

**Joint UPR Submission by CSO Coalition:**

*Action Professionals' Association for the People  
Ethiopian Human Rights Council  
Ethiopian Women Lawyers' Association  
Organization for Social Justice in Ethiopia*

**Ethiopia**

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## **Introduction**

1. This report was prepared by a CSO Coalition with the financial support of the Ethiopian Human Rights Commission (EHRC) in cooperation with the Office of the High Commissioner for Human Rights (OCHCR) to the UN human rights treaty bodies and to the Human Rights Council. The Drafting Committee prepared this report based on an analysis of documented information and opinion obtained from members of the CSO Coalition in line with the general guidelines for the preparation of information under the Universal Periodic Review mechanism of the Human Rights Council. The factual statements contained in the report have been verified through a national consolidation workshop attended by several CSOs and Government representatives. Where necessary, reference has also been made to the human rights reports and other documents mentioned in the annex. The information contained in this report relates to events that occurred between 2005 and 2009.

## **Background**

2. Ethiopia has ratified the major human rights instruments and made them an integral part of the laws of land<sup>1</sup>. The Constitution further stipulates that the Human Rights Chapter of the Constitution shall be interpreted in conformity with international human rights instruments adopted or ratified by Ethiopia. However, the provisions of these instruments have not been officially translated and disseminated. The application of these instruments in domestic courts is very limited due to the lack of translation, awareness and training. A thorough harmonization of laws in line with international standards has not been conducted. A recent decision of the Court of Cassation citing provisions of the Convention on the Rights of the Child is however believed to set a positive precedence in this regard. Nevertheless, the fact the instruments are not officially translated and disseminated remains a major concern.

3. The role of the judiciary is being eroded by the establishment of quasi-judicial administrative mechanisms, which tend to give unlimited power to executive organs.<sup>2</sup>

4. The government has established the Office of the Ombudsman and the EHRC in 2004, which became operational in 2006. Despite of their efforts to promote and protect human rights, they should further strengthen their awareness raising, capacity building and monitoring efforts.

## **Section One: The Rights to Liberty, Security and Freedom of Persons**

5. **Arbitrary arrest, detention, and execution:** The May 2005 disputed parliamentary election led to serious human rights violations. Following the June and November demonstrations, there were reports of mass killing, arrest and detention of people by the police and military. On 29 June 2005, the federal police reported that it had detained 4,455 "suspects;" most were released after several days of detention. Opposition parties further reported that hundreds of their members who served as observers during the elections were harassed, intimidated, and detained. Authorities further arrested prominent Coalition for Unity and Democracy (CUD) Party leaders, several members of NGOs, and independent journalists on charges of treason and genocide. In July and August 2008, 71 of the originally 131 defendants were pardoned after they had been convicted and sentenced to punishments ranging from a few years to life in prison. However, on 29 December 2008, Unity for Democracy and Justice Party president Birtukan Mideksa's pardon was revoked following a speech she made to supporters abroad.

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<sup>1</sup> Article 9(4) of the Constitution.

<sup>2</sup> For instance, these mechanisms are set up for issues related to customs, land clearance, and government houses.

6. In December 2005, the government established an independent commission of inquiry to investigate the killings following the May 2005 elections. In its 2006 report, the Commission found that the individuals involved in the riots were responsible for the post-election violence, while it stated that the force used by the security forces was proportionate in the circumstances. However, the original commissioners fled the country and stated that their findings had been to the contrary.

7. Authorities at times detain persons without warrants and deny access to counsel and family members, particularly in outlying regions. Despite relevant constitutional provisions, detainees are not promptly brought before a judge. In some of the cases, the courts eventually attempt to control the legality of the detention and order the release of detainees when the police fail to produce evidence. However, it is reported that authorities still detain people for periods long enough to be punitive, or detain the same people repeatedly without any evidence. Although there is a functioning bail system, in most cases the amount of bail is set too high for most citizens. With court approval, pre-trial detention can go up to 14 days and may be extended for additional 14-day periods if an investigation continues.

8. **Recommendations:** The law should clearly provide that detainees should be released if the investigation cannot result in a trial within a reasonable period of time. The law should also establish procedures and mechanisms that limit preventive detention for reasons of public security. The right to judicial review of the legality of the detention should be enforced.

9. **Torture and Cruel Treatment or Punishment:** Opposition political parties reported frequent and systematic abuse and intimidation of their supporters by police and regional militias. Although some of CUD members and Ethiopian Teachers' Association officials arrested in December 2006 claimed in court that they had been tortured in the police central investigation bureau in Addis Ababa, known as Maekelawi, the judges refused to consider their claims.

10. It is reported that many local authorities and security officials in Oromia routinely commit various human rights violations against persons, including regional parliamentarians, whom they believe to be unsupportive of the government or to be members or supporters of the banned Oromo Liberation Front (OLF). In much of Oromia, these abuses are so widespread and so arbitrarily inflicted that they have left many people afraid to engage in any kind of public discussion related to issues of concern to their communities.

11. There are also reports of arbitrary detention and torture by the Ethiopian armed forces and other security services of civilians for allegedly being members or supporters of the Ogaden National Liberation Front (ONLF) in Somali Region. It is reported that detainees on military bases in Somali Region frequently are severely beaten and tortured. It is further reported that detained women and girls, as well as women and girls in urban areas, have routinely been sexually abused and raped by the military groups. The government set up an investigation team, which stated in November 2008 that it has not found any evidence to support these allegations, except for two or three cases where the officer responsible was court marshalled.

12. **Recommendations:** The right to an effective remedy should be recognized and enforced. Perpetrators should be brought to justice. The effective application of the law regulating the

treatment of persons deprived of their liberty should be monitored and any officials involved in law enforcement should be adequately trained.

**13. Prison and Detention Centre Conditions:** The country has three federal prisons and 130 regional prisons. Although the law prohibits detention in any facilities other than an official detention centre, there are dozens of unofficial detention centres<sup>3</sup>. Prisons are overcrowded and conditions remain harsh and life threatening. Prisoners often have less than 2 square meter of sleeping space in a room that could contain up to 200 persons, and sleeping in rotations is common in regional prisons. The daily meal budget is approximately 6 ETB<sup>4</sup> per prisoner per day. Medical care is unreliable or almost nonexistent, which at times leads to cases of death in prisons. There are reports of physical abuse in detention centres by the police. Records of prisoners are not disaggregated by age and there is only one juvenile remand home in the country. The International Committee of the Red Cross (ICRC) representatives are sometimes denied access to police stations and federal prisons, including those where opposition, civil society, and media leaders are detained.

**14. Recommendations:** The government should only hold detainees in official detention centres and keep their names and places of detention in registers readily available and accessible to those concerned. Prompt and regular access of detainees should be guaranteed at all time to doctors, lawyers and family members. The government should also take appropriate measures to enforce provisions applicable to the treatment of prisoners in a comprehensive manner.

**15. Ethnic clashes:** Ethnic clashes that flared up in different parts of the country resulted in major human rights violations. While unclear territory demarcation caused ethnic conflicts, the fact that the government did not take lasting measures to solve these conflicts resulted in frequent ethnic clashes. For instance since 2007, the clashes over plots of grazing lands between members of the Borena Oromo and Konso ethnic groups in Teltelle wereda and between members of the Oromo and Gumuz ethnic groups in the areas bordering the Oromia and Benishangul Gumuz regions have resulted in the death and injury of hundreds of people.

## **Section Two: Freedom of Association, Assembly and Expression**

**16. Freedom of Association:** Although the Constitution guarantees freedom of association, the legal and political environment following the post 2005 election crises was not conducive to the exercise of this right in the last three years. Employees of human rights and advocacy CSOs were detained, beaten or harassed on allegations that they had participated in the post-election violence, while two prominent civil society activists were imprisoned for incitement to such violence (see para. 5). Some Ethiopian civic and professional associations, including the Ethiopian Teachers' Association and the Ethiopian Free Journalists Association regularly reported that the government harassed their leaders, obstructed their activities and interfered in their internal affairs.

17. Of special concern to CSOs is the Charities and Societies Law enacted in January 2009. Although enacted with highly appreciable aim of ensuring transparency and accountability of CSOs, this law threatens the existence of CSOs working on human rights and conflict resolution,

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<sup>3</sup> For instance, there are reports that Harar Military Camp, Miesso Federal Police Camp, Senkelle Oromia Police Training Centre, and Dedessa Military Camp are used for detention.

<sup>4</sup> This is approximately 0.50 USD.

as it stipulates that these CSOs cannot obtain more than 10% of their funds from foreign sources. This restriction will also entrench aid-dependency, as it forces development CSOs to abandon their rights-based development programs and to focus only on relief and social service delivery. Other provisions which inhibit the operation of CSOs include: the requirement that national CSOs should open offices and/or have membership in at least five regions; the broad definition of administrative costs to include operational expenses for goods and services and the stipulation that CSOs may not use more than 30% of their budget for such expenses; severe penalties for non-compliance with administrative and reporting requirements; and denial of effective judicial remedy/right of appeal against decisions of the Charities and Societies Agency not to register, suspend or dissolve foreign charities and Ethiopian CSOs that obtain more than 10% of their funds from foreign sources.

18. In a country where abject poverty and the absence of culture of charity force CSOs to depend on financial support from donors, the restrictions on sources of financing will have the effect of violating freedom of association as it will lead to the closure of indigenous CSOs working on human rights, governance and rights-based development. This will adversely affect thousands of people, as well as grassroots associations, courts and law enforcement officials benefiting from human rights education, capacity building and legal aid programs. It will also hamper the enjoyment of rights by disadvantaged persons, such as children, prisoners, women and persons with disabilities, who depend on the legal services provided by these CSOs, as State legal aid is almost non-existent.

19. There was a tendency by the government media and party organs to air negative, unbalanced and often unsubstantiated views against Ethiopian CSOs, labelling them corrupt, rent-seeking and subversive agents of foreign governments. This made the environment even more disabling for CSOs.<sup>5</sup>

20. The Revised Political Party Registration Proclamation of 2008 includes provisions which narrow down the space for multi-party democracy in Ethiopia. The stipulation that political parties which fail to participate in two consecutive elections will be cancelled, jeopardizes both the existence and autonomy of opposition parties. The climate of fear and restraint in the political arena after the 2005 election crises, combined with the legal prohibition of anonymous donations and contributions from the Ethiopian diaspora severely weakened the financial capacity of the opposition.

21. **Recommendations:** the Charities and Societies Law should be revised with a view to creating an enabling environment for CSOs while striking an adequate balance between independence and accountability of CSOs. Accordingly, the restrictions on sources of income need to be lifted, and the definition of 'administrative cost' should be reconsidered. Decisions of the Agency must be subject to judicial review. While the Government should encourage CSOs to be financially self-sufficient and avoid donor dependency, this should rather be done by promoting the culture of charity through incentives such as tax breaks to local donors and by supporting income generation by CSOs. Sanctions on parties' failure to participate in elections should be lifted.

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<sup>5</sup> EPRDF, Addis Raiy, Year 2 No. 2, September-October 2008.

**22. Freedom of Assembly:** Proclamation No. 3/1991 to establish the Procedure for Peaceful Demonstration and Public Political Meeting provides the legal framework for the exercise of the constitutional right to freedom of assembly. Under this law, citizens/organizations planning to organize public meetings or demonstrations are required merely to notify rather than to ask for permission from local authorities, although the latter might advise the organizers to postpone such meetings or demonstrations in the interest of ensuring public peace. In practice, however, political parties have reported that they were required to obtain permission to hold public meetings and demonstrations. They also reported that security and police officers often obstructed meetings called by the opposition. For instance, in 2008, the Unity for Democracy and Justice Party was reportedly prohibited several times by security officials from holding its founding conference although the Party duly notified the authorities. Political parties also reported difficulties to rent venues for meetings and conferences due to fear of reprisal by security forces. Government did not respond to most of these allegations.

23. Following the 2005 elections, the Prime Minister imposed a one-month ban on demonstrations and public meetings in Addis Ababa. The ban was unconstitutional because it did not follow the procedures set out in the Constitution regarding the declaration of a state of emergency. It was not promulgated in the official law gazette but was merely announced in government media. Moreover, it was not ratified by the Parliament within two weeks following its issuance.

**24. Recommendations:** As the Constitution provides for the enactment of laws to facilitate freedom of assembly, Proclamation 3/1991 needs to be replaced by a legislation that ensures the full exercise of this right in the current federal system. National human rights institutions and the government should create awareness and take measures to ensure that the police, local administrators and security officials respect freedom of assembly.

**25. Freedom of Expression:** The Constitution guarantees this right, and the Press and Freedom of Information Law of January 2008 provides the legal framework for its exercise. The law has commendable provisions that advance press freedom and the right of access to government controlled information. The law also prohibits pre-trial detention of journalists and protects their right not to disclose their sources save in exceptional circumstances. However, the provision that only incorporated companies may undertake press activities restricts press freedom. The harsh penalties for defamation of government officials subject the press to self-censorship and prevent it from exercising its public role of ensuring accountability and revealing corrupt practices.

26. While the law recognizes the right of the media to access government owned information, it contains a long list of ‘classified information’, to which the press can be denied access without judicial review. Furthermore, the categories of classified information are defined in loose terms, making the right practically meaningless.

27. Despite the Constitution, diversity of opinion and ownership does not exist in practice, especially in national and regional electronic media. There is a strong monopoly of the government and the ruling party at all levels of the electronic media. The Broadcasting Law imposes unjustifiable restrictions on ownership of broadcasting stations by corporate entities in which leaders of political parties hold shares. In practice, only a handful of private broadcasters

managed to obtain a license, while two publishers reported that they were arbitrarily denied a license by the Ministry of Information.<sup>6</sup>

28. The Criminal Code of 2004 imposes harsh penalties<sup>7</sup> on the press for alleged offences of sedition, incitement against the constitutional order or treason. This has a chilling effect on the press, as politically critical content in the press could easily be misconstrued to constitute of the above crimes. Publishers and editors of private newspapers were reportedly convicted for incitement against the constitutional order because they protested against election irregularities, made minor mistakes concerning the identity of judges, or blamed the government for failing to take measures to curb inflation.

29. **Recommendation:** The press and criminal laws should be revised to encourage press freedom. Measures should be taken to ensure that the public media respects diversity and balance in its programs. Categories of “classified” information should be defined more precisely and denial of access to such information should be subject to judicial review.

### **Section Three: Political Participation**

30. Ethiopia’s arduous path to democracy since 1991 has been fraught with enormous challenges, including lack of democratic culture, one-party domination and widespread undemocratic practices. The only notable exception in this regard were the 2005 national and regional elections, where political parties were allowed, via debates transmitted live through the state radio and TV, to reach the broader public and initiate active citizen participation in the elections. However, even in the run up to these elections, members and supporters of the opposition were killed, harassed and tortured by cadres and supporters of the ruling party, especially in the rural areas. Irregularities in voter registration were also reported. Although media coverage was relatively balanced initially, the State media was increasingly engaged in slanted reporting in favour of the ruling party.

31. Human rights groups and international observers reported that the National Election Board lacked capacity, credibility and independence to administer the elections. The fact that the Board was headed by the president of the Federal Supreme Court complicated the problem and undermined public trust in the courts. The appointment of Board members was controversial, lacked transparency and did not involve all political parties and other stakeholders. It was reported that election officers were recruited from among civil servants who often lacked the necessary skills and neutrality. The Board stifled attempts by local CSOs to monitor the elections by stipulating that election observation can only be undertaken by CSOs established for this purpose and who can do it ‘neutrally’.

32. Human rights groups and international observers also reported that despite unprecedented turnout during the Election Day, the election process was marred by numerous irregularities, including vote count fraud and intimidation of voters and opposition election observers. The election law lacked adequate procedures and institutions for election dispute resolution. The ad-hoc election dispute resolution mechanisms (Complaint Investigation Panels) set up by the Board in an agreement with the parties were structurally flawed, as the complainants were also part of the panels, which adjudicated the disputes.

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<sup>6</sup> Serkalem Fasil and Sisay Agena were denied press license in 2008.

<sup>7</sup> Penalties include life imprisonment and death.

33. Public protests following the elections were violently crushed by security forces. The political climate has since become inhibitive for citizens and political organizations. Major opposition parties withdrew from the local elections of 2008 on allegation of harassment of their members. In December 2008, the government revoked the pardon it gave to the leader of a major opposition party for allegedly questioning the legitimacy of the pardon process (see para. 5).

34. The Election Law of 2007 imposes serious restrictions on election monitoring, civic education and media reporting on elections. The law prohibits a CSO which plans to monitor elections from involvement in voter education or vice versa. It also states that the Board will issue licenses to conduct voter education or election monitoring only to those CSOs which are “neutral and can promote the democratic environment” without defining these criteria, leaving the door open for abusive interpretation. The law also stipulates that the decision of the Board on these issues is not subject to judicial review. The situation is aggravated by the devastating effect of the Charities and Societies Law on the few advocacy and human rights CSOs in Ethiopia.

35. The negative impact of the legal restrictions related to the financing and operation of political parties on political participation cannot be overemphasized. Although the law provides for the establishment of a state fund to support political parties, this has never been realized.

36. **Recommendation:** The laws regulating CSOs, the media, election and political parties should be revised in a manner that creates an enabling environment for a meaningful political participation by citizens. Measures should be taken to enhance the capacity and credibility of the Election Board and its officers, and election dispute resolution should be handled mainly by courts.

#### **Section Four: Rights to Adequate Standard of living, Education, Health, Housing and Food**

37. The Constitution does not explicitly give recognition to socio-economic rights leaving these rights at the mercy of policy makers and legislators, which creates obstacles for their judicial enforcement.

38. The Ethiopian economy has shown a steady growth with a double digit average real GDP growth rate. However, since 2005, consumer prices started to climb steadily reaching a very high inflation rate. Especially, ever increasing food prices are threatening the survival of urban households. Government initiatives to ensure food security mainly focus on rural areas, thus neglecting and discriminating against the urban poor. At the institutional level there is no government organ that is specifically entrusted with the task of ensuring availability and accessibility of food in urban areas.

39. By September 2008, the Government estimated that 6.4 million people were in need of food assistance, including 75,000 children aged below five targeted by food programmes for survival. According to current reports the number of people in need of emergency food assistance has increased. The food shortage is intensified by crop failure, livestock disease and the global food security crisis. Measures taken by the Government are far from ensuring lasting solutions, especially as regards the most vulnerable sections of the society. International support and assistance is critical to meet MDG 1 target 1 - halving the proportion of people who suffer from hunger by 2015.

40. According to the report by the Ministry of Education, the gross enrolment rate in primary school has increased from 64.4% in 2003/04 to 95.6% in 2007/08. However, there are concerns over quality at all levels – size of classrooms, shortage of textbooks, high pupil-to-teacher ratio and shortage of qualified teachers. The level of primary completion rate remains very low – one in four primary students drop out of school after grade 2 and almost half by grade 5. Although Ethiopia is under an obligation to ensure free and compulsory primary education, no legislation has been enacted making primary education free and imposing a duty on parents to send their children to school. Parents are required to pay fees, either as a contribution to the purchase of supplies and textbooks, or to the expansion and upkeep of school premises.

41. According to the 2005/06 PASDEP report, access to health services has increased from 52% to 72% and infant mortality has declined considerably. Despite the steady decline in infant and child mortality rates, concerted efforts are required to further reduce the mortality rate as it remains very high by international standard. Despite the decrease in the percentage of underweight children from 45% in 2000 to 37% in 2004, almost half of children under five years are stunted<sup>8</sup>.

42. Access to clean water supply has increased from 23% to 41% in rural areas and from 74% to 80% in urban areas between 2001/02 and the end of 2005/06. However, there are concerns about the limited access to safe drinking water (35% of the population in rural areas), sanitation (13% overall), and about specific disease exposures.

43. Commendable measures have been taken by the Government to realize the right to housing, through the ‘Five years Integrated Housing Development Program’, to rectify the intensifying housing problems of city dwellers. The Addis Ababa City Housing Development Project Office, for instance, has commenced implementing its plan to construct 250,000 condominiums in five years. However, the constructed houses are not affordable for the poor, as for instance owners are required to pay at least 20 – 30% of the total cost in advance. The poor are also excluded from the lease holding system as land lease permits are only available at exorbitant prices mainly through auction.

44. The law fails to recognise legal security of tenure for squatters and other informal settlers. In some cases, where the law permits the regularization of squatter settlements, the authorities fail to apply the laws in a uniform manner. There were instances where the Government evicted people for public purposes, but failed to properly consult them, give them sufficient written notice, and pay them adequate compensation. The domestic law is not harmonized with international standards and thus threatening the security of tenure, particularly of informal settlers. Efforts to curb housing problems should be made pro poor.

45. **Recommendations:** The Constitution should explicitly recognize socio-economic rights such as the rights to food, education, health and housing. The Government should take necessary measures to ensure quality education. Additional measures should be taken to reduce the high drop out rate, by eliminating school fees, providing income support to poor families and reducing reliance on child labour. The food security plans and programs should cover the urban poor and for this purpose a responsible government organ should be designated.

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<sup>8</sup> According to both the 2005 Demographic and Health Survey (DHS) and 2004 Welfare Monitoring Survey Report.

### **Section Five: The Rights of disadvantaged groups**

46. The Constitution provides for equal protection of the law without any discrimination. It also includes a comprehensive list of women's and children's rights. The Government recently revised the 1956 Penal Code and the Family Law. However, the revision of the Criminal Procedure Code of 1961 has been ongoing for more than seven years, which resulted in inconsistencies in the application of the law. Issues regarding women, children and persons with disabilities are currently mainly covered by the Ministry of Women's Affairs and the Ministry of Labour and Social Affairs (MoLSA). Cooperation, information-sharing, and coordination between stakeholders are poor. The rights of disadvantaged groups are not given due attention, as the mechanism put in place to oversee the implementation of these rights is very weak. The lack of skilled personnel and adequate resources is a major challenge.

47. **Children:** Mainstreaming of core principles, such as child participation and the best interest of the child is very weak. Despite various efforts, Ethiopia has no effective birth registration system, which renders child protection difficult.

48. Although the gross enrolment of both boys and girls is increasing, extreme poverty, violence against girls, discrimination and unequal division of work, are some of the reasons for the low enrolment rate and high drop out of girls. Although affirmative action is being taken to increase the number of girl students in higher education, no sufficient support is provided to assist them to complete their education (see para. 40).

49. In 2008, UNICEF estimated there were between 150,000 and 200,000 street children, in addition to one million children who are vulnerable or at risk of ending up on the streets. Handlers sometimes maim or blind children to raise their earnings from begging. It is further estimated that almost 24% of Ethiopian children live in especially difficult circumstances. With an estimated 77,000 child-headed households with no accompanying adults, Ethiopia has one of the highest percentages of child-headed households in sub-Saharan Africa. The Vagrancy Proclamation is of particular concern for street children, as they are randomly arrested and convicted for vagrancy on prejudiced suspicion of being involved in criminal behaviour.

50. Orphanages are unable to handle the increasing number of street children and orphans. Institutionalised care and inter-country adoption are not recognized as measures of last resort. Intra-country adoption is rarely performed in accordance with the law. Although adoption agencies are mushrooming, there is no specific legislation that deals with adoption, except for few provisions in the Family Law.

51. The lower (9 years) and upper (15 years) limits of criminal responsibility are not in line with international standards. In the absence of an effective birth registration system, there is no legal framework that governs age determination and renders accused children criminally irresponsible when the age of the child cannot be ascertained. Legal assistance to child offenders is only guaranteed where no parent, guardian or other person appears to represent the child; or where the child is accused of a serious offence. However, in practice legal assistance is not provided even in these circumstances. Although child-friendly benches have recently been established in some courts, they have no basis in law and are not widely accessible. The Revised Criminal Code does not provide for alternative interventions other than judicial proceedings, and measures in the context of judicial proceedings included in the Code are not being enforced. Irrespective of the law, child offenders are sometimes incarcerated together with adults. Despite the increasing

number of young children living with their detained mothers, there is no comprehensive legal framework and services for the treatment of children with imprisoned mothers.

**52. Recommendations:** The government should harmonize the domestic law in line with international standards. An effective birth registration system should be put in place. The mechanism that monitors the implementation of children's rights should be financially and technically strengthened. Adequate resources should be allocated to deal with the issue of orphans and vulnerable children. Juvenile offenders should be segregated from adults and should be accorded treatment appropriate to their age.

**53. Women:** Despite the National Women's Policy, and the National Action Plan on Gender Equality, discrimination is still acute especially in rural areas. Although the Constitution provides for affirmative action, it is not adequately implemented due to the lack of detailed directives. There are no nationwide gender-disaggregated statistical data to assess the effective implementation of these strategies.

54. Women's access to gainful employment, land, credit, and ownership and/or management of businesses is limited due to their low level of education and training, traditional attitudes, and limited access to information. In urban areas, women have fewer employment opportunities than men<sup>9</sup>. The number of women in the informal and unregulated sectors is much higher than the number of women employed in the formal sector, and jobs available to women in this sector do not provide equal pay for equal work. Although most women and children are engaged as domestic workers, the law does not regulate this sector and provides no protection.

55. Women and girls account for 76.45% of people living with HIV and AIDS between the ages of 15 and 24. Gender inequalities remain a major constraint in efforts to combat HIV and AIDS. According to the 2005 DHS, the maternal mortality ratio stands at 673/100,000 mothers. The national average for antenatal care is 28%. Though the revised Criminal Code broadens the circumstances in which abortion is allowed, the practice of illegal and unsafe abortion puts the health and life of many young women at risk.

56. Illiteracy, the low level of education and societal attitudes hinder women's participation as voters and candidates. Although the ruling party tried to set quota for women, there is no legislated quota in the Election Law.

57. Women prisoners do not have equal access to services which are available in prisons let alone be provided with services and facilities that address their special needs. Despite the fact that there are some improvements in the way women prisoners are being treated, there is still no meaningful support to pregnant and nursing mothers, and their children.

**58. Violence against women and children:** The revised Family Law lifted the age of marriage of boys and girls to 18. The revised Criminal Code specifically criminalizes early marriage, domestic violence, and harmful traditional practices (HTPs). However, it does not clearly define trafficking and fails to criminalize it for certain purposes. It also fails to clearly define domestic violence and sexual harassment. The revised Criminal Code does not criminalize marital rape,

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<sup>9</sup> According to Ethiopian Central Statistical Agency the urban unemployment rate among females and males is respectively 22.1% and 11.5%.

and child pornography. Corporal punishment is not punishable under the law if it is practiced ‘for the purpose of ensuring the child’s upbringing’. Although victim-friendly benches have recently been established in some courts, these have no basis in law and are not widely accessible.

59. Despite the lack of a comprehensive national survey on violence against women and children, HTPs, particularly FGM/FGC (74% according to 2005 DHS)<sup>10</sup>, early marriage (median age of marriage 17 years in rural Ethiopia) and abduction are widespread. Official crime statistics show that child sexual abuse and rape are prevalent and on the increase. A study on domestic violence<sup>11</sup> showed that 71% of the respondents have experienced physical and sexual violence by their partner. Both internal and external<sup>12</sup> trafficking is on the increase. Despite its prohibition, forced child labour remains a serious problem. According to MoLSA, 2 out of 5 working children are below the age of 6. Sexual harassment in school and at the work place is high with no concrete measures being taken.

60. This is just the tip of the iceberg as these types of violence are underreported. The rate of prosecution and conviction<sup>13</sup> is very low due to lack of evidence, gaps in the criminal law, lack of awareness, excessive case backlogs and lack of skilled personnel. An effective support system for victims is lacking as a result of which victims suffer from secondary victimization.

61. **Recommendations:** Considering the gaps, the Government is trying to establish an integrated system to effectively prevent and redress gender-based violence. This initiative should be made operational and efforts should be duplicated throughout the country. The Ministry of Women’s Affairs should be financially and technically strengthened and systematic collaboration with relevant sectors should be coordinated. Concrete strategies should be taken to eliminate gender discrimination in all sectors and adequately address the gaps in the law and practice.

62. **Persons with disabilities:** According to the Ethiopian Federation of Persons with Disabilities, there were approximately 7 million persons with disabilities in 2008. There is only one mental hospital and one school for the blind in Addis Ababa. Many children with disabilities are segregated and isolated by their own families and communities, because disability is considered a curse. Schools, means of transportation, public places and services are not physically accessible for persons with disabilities. Persons with disabilities sometimes complain about job and wage discrimination. Disability is an important cause of inactivity. Women with disabilities are more disadvantaged than men in education and employment. Girls with disabilities are much more likely to suffer physical and sexual abuse than able-bodied girls.

63. **Recommendations:** The Government should financially and technically strengthen MoLSA to ensure that persons with disabilities can exercise their rights on equal basis with persons without disabilities. The efforts of the National Taskforce on Disability to ratify the Convention on Disability should further be strengthened.

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<sup>10</sup> The National Committee on Harmful Traditional Practices has released a report in 2008 indicating that the percentage has decreased to 56%. However, the dramatic decrease of the percentage in only three years seems unrealistic.

<sup>11</sup> Conducted by WHO in two rural localities in 2005.

<sup>12</sup> External trafficking of women and girls occurs particularly to the Middle Eastern countries.

<sup>13</sup> A report issued in 2008 by the Ministry of Justice indicated that the conviction rate of violence against women and children stands at 30%.

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