothers and children and implement the same in cooperation with other organs.

42. **Ministry of Justice:** The advisor of the Federal Government in all legal matters; has mandates to promote and protect human rights and is entrusted with the power of prosecuting crimes.

V. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Civil and Political Rights

The Right to Self-Determination

43. Nations, Nationalities, and Peoples are fully guaranteed the right to speak, and to the extent resources permit, write and develop their own languages, express, develop and preserve their culture and history. All National Regional States, zones, and *woredas* have their own government structure allowing them to administer their day-to-day affairs by themselves. A Nation or Nationality or People may secede if its people opt for secession on the basis of the procedure established under the Constitution. Moreover, Nations, Nationalities and Peoples are fully represented in the two Houses of the Federal Parliament. While generally seats are allocated on the basis of the number of people, 'Nations, Nationalities and Peoples' that do not meet the number requirement shall have special representation in HPR. The HOF, the second house, is composed of representatives of all Nations, Nationalities and Peoples of Ethiopia. The HOF currently has 112 members representing 69 Nations, Nationalities and Peoples across the Country. There is also a fair representation of Nations, Nationalities and Peoples of Ethiopia in other government institutions. In all law enforcement offices such as the police, prosecutors and judges, effort is exerted to ensure the proportional representation of all Nations, Nationalities, and Peoples.

44. With respect to affirmative measures to ensure self-determination, special assistance has been rendered to less developed regions which are Afar, Somali, Gambela, Benishangul Gumuz, and pastoral areas of Oromia and Southern Nations and Nationalities and People's Regions, taking into account the peculiar needs and circumstances of the Regions.

Prohibition of Torture, Inhuman, or Degrading Treatment or Punishment

45. Torture, inhuman, cruel and degrading treatment and punishment have long been banned by virtue of the laws of the State. The Criminal Procedure Code, the FDRE Constitution and the recently enacted Criminal Code prohibit the practice of torture, inhuman and degrading treatment. Victims of torture might lodge their complaints to the institutions, such as police stations or prison administrations, in which they are subjected to torture. Moreover, they can bring forward their complaints to ordinary courts to which their charges are brought. Overall, crime prevention, investigation and punishment, including the facilities available at detention centers, in the State comply with the prohibition of torture, inhuman or degrading treatment or punishment. Some violations have occurred and appropriate legal actions have been taken against those found responsible. Among other challenges, lack of awareness of the rights of

persons under detention has to some extent hindered the elimination of violations of the prohibitions. To remedy this, several awareness raising campaigns have been conducted.

Right to Life

46. The right to life is well respected in the State. During the last 15 years, it is only three death penalties that have actually been carried out throughout the Country. The very limited execution of the penalty so far clearly attests to the fact that capital punishment is declining from time to time. The execution of death penalty shall neither be by hanging nor by any other inhuman means.

47. Capital punishment is still permitted in the State and admittedly, the number of prisoners receiving death penalty at the national level has increased from 68 in 2001/02 to 116 in 2006/07. Out of those convicted and sentenced to death, one was pardoned and 34 death sentences were commuted to terms of life and rigorous imprisonment. The remaining are either in the process of challenging the sentence at appellate courts or awaiting decision of the Head of State on their petition for pardon.

Equality before Courts and Tribunals and Right to a Fair Trial

48. The right to equal treatment before tribunals and other organs administering justice is a constitutionally recognized right in Ethiopia. The Constitution guarantees that everyone has the right to bring a justiciable matter to court, and to obtain a decision or judgment by a court of law or any other competent body with judicial power. The Civil Procedure Code, which regulates the procedures of administration of justice in civil matters brought before ordinary courts and other tribunals, stipulates that any person can bring a civil action as long as he or she has vested interest in the subject-matter. In fact, in practice equality before the law is exercised, not only before courts but also before organs *with quasi-judicial power*.

49. The Constitution stipulates that accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged. The court may hear cases in a closed session only with a view to protecting the right to privacy, public morals and national security of the parties concerned. During proceedings accused persons have the Constitutional right to be presumed innocent until proved guilty according to law. Accused persons are enjoying these rights in practice.

50. The minimum guarantees for an accused person in the criminal justice system are ensured in the Constitutions of the Federal and Regional States and in the Criminal Procedure Code. Accused persons have the constitutional right to be informed with sufficient particulars of the charge/s brought against them and to be given the charge/s in writing, the right to be represented by legal counsel of their choice, and to be provided with legal representation at the expense of the State, if they do not have sufficient means to pay for legal counsel and miscarriage of justice would result. Hence, the rights to full access of any evidence presented against them, to examine witnesses testifying against them, to adduce or to have evidence produced in their own defense, to obtain the attendance and examination of witnesses on their behalf before the court, and to appeal to the competent court against an order or a judgment of the court which first heard the case are protected. Accused persons are exercising these rights in practice. The principle of

prohibition of double jeopardy is incorporated in the Constitution and the Criminal Code and is also implemented in practice.

51. The Criminal Code has special provisions applicable to young persons. A young person means a person between the ages of nine and fifteen. No young person may be tried together with an adult. Young persons shall not be subject to the ordinary penalties applicable to adults nor shall they be kept in custody with convicted adults.

Right to Privacy

52. The respect for the right to privacy of individuals in the country is expanding over time. The people are increasingly demanding search warrants from police officers and the latter are becoming reluctant to conduct searches and seizures without a warrant. There are cases where courts ruled inadmissible evidence collected without a warrant for search and seizure. Personal and body searches are conducted by a person of same sex. The Government respects the inviolability of personal correspondences of any form.

Freedom of Religion

53. Freedom of thought, conscience and religion is guaranteed. All religions are given equal opportunities for accessing land to build places of worship. Major Christian and Muslim holidays are made public holidays by law. Freedom with respect to observance and practice of religion or belief, including the observance of dietary regulations, the wearing of distinctive clothing or head coverings, the participation in rituals associated with certain stages of life and the use of a particular language customarily spoken by a group, is ensured. All religions choose their leaders, priests and teachers freely according to their internal selection procedure. Religious texts and publications are circulated in increasing numbers. Currently, nine religious newspapers are published weekly, fortnightly or monthly and eight religious magazines are published every three month.

Freedom of Expression

54. With respect to freedom of expression, significant progress has been achieved. From 21 October 1992 to 7 July 2008, 1267 press products (768 newspapers, 316 magazines, 180 electronics publishers, and 3-news agencies) have been issued with licenses. Among these, 550 newspapers and 175 magazines had entered the market while 100 electronic publishers and 2 news agencies are currently working.

55. The Government has organized numerous training programs for journalists to build their capacity and professional ethics. It has provided support for the establishment and strengthening of journalist associations. In this regard, notable assistance has been given to the Women Journalist Association. The Government usually invites the private press to its press conferences. For instance, in 2007/08 the private press has attended 69 press conferences of the Government equally with Government press outlets.

56. Regarding broadcasting service, there used to be only two radios and one television public broadcasting services. Recently, seven city and regional administrations have secured radio broadcasting license, of which the six have already started transmission. Oromia Regional State

and Dire Dawa City Administration Governments have also secured television broadcasting service license. The former has been launched in March 2009. Six radio broadcasts, five of which have already started transmission before March 2009, have been issued with licenses to operate as commercial broadcasting service providers. As of December 2008, five organizations were issued community broadcasting service license. Furthermore, a commercial broadcasting license has been issued to three organizations that transmit foreign channels.

Freedom of Peaceful Assembly, Demonstration and Association

57. Citizens have exercised their freedom of peaceful assembly and demonstration provided under the law without any barrier. In reference to freedom to organize, more than 7000 charities and societies are registered nationwide. The Ministry of Justice registered more than 4000 local and foreign charities and societies whose activities extended to more than one Regional State during the period 2003/4-2007/8. During the same period, the registration of 111 associations was cancelled due to factors such as decisions by members, failure to discharge obligations, failure of renewal, fraudulent registration and involvement in activities not related to objectives or purposes of establishment. To overhaul the regulatory framework for the operation of civil societies, a new legislation on Charities and Societies has been issued. Regarding political associations, citizens are also participating in the political life of their country in more than 66 regional and 22 national political parties.

Minority Rights

58. Minority nationalities are recognized under the Constitution. On the basis of the Electoral Law of Ethiopia Amendment Proclamation No 532/2007, the HOF has the responsibility to determine minority nationalities believed to require special representation based on clear criteria. The HOF has designed a plan to undertake research to identify minority nationalities. The law provides a special representation for minority nationalities and peoples and reserves at least 20 seats at the HPR to these categories of people. The Ethiopian National Electoral Board reported that after the May 2005 election, 22 seats in the HPR have been occupied by minority nationalities.

59. Each Nation, Nationality and People shall be represented in the HOF by at least one member, which means that each minority nationality has one seat in HOF. These enable minority nationalities to promote and protect their rights and articulate their interests at law making process and interpretation of the Constitution. The Constitutions of some regional states provide for special representation of minority nationalities and peoples in the Councils of the National Regional States.

B. Economic, Social and Cultural Rights

Right to Work and Just and Favorable Conditions of Work

60. The employment to population ratio for the country is reported to be 76.7%. The employment to population (Male) ratio is 84.7%, which is substantially higher than the ratio for Female (69%). The proportion employed in rural areas (82%) is substantially higher than urban areas (50.2%). The rate of unemployment for urban areas of the country is 20.6%. Unemployment rate for rural areas is only 2.6%. Unemployment rates for male and female are

13.7% and 27.2%, respectively, indicating that unemployment is significantly greater for females than males.¹

61. The education policy has been revised so as to incorporate technical and vocational education and training. This program encourages the trainees to create jobs for themselves and contribute to the national development effort. The Federal Micro and Small Enterprises Development Agency and its Regional counterparts also provide short term technical and vocational courses and provide loan and credit services for trainees who organize themselves in Micro and Small Scale Enterprises (MSEs).

62. There is a focus on strengthening MSEs as a source for creating employment for those not engaged in the agricultural sector. In 2005/06 and 2006/07, a total of up to 124,711 and 198,458 (excluding Addis Ababa) permanent and temporary job opportunities were created in different sectors respectively.

63. The Government has set a minimum wage for civil servants. In private industrial relations, wages are determined based on negotiation. Achievements with respect to the principle of equal pay for the work of equal value were registered. Tripartite consultations among employers, employees and government on labour administration and protection of occupational health, safety and working environment are gaining momentum.

Social Security Rights

64. The Constitution stipulates that policies shall aim at providing all Ethiopians access to social security to the extent the country's resources permit. The Social Security Agency was established with the objective to strengthen and expand social security programs, implement social security laws, regulations and directives and administer social security funds, mainly collected from the Government and its employees.

65. The Public Servants' Pensions Proclamation No. 345/2003 provides for old age benefits, invalidity benefits, employment injury benefits, and survivor's benefits for public servants. Cash sickness benefits, medical care benefits, employment injury benefits, survivor's benefits and maternity benefits are also covered in the Federal Civil Servants Proclamation 515/2006 and Labour Proclamation 377/2003. Public servants and workers in private sectors are enjoying social securities provided in those Proclamations. However, unemployment benefit and family benefits are not yet covered in the Ethiopian Social Security System mainly due to financial constraints.

The Right to Health

66. Almost all under-five deaths in the country occur due to preventable diseases, namely pneumonia, diarrhea, malaria, measles and HIV/AIDS. In addition, malnutrition remains the underlying cause of death in about 54% of such cases. Though still high, Ethiopia has made encouraging progress in reducing child mortality; and infant mortality rate has reached about 77/1000 live births. Currently the national pentavalent immunization coverage has reached 81%. Immunization of children against six childhood illnesses is provided free of charge in public health institutions.

67. Poor nutritional status, infections and a high fertility rate, together with low levels of access to reproductive health and emergency obstetric services, contribute to the still high mortality rate in the country. The maternal mortality ratio of Ethiopia has declined from 871/100000 live births in 2000 to 673/100000 in 2005. In order to further minimize this number the health sector has given priority to increasing the coverage of maternal health service. The coverage of antenatal care, supervised delivery and postnatal care has reached 59%, 20% and 25% respectively. (*See annex*)

68. According to a survey made in 2005, unsafe abortion is the most common cause of maternal mortality, accounting for up to 32% of all maternal deaths in the country. In order to decrease the occurrence of clandestine abortions, the previous Penal Code has been amended to include additional cases where abortion can be carried out legally. In addition, the Federal Ministry of Health has issued a Technical and Procedural Guideline for Safe Abortion Service.

69. An integrated action has been taken to expand access of different types of contraceptives and to increase awareness on family planning so as to assist women make an informed choice. Contraception use by women has shown a significant increase.

70. Malaria remains the major causes of morbidity as well as mortality in the country. The malaria prevention and control program in Ethiopia is guided by a five-year strategic plan that has been developed in the context of the Health Sector Development Plan (HSDP) and in line with the objectives of the international movement of Roll Back Malaria. The distribution of 20.5 million ITNs in malarious areas has been a remarkable achievement in the prevention and control of malaria. The 100% coverage with ITNs has contributed to a substantial reduction in morbidity and mortality caused by malaria.

71. The Health Sector Extension Program has been introduced in recognition of the failure of essential services to reach the people at the grass root level.² The construction and equipping of health posts through the accelerated expansion of Primary Health Care Coverage (PHC) support this program. The Accelerated Expansion of Primary Health Care Coverage Strategy has been endorsed by the government with the aim of achieving universal coverage of primary health care to the rural population and increase the accessibility of health services. The overall Potential Health Service Coverage in the country has reached 86.7% (2006/2007) from 72% (2004/2005).

Right to Education

72. The country has adopted policies and programs which have led to concrete results to realize the right to education. The Education Sector Development Program is on its third phase of implementation. The strategic concerns under this program are improving the quality of education and increasing access to educational opportunities with enhanced quality and relevance. Under the Education and Training Policy, the Government has made primary and general secondary education and related trainings (up to grade ten) free of charge.

73. Thus the Gross Enrollment Rate (GER) and the Net Enrollment Rate (NER) of primary education at the national level has reached 91.6% and 78.6% in 2006/07 respectively. The gender gap is improving progressively and GPI has reached to 0.87 in 2006/07 nationally. The dropout rate for children at primary school level is declining nationwide at the same rate for both sexes.

74. NER in the secondary education first cycle increased from 8.4 to 14.7 from 2002/2003 to 2006/2007. The NER in secondary second cycle school (11-12) has also augmented by 22% between the year 2002/03 and 2006/07.

75. Alternative basic education program has been designed to make education available by reaching out to the more remote and dispersed communities, pastoralist and semi-pastoralist societies throughout the country. To reach rural areas, the Government has undergone construction of schools (covering 80%) in rural areas.

76. Affirmative measures are taken, notably higher education entrance requirement is lowered by two points for students applying from those less-developed regions and for women. The Special Needs Education Program assures for the disadvantaged groups (persons living with disabilities) to receive special support. In 2006/07 the number of students with Special Educational Needs in primary education was around 33,300 and in secondary education (9-10) and (11-12) is around 3,127.

77. Improving the quality of education remains a challenge. Efforts are ongoing to improve the quality and a comprehensive General Education Quality Improvement Program (GEQIP) has been developed to this effect.

The Right to Adequate Living Standard

78. The government has been taking several measures in order to achieve an adequate standard of living. To ensure the right's progressive implementation, the government has adopted development policies, devised strategies, and, to the extent resources permitted, implemented these development policies and strategies.

Right to Food

79. Due to the recurrent shortage of rain water, some parts of the country encounter drought. Hence the country to a certain degree is dependent on international food aid to meet the overall food required for its population. Although several policies and programs associated with food production were devised to make the country food self-sufficient, still the country is unable to prevent seasonal shortage of food in certain parts of the country.

Right to Housing

80. According to the survey of 2005/06, housing shortage among the major cities in Ethiopia at the national level is estimated to be 900,000. Through Integrated Housing Development Program the government has made remarkable and rapid progress in the construction of affordable low cost housing (condominiums) for low income groups throughout urban areas covering 72 towns across the country. In the coming four years there is a plan to construct 400,000 houses.

81. The houses constructed under the IHDP are distributed in three rounds among the communities without discrimination. From these houses, 30% is first allocated for women and the rest 70% is allocated equally among women and men.

Cultural Rights

82. The Constitution provides for the responsibility of the State to promote the equal development of customs and cultures in so far as they are not inconsistent with fundamental rights, human dignity, democracy, and rights and freedoms of others. Under the basic law, equality of languages and preservation of historical and cultural attributes is guaranteed without any distinction.

83. The Ministry of Culture and Tourism, in collaboration with regional organs, has been organizing cultural festivals representing nations and nationalities with one of the declared objectives of “introducing the arts and crafts of the nations, nationalities and peoples of Ethiopia on equal basis thereby nurturing equality, tolerance and togetherness among them with a view to encouraging the building of democratic system in Ethiopia.” The Regional Bureaus have also been organizing their own similar festivals at regional levels. The nations, nationalities and peoples in Ethiopia freely develop, nurture and preserve their culture.

VI. RIGHTS OF WOMEN, CHILDREN AND PERSONS LIVING WITH DISABILITIES

84. Despite the multifaceted and significant role women play in the society, they have not so far enjoyed the fruits of their contribution and lagged behind men due to past political, economic, social and cultural bias against them. In order to rectify this, specific policies and strategies have been adopted. The National Policy on Women, the National Action Plan on Gender Equality and the Women’s Development Package are noteworthy of these instruments.

85. A significant change has taken place in the legal framework, too. From the Family to Criminal Codes, from law of succession to nationality rights, a massive revision has been carried out to make the legal system and its instruments gender-sensitive. Changes in the Federal and Regional family laws have ensured equal rights for women, in marriage, divorce, custody of children, and rights to matrimonial properties.

86. The participation of women in decision-making and political life has also shown a significant progress. Currently women occupy 30%-50% seat of the HPR.

87. Meanwhile, various institutional mechanisms have been devised to enable women enjoy all rights in equal terms with men. The establishment of the Ministry of Women’s Affairs at the Federal and similar structures at the Regional, Zonal and Woreda levels as well as Women’s Affairs Departments in each and every Ministry along with the Women’s and Children’s Affairs Section of the National Human Rights’ Institutions, namely the Ombudsman and the Ethiopian Human Rights Commission are some of the outstanding developments.

88. Unfortunately, Female Genital Mutilation (FGM), abduction, domestic violence and rape are the most common forms of violence against women and girls in the country. The Government has taken measures against these practices by undertaking a legislative reform and seriously condemning these acts. According to the result of the population survey conducted in 2005, the nationwide prevalence of FGM was 74%, the highest rate being in Afar and Somali Regional States (91.6% and 79% respectively). The Government has, through the Ministry of Women’s Affairs, waged a notable campaign against FGM in which non-governmental

organizations have also joined through a tripartite project financed by UNICEF. Consequently, the acceptance rate of the practice by the community has now dropped from 60% to 31%.

89. Children are one of the priority areas of intervention by the Government. Accordingly measures have been taken to improve their welfare in all aspects of life. To that end, the National Plan of Action for Children has been adopted. The Government, in collaboration with NGOs and civil society groups, has been implementing child-focused interventions in basic health-care, education and protection services for children orphaned by HIV/AIDS.

90. With regard to juveniles, efforts are being made to make courts and the police child-friendly. At the federal level, a special bench that handles juvenile cases has been established. In most police stations Child Protection Units (CPU) have been set up at the Federal and Regional levels. Community-based centers have been put in place as a subcomponent of the Child Protection Program to serve as an alternative to the protection of petty and first-time offenders reported to the CPU.

91. In another development, welfare of persons with physical and mental impairment has been one of the areas of focus for the Government. A National Plan of Action for the Rehabilitation of Peoples Living with Disabilities has been adopted in order to implement international conventions and constitutional provisions regarding the rights of persons living with disabilities. The action plan is being implemented with the supervision of the Ministry of Labor and Social Affairs. In a more specific instance, particular rules have been worked out by a Proclamation on the Right of Disabled Persons to Employment with the aim of deterring discrimination and ensuring the protection of disabled persons to enable them to compete for employment on the basis of qualification and experience.

92. Buildings have been constructed in order to strengthen the capacity of six artificial and supportive body part manufacturing institutions in cooperation with the World Bank and the International Committee of the Red Cross (ICRC). For the same purpose, the provision of equipment and the training of professionals for physiotherapy and orthopedics have been undertaken, as well.

VII. REFUGEES AND INTERNALLY DISPLACED PERSONS

93. Ethiopia has a long history of hosting refugees from neighboring countries. Refugees mainly from Eritrea, Sudan, and Somali reside in the country. In 2008 there were over 83,471 recognized refugees in the country. Presently there are over 13 refugee centers in the country managed in cooperation with concerned international organizations such as the ICRC and UNHCR. In most of these centers, international organizations maintain offices so that refugees have ready access to them. In addition to basic needs including water, food and shelter, every refugee center is equipped with primary school along with its facilities.

94. Due to natural calamities such as flooding, drought and internal conflict in some parts of the country, people have been displaced from their homes. For instance, in summer and October 2006, 670,000 people were displaced from their home in Dire Dawa city, and the Southern Nations, Nationalities and Peoples, Amhara and Somali Regional States. A number of measures have been taken to help the victims by the Federal and Regional Governments as well as NGOs. Thousands of metric tons of food, clothing, household items and tents were

distributed. Large amounts of donation from international and local donors were obtained and used to rehabilitate those displaced by the flood. Rehabilitation programs such as the temporary food for work program and permanent solutions such as protection of soil and water in those vulnerable areas have also been undertaken.

VIII. ACTIVITIES OF NATIONAL HUMAN RIGHTS INSTITUTIONS

95. The Ethiopian Human Rights Commission has been undertaking various activities in promoting, protecting and enforcing human rights since its operational inception. These activities include: education and training on the protection of human rights; human rights protection, complaint and investigation program (receiving complaints, investigation, legal consultancy and prison visit); assessing compatibility of existing legislations with human rights norms; participation in international human rights meetings, conferences and symposia; distribution of books, articles, brochures, leaflets, posters and banners on human rights; and coordination of the celebration of Human Rights Day. Currently, the Commission is undertaking preliminary study to open branches in some regions of the country.

96. Similarly, the Institution of the Ombudsman has so far undertaken various activities which primarily consist of promoting its role in bringing about good governance with a view to increasing general public awareness. It has also engaged it self in promoting the rights of children (e.g. by establishing children parliaments), women and persons with disabilities and entertaining complaints of maladministration. Collection of administrative rules and regulations from every Government institution to assess their compatibility with the Constitution, other laws and principles of good governance is being undertaken.

IX. HUMAN RIGHTS AWARENESS ACTIVITIES

97. Numerous human rights awareness programs by the Government and Civil Society Organizations are being undertaken. As a component of the Justice System Reform Program (JSRP), extensive trainings and education on human rights for legislators and law enforcement officials were conducted. The EHRC and the Institution of the Ombudsman effected such trainings at the Federal level. The Regional States also undertook successive trainings through members of their respective State Councils and law enforcement officials under the auspices of their Capacity Building Bureaus.

98. With financial backing from the Norwegian Government, the Ministry of Justice has undertaken a nationwide human rights training for law enforcement officials at different levels. More than 4,300 law enforcement officers have received ten-day training under this project. Various government organs have also initiated and organized awareness raising activities for their professionals with their own budget or with the assistance of outside financial or technical sources.

99. Civics and Ethical Education, which incorporate the ideals of human rights, democracy and constitutionalism, has started to be taught at the primary, secondary and tertiary level throughout the nation whether in public or private, secular or religious schools. In our law schools and judicial training centers, various courses are given on human rights issues. Human rights courses are incorporated in the military and police training schools curriculum. In their curricula,

emphasis is placed on the role of the police and military officers in the protection of human rights in peace or war times.

X. COOPERATION WITH HUMAN RIGHTS MECHANISMS

100. Ethiopia has been cooperating with international human rights mechanisms for the protection and promotion of human rights. The country has timely observed its reporting obligations under International Convention on the Rights of the Child and International Convention against the Elimination of All Forms of Discrimination against Women. Of course, due to resources constraints, the Government was so far unable to submit timely reports required under the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention against the Elimination of All Forms of Racial Discrimination, International Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment as well as the African Charter on Human and Peoples' Rights. With the technical assistance from OHCHR East African Regional Office, the Government was able, within the last two years, to prepare and submit overdue reports to the treaty bodies and the African Commission on Human and Peoples' Rights.

101. To date, the Special Rapporteur on the Right to Food and the Independent Expert on Minority Issues have visited the country. The Government has also been supportive of other United Nations activities in the field of the protection and promotion of human rights. In this regard, the Government's reports to the International Labour Organization (ILO) and World Health Organization (WHO) are worth-mentioning.

XI. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

A. Achievements and Best Practices

102. **Right to self-determination** (reference to paras 43 and 44)

Achievements in the education sector

103. The Government has vigorously campaigned on a big push to increase primary school enrollments, including the promotion of universal and free primary education. As a result, enrollment rate in education in general has increased enormously.

104. With the increasing demand for highly skilled labor in the country, a rapid expansion of higher education has been undertaken and its intake capacity has increased a great deal over the years. Hence, 13 new higher educational institutions in addition to the previously existing eight universities are opened and the existing ones are upgraded. Furthermore, necessary preliminary preparations are being carried out to build 10 additional higher educational institutions in various places across the nation.

Achievements in the health sector

105. Significant achievement in the health sector has been obtained through the successful launching of the HSEP, which enabled the delivery of essential primary health care services at household level. Through this program, 24,571 health extension workers have been trained and deployed in rural Kebeles (81.9% of the national requirement). As a result of the efforts

undertaken to halt the epidemic, prevalence of HIV/AIDS in the country has appeared to be stabilized based on a consecutive 4-year survey. But still brain-drain and shortage of qualified health personnel could be cited as challenges the health sector is encountering.

Expansion of Infrastructure

106. The Government has given priority to the construction of new roads as well as major rehabilitation/upgrading/maintenance work. The Government has also expanded electricity and telecommunications services throughout the country. The main challenges in this regard are the need to ensure adequate financing for the major investments required, ensuring continued maintenance, and the limited domestic construction capacity. Tremendous efforts are now being undertaken to develop the domestic construction industry.

B. Challenges and Constraints

107. Ethiopia continues to face a number of difficulties and constraints which affect the implementation of human rights in the Country. The challenges are mostly linked to its economic situation, its socio-cultural context, and the persistence of certain traditional practices. These difficulties and constraints include:

- Widespread poverty associated with persistent drought and environmental degradation;
- Resource constraints including lack of skilled man power;
- Unemployment;
- Traditional harmful practices such as FGM, early marriage, abduction bonded with forced marriage;
- The prevalence of deadly disease such as malaria, TB and HIV/AIDS;
- Lack of awareness and narrow understanding of human rights norms in the society associated with inadequate promotion of human rights;
- Inadequate translation and dissemination of international human rights instruments into domestic languages;
- Existence of corruption, fraud and other conducts incompatible with public obligations;
- Internal resources-driven ethnic conflicts such as those caused by competition for water and grazing land;
- The slow progress in the implementation of broadcasting legislations, which are believed to enhance the freedom of the press.

XII. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

National Priorities and Initiatives

108. Plan for Accelerated and Sustained Development to End Poverty (PASDEP): To ensure smooth social, economic and cultural development and to coordinate and facilitate the implementation of various policy measures and achieve the goal of poverty reduction, the Government has designed PASDEP, which replaced the Sustainable Development and Poverty Reduction Program launched in 2002 and expired at 2005. PASDEP, which is a five year plan extending from 2005/06-2009/10, is the guiding strategic framework to eradicate poverty.

109. Millennium Development Goals (MDGs): the State has also given priority to achieving the MDGs.

110. Business Processing Re-Engineering (BPR): as part of an effort to improve the efficiency of the civil service, the country has been implementing BPR in all governmental institutions.

Commitments

111. The State commits itself to continue its cooperation with the United Nations Human Rights Organs and will consider extending further invitations for country visits by United Nations Human Rights Council special rapporteurs and mandate holders.

112. The State also desires to establish permanent institutions that would ensure timely submission of human rights reports, both to international and regional human rights mechanisms.

XIII. CAPACITY BUILDING AND TECHNICAL ASSISTANCE

113. The State seeks further enhanced Official Development Assistance from development partners to continue addressing comprehensively the socio-economic developmental needs of the country for the full and universal realization of all human rights.

114. The State, in collaboration with the international community, would like to promote Foreign Direct Investment;

115. The State also requests technical assistance from development partners and the relevant international organization for capacity building and for the promotion of education, infrastructure, health, housing, agriculture, and ensuring food security.

Notes

¹ Central Statistics Agency, National Labour Force Survey, 2005.

² The plan involves the accelerated training of 30,000 HEWs in order to reach universal coverage in all rural *kebeles* with the assignment of two HEWs per *kebele*.