United Nations A/HRC/WG.6/47/ETH/2

General Assembly

Distr.: General
29 August 2024

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Forty-seventh session
Geneva, 4–15 November 2024

Ethiopia

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.[1] It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. In 2023, the Committee against Torture stated that Ethiopia should consider acceding to the Rome Statute of the International Criminal Court.[2]

3. In 2022, the Human Rights Committee stated that Ethiopia should consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance,[3] the Optional Protocol to the International Covenant on Civil and Political Rights[4] and the Second Optional Protocol thereto, aiming at the abolition of the death penalty,[5] and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[6]

4. In 2019, the Committee on the Elimination of Discrimination against Women recommended that Ethiopia ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[7]

III. National human rights framework

1. Constitutional and legislative framework

5. The Human Rights Committee expressed concern about reports that, despite the Constitution of the Federal Democratic Republic of Ethiopia guaranteeing equality for all ethnic groups, many regional state constitutions conferred rights only on the dominant ethnic groups, which excluded members of non-dominant minority groups from participating in political and public affairs and contributed to ethnic tensions.[8]

Please recycle

6. In 2020, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression urged Ethiopia to finalize its new media law through an inclusive participatory process.[9]

7. The Human Rights Committee expressed concern about the absence of dedicated legislation recognizing the rights of Indigenous Peoples. It stated that Ethiopia should adopt a legal framework recognizing the rights of Indigenous Peoples.[10]

8. The United Nations Educational, Scientific and Cultural Organization (UNESCO) stated that the draft proclamation on access to information and computer crime/cybercrime had yet to be adopted.[11]

2. Institutional infrastructure and policy measures

9. The Human Rights Committee stated that Ethiopia should institutionalize the establishment of the national mechanism for reporting and follow-up and ensure that it fulfilled its mandate.[12]

10. The same Committee stated that Ethiopia should continue to provide support to the Ethiopian Human Rights Commission, including by ensuring adequate funding to enable it to carry out its functions.[13]

11. The Committee against Torture and the Human Rights Committee expressed their concern that Proclamation No. 05/2021, which imposed the state of emergency for the period from 2 November 2021 to 15 February 2022, contained excessively broad provisions that had allowed for the mass arrest and detention of persons purportedly supporting rebel groups and for disproportionate sentences for minor offences such as "moving around without an identity card". They stated that Ethiopia should formulate state-of-emergency restrictions, with the prohibited acts and sanctions set out in clear and precise terms, and ensure due regard for the principles of legality, necessity and proportionality and respect for non-derogable rights; and should refrain from the blanket suspension of judicial review, in particular the review of legality of arrest and detention, in order to fulfil the obligation to protect non-derogable rights in times of emergency.[14]

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

12. The Human Rights Committee expressed concern at the absence of a comprehensive anti-discrimination law that provided effective protection against direct, indirect and multiple forms of discrimination.[15]

13. In 2019, the Committee on the Elimination of Discrimination against Women expressed its concern that the ministry responsible for the advancement of gender equality and women's empowerment had faced challenges regarding its resources and capacity and recommended that Ethiopia strengthen the existing machinery by providing it with adequate resources to increase its effectiveness. It recommended that Ethiopia intensify its efforts to effectively implement Proclamation No. 970/2016 to accelerate the achievement of substantive equality between women and men and that it adopt a regulatory framework to ensure the implementation of temporary special measures to achieve such equality.[16]

14. Expressing his concern that hateful speech might incite violence, discrimination or hostility towards groups in society, the Special Rapporteur on the right to freedom of opinion and expression stated that the Government, politicians, community leaders and other leadership figures in society should refrain from making statements that encouraged or promoted intolerance against individuals on the basis of protected characteristics, such as ethnicity.[17]

2. Right to life, liberty and security of person, and freedom from torture

15. The Human Rights Committee stated that, despite its previous recommendations, the death penalty was still in force and imposed by courts on a regular basis. It also stated that Ethiopia should establish a de jure moratorium on the death penalty with a view to abolishing it and take steps towards commuting the sentences of those on death row to life imprisonment.[18]

16. The same Committee expressed its concern that excessive use of force, including lethal force, by police and security forces remained widespread, notably in the context of protests, and that the existing legal framework for the use of force and firearms by State agents was inadequate. It stated that Ethiopia should expedite the enactment of the draft law on the use of force by State agents, ensure the full independence of all State entities mandated to receive complaints of excessive use of force by State agents and ensure that all instances of excessive use of force were promptly, impartially and effectively investigated, that those responsible were brought to justice and that victims were granted reparations.[19]

17. The same Committee reiterated its previous concern over reports of the continued prevalence of torture and cruel, inhuman or degrading treatment and expressed regret regarding the lack of legislation on torture and ill-treatment that was fully in line with international standards.[20]

18. The Committee against Torture expressed its concern that: (a) torture had not been integrated into domestic legislation as a specific crime and that acts of torture fell under article 424 of the Criminal Code and were punishable only under the offence of "use of improper methods"; (b) there was no clear provision in legislation to ensure that the prohibition against torture was absolute and non-derogable; and (c) that a person convicted of acts of torture under the label "use of improper methods" might be liable only to a fine, a penalty that was not commensurate with the grave nature of the crime.[21]

19. The same Committee stated that Ethiopia should: (a) amend article 424 of the Criminal Code to ensure that the definition of torture was fully in line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and that penalties for acts of torture reflected the grave nature of such crimes, in accordance with article 4 (2) of the Convention; (b) ensure that the principle of the absolute prohibition of torture was incorporated into legislation and strictly applied; and (c) ensure that the offence of torture was not subject to any statute of limitations or amnesty, even in cases in which it did not qualify as a crime against humanity.[22]

20. The United Nations country team noted that, in the context of the Human Rights 75 initiative, Ethiopia had pledged to enact comprehensive legislation on the crime of torture, in line with the Convention against Torture.[23]

21. The Committee against Torture referred to information received of unlawful and incommunicado detention in unknown facilities and stated that Ethiopia should ensure the immediate closure of any unofficial places of detention.[24]

22. The Human Rights Committee expressed concern about reports of large-scale arbitrary detention and stated that Ethiopia should investigate all allegations of arbitrary arrest and detention and ensure that alleged perpetrators were prosecuted and, if convicted, punished with appropriate penalties and should ensure that anyone who was detained arbitrarily was released without conditions and adequately compensated.[25]

23. The same Committee expressed concern about continued reports of prison overcrowding, lack of adequate access to food, water and medical care, and poor sanitation. It also expressed concern about the lack of availability of psychiatric treatment for those with psychosocial disabilities and the detention of children together with adults. It stated that Ethiopia should ensure that conditions of detention were in compliance with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).[26]

24. The Committee against Torture expressed concern about the high number of deaths reported in places of detention and stated that Ethiopia should ensure that all deaths in custody were promptly and impartially investigated by an independent body and should

review the effectiveness of programmes for the prevention, detection and treatment of diseases in prisons.[27]

3. International humanitarian law

25. The Human Rights Committee expressed concern about serious and widespread human rights violations against civilians committed by all parties to the conflict in Tigray Region and parts of Afar and Amhara to which the conflict had spread;[28] and the use of sexual and gender-based violence as a method of warfare by all parties to the conflict, including the Ethiopian National Defence Force.[29]

26. In 2023, the International Commission of Human Rights Experts on Ethiopia found reasonable grounds for believing that violations of international humanitarian law and war crimes had been committed in Tigray and against Tigrayans elsewhere in the country. The Commission stated that Ethiopia should: (a) immediately cease all violations of international human rights and humanitarian law and ensure that all regional governments and militias ceased such violations; (b) fulfil its obligations under the cessation of hostilities agreement; (c) take all measures to ensure that Eritrean Defence Forces on the territory of Ethiopia cease all violations; (d) cease and prevent the diversion and misuse of humanitarian assistance to beneficiaries countrywide; (e) ensure the timely provision of medical services, including psychosocial support, to survivors, with particular attention to survivors of sexual and gender-based violence; (f) take measures consistent with international human rights law to prevent the dissemination of hate speech by governmental and non-governmental actors; and (g) investigate and prosecute members of its forces alleged to have committed violations of international human rights and humanitarian law.[30]

27. In 2024, the Office of the United Nations High Commissioner for Human Rights (OHCHR) reported that the signing of the cessation of hostilities agreement and its ongoing implementation had had a positive impact in Tigray Region. However, Ethiopia had continued generally to face a challenging human rights situation in 2023, with Amhara and Oromia most affected by violent clashes and conflicts. Arbitrary deprivations of the rights to life and physical integrity, arbitrary arrests and detentions, acts of sexual violence, breaches of the freedoms of association, expression and movement, and abductions and enforced disappearances had been recorded. OHCHR stated that Ethiopia should: (a) take concrete measures to stop hostilities and reduce the impact on civilians and engage constructively in the peace process; (b) ensure accountability for all human rights violations and violations of international humanitarian law; (c) ensure judicial oversight over all detentions; (d) uphold commitments and fulfil obligations to implement the cessation of hostilities agreement; (e) take concrete steps to expand, enable and protect civic space; and (f) guarantee full enjoyment of economic, social and cultural rights for all sections of the population.[31]

28. The Committee against Torture stated that Ethiopia should detect and eradicate the recruitment and use of child soldiers, ensure their prompt disarmament, demobilization, rehabilitation and reintegration and reunite them with their families.[32]

29. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict stated that Ethiopia should enhance collaboration with the United Nations on the protection of conflict-affected children, provide immediate assistance to children and facilitate access to encampments to enable the identification, transfer and reintegration of children.[33]

4. Human rights and counter-terrorism

30. The Special Rapporteur on the right to freedom of opinion and expression recalled that, under international human rights law, the burden of proof was on States to demonstrate that the use of counter-terrorism and national security measures was necessary, appropriate and proportionate in each instance. The Special Rapporteur called upon the authorities to ensure that the relevant legislation did not hinder the work and safety of journalists and individuals engaged in promoting and defending human rights.[34]

5. Administration of justice, including impunity, and the rule of law

31. The Committee against Torture expressed concern about reports regarding the lack of independence of the judiciary and its susceptibility to political pressure, which might contribute to impunity. That concern was compounded by shortcomings in the justice system, such as a shortage of resources, including a dearth of judges and lawyers and a lack of basic training for them, delays in processing cases and a failure to enforce some court decisions. It stated that Ethiopia should: (a) ensure the full independence, impartiality and effectiveness of the judiciary and the public prosecution in practice and guarantee their freedom to operate without undue pressure or interference, including by ensuring the implementation and enforcement of court orders and decisions; (b) punish those responsible for corruption or abuse of power; and (c) build up the human resource capacity in the justice system and provide better training for judges and lawyers.[35]

32. The same Committee expressed concern about consistent reports indicating that persons in custody had not been routinely afforded all fundamental legal safeguards from the outset of deprivation of liberty. It stated that Ethiopia should guarantee all fundamental legal safeguards, both in law and in practice, for all detained persons from the outset of their deprivation of liberty, including the right to: (a) be informed immediately in a language that they understood of the reasons for their arrest, the nature of any charge against them and their rights; (b) be assisted by an independent lawyer of their choice, including during the investigation stage, and have access to qualified, independent and free legal aid, if necessary; (c) request and receive a medical examination by an independent medical physician free of charge, or by a doctor of their choice, in addition to any medical examination that might be conducted at the authorities' behest; (d) inform a family member or another person of their choosing about their detention; (e) be registered at the place of detention; and (f) challenge the legality of their detention at any stage of the proceedings.[36]

33. The same Committee remained concerned about the high number of detainees awaiting trial and about the fact that they had often been held for prolonged periods in detention. It stated that Ethiopia should: (a) review its domestic legislation to clearly set appropriate maximum time limits for pretrial detention; (b) ensure that the regulations governing pretrial detention were scrupulously respected and that it was resorted to only in exceptional circumstances, for limited periods and in accordance with the law, taking into account the principles of necessity and proportionality; and (c) ensure systematic oversight of the lawfulness of pretrial detention by the Office of the Public Prosecutor.[37]

34. The Human Rights Committee expressed its regret that legal aid was currently mandatory only for persons accused of serious crimes and stated that Ethiopia should ensure, in law and in practice, that all persons without means who were brought before a court had access to legal aid and that members of the public were made aware of the existence of such legal services.[38]

35. The same Committee expressed its regret that Ethiopia maintained the minimum age of criminal responsibility at 9 years and continued to prosecute children between the ages of 15 and 18 years as adults. It stated that Ethiopia should ensure that its juvenile justice system was in line with international standards and that children in conflict with the law were treated in a manner commensurate with their age, such as by raising the minimum age of criminal responsibility and setting up specialized courts with trained, specialized judges for all children, including those between the ages of 15 and 18 years.[39]

36. The Committee against Torture expressed concern about reports indicating that torture was routinely used to extract confessions and that confessions obtained through torture had been admitted as evidence of guilt in criminal trials.[40] The Human Rights Committee expressed concern about reports that objections to the admissibility of forced confessions as evidence were frequently rejected during trials, particularly in terrorism trials.[41] The Committee against Torture stated that Ethiopia should: (a) adopt effective measures to ensure that confessions and statements obtained through torture or ill-treatment were not admitted as evidence; (b) ensure that, when it was alleged that a statement had been obtained through torture, the allegation was investigated immediately; and (c) expand specialized training programmes for both judges and prosecutors so as to ensure their ability to effectively identify torture and ill-treatment and investigate all allegations of such acts.[42]

37. The Human Rights Committee expressed concern about the impunity enjoyed by perpetrators of torture and ill-treatment, including high-ranking officers, and the slow progress made in providing effective remedies and rehabilitation to victims.[43]

38. The Committee against Torture stated that Ethiopia should: (a) ensure that all complaints of torture and ill-treatment were investigated by an independent body and that there was no institutional or hierarchical relationship between the body's investigators and suspects; (b) ensure that suspects were suspended from duty for the duration of the investigation; and (c) open an investigation ex officio where there were reasonable grounds for believing that an act of torture or ill-treatment had been committed.[44]

39. While noting its appreciation for the measures taken to lay the groundwork for transitional justice, the same Committee stated that Ethiopia should ensure that the transitional justice process was designed and implemented with the meaningful participation of conflict-affected populations. It stressed that transitional justice mechanisms did not obviate the requirements for investigation and prosecution of those responsible for torture or other international crimes and that the mechanisms ultimately adopted by Ethiopia would need to include provisions that ensured compliance with such requirements.[45] The Human Rights Committee stated that Ethiopia should ensure the prohibition of amnesty for gross violations of international human rights law and serious violations of international humanitarian law.[46]

40. The Human Rights Committee expressed concern at the widespread incidence of sexual and gender-based violence against women and girls, including in places of detention, and stated that Ethiopia should provide members of the judiciary, prosecutors and law enforcement officials with effective training on women's rights and on gender-sensitive investigation and interrogation procedures in cases of sexual and gender-based violence.[47]

6. Fundamental freedoms and the right to participate in public and political life

41. The Human Rights Committee expressed concern about reports of harassment and attacks against, and arbitrary arrests and detentions of, journalists, human rights defenders, government critics and activists. It stated that Ethiopia should protect journalists, human rights defenders, government critics and activists against harassment, attacks or undue interference in the exercise of their professional activities or of their right to freedom of opinion and expression and end the practice of arresting, detaining and prosecuting them.[48]

42. The Special Rapporteur on the right to freedom of opinion and expression recommended that Ethiopia ensure prompt, thorough and independent judicial enforcement of freedom of expression protections. He stated that Ethiopia must ensure that any restriction on freedom of expression complied with international human rights law and that such restrictions were subject to independent judicial oversight.[49]

43. The Committee against Torture stated that Ethiopia should review Proclamation No. 1176/2020 on the prevention and suppression of terrorism crimes and Proclamation No. 1185/2020 on the prevention and suppression of hate speech and disinformation to ensure that they did not criminalize the work of human rights defenders and journalists.[50]

44. The Special Rapporteur on the right to freedom of opinion and expression recommended that the authorities strengthen media literacy and professionalism, ensure that public media had resources, promote media self-regulation, provide targeted educational measures to strengthen the sector's capacity and guarantee the independence of the broadcasting authority.[51]

45. The same Special Rapporteur stated that Ethiopia had shut down the Internet with no apparent legal basis, which had severely undermined the ability of the public to access information.[52] The Human Rights Committee stated that Ethiopia should ensure that any restriction on access to Internet and phone services strictly adhered to the principles of legality, proportionality and necessity and was subject to independent oversight.[53]

46. The Human Rights Committee expressed concern about reports of arbitrary arrests and prolonged detentions of leaders, members and supporters of the opposition parties, especially during the run-up to the national election in 2021, and the refusal to release them despite the charges having been dropped, which had barred more than 330 persons from

participating in the general election. It expressed its regret regarding reports of intimidation, harassment and violence against opposition members, opposition supporters and election officials and their limited access to the media, meeting halls and assembly places. Furthermore, it expressed concern at reports that 20 per cent of the polling stations and voter registration centres were inaccessible for persons with disabilities, pregnant women and older persons.[54]

7. Right to privacy

47. The Special Rapporteur on the right to freedom of opinion and expression urged Ethiopia to develop digital literacy tools to address and reduce concerns about privacy.[55]

8. Right to marriage and family life

48. The Committee on the Elimination of Discrimination against Women expressed its concern that legal provisions on bigamous and polygamous marriage had not been harmonized at the federal level and that the Afar and Somali Regions had yet to enact family laws in conformity with the revised Family Code.[56]

49. The United Nations country team welcomed the Directive on Alternative Childcare (Directive No. 976/2023), but noted that children placed in alternative care faced multiple challenges. A holistic care reform, including the introduction of family and community-based programmes led by the Government, was needed.[57]

9. Prohibition of all forms of slavery, including trafficking in persons

50. The Human Rights Committee remained concerned about the continuing prevalence of trafficking in persons, in particular in migrants and internally displaced persons. Furthermore, it was alarmed by reports of the systematic practice of trafficking in children in conflict-affected regions, such as Tigray, Amhara, Afar and Oromia, in particular for the purposes of sexual exploitation and slavery and economic exploitation. The Committee stated that Ethiopia should strengthen its efforts to combat, prevent and punish trafficking in persons and provide adequate training to all relevant State officials, including judges, prosecutors, law enforcement officials and security forces.[58]

10. Right to work and to just and favourable conditions of work

51. Noting various initiatives to improve working conditions, including policies to address workplace harassment, the United Nations country team stated that a minimum wage had yet to be established.[59]

11. Right to social security

52. The United Nations country team stated that Ethiopia had made commendable efforts towards rapid economic development through expanded public financing for social investment and emergency response, largely from domestic resources. The budget arrangements for the 10-year development plan had been aligned with the 2030 Agenda for Sustainable Development. However, the armed conflict, coupled with inflation, had exposed communities to economic shocks.[60]

12. Right to an adequate standard of living

53. In his communication of 19 April 2022 to Ethiopia, the Special Rapporteur on the human rights to safe drinking water and sanitation stated that the human right to water and the human right to sanitation, as components of the right to an adequate standard of living, were essential for the full enjoyment of the right to life and all human rights. He expressed concern that the human rights to safe drinking water and sanitation were not explicitly recognized in the legal framework, which constituted a major obstacle to their implementation and compromised their justiciability.[61]

13. Right to health

54. The Committee on the Elimination of Discrimination against Women recommended that Ethiopia: (a) improve the coverage of and access to health services at a lower cost throughout its territory by allocating sufficient budgetary resources to the establishment of hospitals, in particular in rural and remote areas, which should be equipped with doctors and adequate facilities to ensure access to high-quality and accessible health care for women; (b) provide more resources to ensure that women affected by fistulas benefited from adequate programmes and health services; (c) improve the provision of sexual and reproductive health information and services to women and girls; and (d) ensure that all women and girls with disabilities had access to health services.[62]

55. The United Nations country team stated that people living with HIV had continued to encounter stigma and discrimination when accessing health-care services. Efforts had been made to establish a complaint mechanism for all health-care facilities, but it remained insufficiently functional and accessible across all regions.[63]

14. Right to education

56. UNESCO noted that the right to education was not enshrined in the Constitution of the Federal Democratic Republic of Ethiopia and was not guaranteed in national legislation.[64]

57. UNESCO also noted that the new Education and Training Policy (2023) provided for pre-primary, primary and secondary education free of charge. In the case of higher education, students contributed through a cost-sharing scheme.[65]

58. Noting the existence of favourable policies and an enabling environment to improve equitable and inclusive access to quality education, the United Nations country team stated that the education sector had faced several challenges, including inadequate financing, poor learning outcomes and low education completion rates.[66]

59. UNESCO referred to relevant supported recommendations from the previous review on access to education, including for children in rural areas, and stated that the Government's educational television programmes targeted at rural regions had received mixed reviews in relation to their effectiveness due to the lack of technical support for teachers, which the Ministry of Education was working to address.[67]

60. The United Nations country team stated that the right to education was jeopardized by the humanitarian situation, drought and flooding, and the insecurity and conflict across the country, resulting in large-scale population displacement, the destruction of education facilities and the involvement of children in armed conflict.[68]

15. Development, the environment, and business and human rights

61. The Human Rights Committee expressed concern about corruption and stated that Ethiopia should strengthen the implementation of legislation and preventive measures to combat corruption and to promote good governance, transparency and accountability.[69]

62. The same Committee expressed concern about reports of toxic contamination of water and soil and its impact on Indigenous communities and stated that Ethiopia should put in place a regulatory oversight mechanism to effectively monitor extractive and any other activities that discharged toxic waste and tailings into Indigenous lands, such as the Lega Dembi gold mine.[70]

B. Rights of specific persons or groups

1. Women

63. The United Nations country team stated that there were major gaps in the legislative framework when it came to protecting women and girls against violence, while, in 2019, the Committee on the Elimination of Discrimination against Women expressed concern about the absence of a comprehensive and inclusive law on gender-based violence and recommended adopting such a law.[71]

64. The Human Rights Committee expressed its deep concern that marital rape remained legal on the basis of "the consummation obligation of spouses in marriage" and stated that Ethiopia should criminalize marital rape.[72]

65. The same Committee expressed its concern that female genital mutilation, polygamy and early marriage remained prevalent, particularly in rural regions, and that the incidence of female genital mutilation had increased during the coronavirus disease (COVID-19) pandemic.[73]

66. The Committee against Torture stated that Ethiopia should ensure: (a) the effective implementation of the National Strategy and Action Plan on harmful traditional practices against women and children and the national costed road map to end child marriage and female genital mutilation/cutting by 2025; (b) the adequate enforcement of the penalties envisaged for female genital mutilation under the Criminal Code; and (c) the implementation of measures to eradicate female genital mutilation.[74]

67. The Committee on the Elimination of Discrimination against Women recommended that Ethiopia increase access to loans for women and promote their access to income-generating activities, expand the access of rural women to microfinance and microcredit at low interest rates and intensify efforts to ensure that rural women had access to health care, education, employment, housing, safe water, adequate sanitation and family planning services.[75]

2. Children

68. The Committee against Torture stated that Ethiopia should amend the Criminal Code and Family Code, with a view to prohibiting corporal punishment in all settings, including in the home and alternative care settings, and continue raising public awareness about positive, participatory and non-violent forms of discipline.[76]

3. Persons with disabilities

69. The United Nations country team stated that the absence of a comprehensive legal framework to protect the rights of persons with disabilities put them in extreme vulnerability, contributed to their marginalization, limited their access to services and deprived them of decent employment and livelihood opportunities. The draft disability proclamation to strengthen and mainstream legal protections for persons with disabilities had yet to be adopted.[77]

70. The Committee on the Elimination of Discrimination against Women recommended that Ethiopia mainstream the rights of women and girls with disabilities into legislation on gender equality.[78]

4. Indigenous Peoples and minorities

71. The Human Rights Committee expressed concern about reports that the principle of free, prior and informed consultations had not been fully upheld with regard to development projects that might have affected the rights of Indigenous Peoples, including prior to the construction of the Gibe III hydroelectric dam. The Committee stated that Ethiopia should ensure that full and meaningful consultations were held with Indigenous Peoples with a view to obtaining their free, prior and informed consent before the adoption or application of any measure that might affect their rights, including when granting permission for development projects.[79]

72. The same Committee stated that Ethiopia should redouble its efforts to end tensions between ethnic groups and discrimination against ethnic minority groups, including by creating opportunities for open dialogue between various ethnic groups, allowing for public discussions on ethnic tensions and conflict, promoting inter-ethnic harmony and tolerance and overcoming prejudices and negative stereotypes, including in schools and universities and through the media.[80]

5. Lesbian, gay, bisexual, transgender and intersex persons

73. The United Nations country team stated that lesbian, gay, bisexual, transgender and intersex persons faced challenges due to the criminalization of what Ethiopia considered "homosexual or any other indecent acts" with another person of the same sex.[81]

74. The Human Rights Committee recalled its previous recommendation and expressed concern about the criminalization of same-sex relations or "any other indecent acts" between consenting adults and acts of discrimination, violence and hate speech against lesbian, gay, bisexual and transgender persons within society. It stated that Ethiopia should conduct awareness campaigns to address social stigmatization, hate speech, harassment, violence and discrimination against the lesbian, gay, bisexual and transgender community, decriminalize sexual relationships between consenting adults of the same sex and ensure that lesbian, gay, bisexual and transgender persons had effective access to justice.[82]

6. Migrants, refugees and asylum-seekers

75. The Human Rights Committee expressed concern about the severe impact of the armed conflict on refugees and asylum-seekers, especially those who had been displaced from refugee camps in Tigray Region without adequate support or protection measures. It also expressed concern about reports of targeted violence against Eritrean refugees by parties to the armed conflict. It stated that Ethiopia should take the measures necessary to ensure the safety and security of refugees and asylum-seekers affected by the conflict.[83]

76. On 7 July 2023, the Special Rapporteur on the situation of human rights in Eritrea, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the human rights of migrants brought to the attention of Ethiopia information that they had received on the alleged arbitrary detention and collective expulsion of hundreds of Eritreans, including registered and unregistered asylum-seekers, in violation of the non-refoulement principle, exposing them to the risk of being subjected to serious human rights violations, including torture, enforced disappearance and arbitrary detention. They stated that, under international law, all persons facing deportation or repatriation should have access to a fair, individualized examination of their circumstances and access to legal representation and to an independent review mechanism with the authority to appeal negative decisions.[84]

77. The Committee against Torture stated that Ethiopia should: (a) effectively investigate and prosecute cases of violence, including sexual and gender-based violence, against refugee women and girls, as well as trafficking, disappearance and refoulement, and bring the perpetrators to justice; (b) ensure that no one could be expelled, returned or extradited to another State where there were substantial grounds for believing that he or she would be in danger of being subjected to torture; (c) guarantee all asylum-seekers access to refugee status determination procedures and to the swift and fair determination of refugee status; (d) ensure that procedural safeguards against refoulement were in place and that effective remedies with respect to refoulement claims in removal proceedings were available; and (e) ensure the establishment of effective mechanisms to promptly identify victims of torture, trafficking and sexual and gender-based violence among asylum-seekers.[85]

7. Internally displaced persons

78. OHCHR stated that internally displaced persons in northern Ethiopia faced serious protection challenges, including arbitrary arrest and detention, lack of acquisition or provision of identification documents and lack of access to food, health care, water and shelter.[86]

79. The Human Rights Committee expressed concern about the substantial number of internally displaced persons and their dire humanitarian conditions and about the forced return of displaced persons to their places of origin without adequate protection measures or sustainable solutions, which led to their secondary and tertiary displacement. It stated that Ethiopia should intensify its efforts to find and provide durable solutions for internally displaced persons in accordance with relevant international standards.[87] The United Nations country team stated that the draft proclamation on the prevention of internal displacement

and the provision of protection and assistance to internally displaced persons had yet to be adopted.[88]

8. Stateless persons

80. The Human Rights Committee stated that Ethiopia should take concrete steps to ascertain the extent of the problem of statelessness, with a view to reducing and preventing it, especially for children.[89]

Notes

1 A/HRC/42/14, A/HRC/42/14/Add.1 and A/HRC/42/2.
2 CAT/C/ETH/CO/2, para. 15 (e).
3 CCPR/C/ETH/CO/2, para. 24 (d). See also United Nations country team submission for the universal periodic review of Ethiopia, p. 1; and CEDAW/C/ETH/CO/8, para. 63.
4 CCPR/C/ETH/CO/2, para. 6 (e).
5 Ibid., para. 16 (b). See also CAT/C/ETH/CO/2, para. 49 (d).
6 CCPR/C/ETH/CO/2, para. 24 (d). See also CAT/C/ETH/CO/2, para. 39 (c).
7 CEDAW/C/ETH/CO/8, para. 54.
8 CCPR/C/ETH/CO/2, para. 45.
9 A/HRC/44/49/Add.1, para. 60.
10 CCPR/C/ETH/CO/2, paras. 47 and 48 (a).
11 UNESCO submission for the universal periodic review of Ethiopia, para. 25.
12 CCPR/C/ETH/CO/2, para. 6 (a). See also United Nations country team submission, p. 3.
13 CCPR/C/ETH/CO/2, para. 6 (b). See also CAT/C/ETH/CO/2, paras. 22 and 23; and United Nations country team submission, p. 2.
14 CAT/C/ETH/CO/2, paras. 20 and 21; and CCPR/C/ETH/CO/2, paras. 7 and 8 (a) and (b).
15 CCPR/C/ETH/CO/2, para. 11. See also CEDAW/C/ETH/CO/8, paras. 9 and 10.
16 CEDAW/C/ETH/CO/8, paras. 13, 14 (a), 16 and 20 (a).
17 A/HRC/44/49/Add.1, paras. 76 and 77.
18 CCPR/C/ETH/CO/2, paras. 15 and 16 (a) and (c). See also CAT/C/ETH/CO/2, paras. 48 and 49.
19 CCPR/C/ETH/CO/2, paras. 21 and 22 (a)–(c). See also CAT/C/ETH/CO/2, paras. 44 and 45.
20 CCPR/C/ETH/CO/2, para. 23.
21 CAT/C/ETH/CO/2, para. 8.
22 Ibid., paras. 9 and 11. See also CCPR/C/ETH/CO/2, para. 24 (a).
23 United Nations country team submission, p. 2.
24 CAT/C/ETH/CO/2, paras. 30 and 31.
25 CCPR/C/ETH/CO/2, paras. 25 and 26 (a) and (b).
26 Ibid., paras. 27 and 28 (a). See also CAT/C/ETH/CO/2, paras. 34 and 35; and United Nations country team submission, p. 5.
27 CAT/C/ETH/CO/2, paras. 36 and 37 (a) and (b).
28 CCPR/C/ETH/CO/2, para. 19. See also CAT/C/ETH/CO/2, para. 14; and communications ETH 1/2023 and ETH 1/2024. All communications mentioned in the present document are available from https://spcommreports.ohchr.org/Tmsearch/TMDocuments.
29 CCPR/C/ETH/CO/2, para. 13. See also CAT/C/ETH/CO/2, paras. 16 and 17; and United Nations country team submission, p. 4.
30 A/HRC/54/55, paras. 67, 70 and 100 (a)–(g).
31 OHCHR, “Update on the human rights situation in Ethiopia” (June 2024), paras. 2 and 12 and p. 22.
32 CAT/C/ETH/CO/2, para. 53 (d). See also CCPR/C/ETH/CO/2, paras. 31 and 32 (d) and (e); and Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission for the universal periodic review of Ethiopia, p. 2.
33 Office of the Special Representative of the Secretary-General for Children and Armed Conflict submission, p. 2.
34 A/HRC/44/49/Add.1, para. 61.
35 CAT/C/ETH/CO/2, paras. 42 and 43. See also CCPR/C/ETH/CO/2, paras. 37 and 38; A/HRC/44/49/Add.1, para. 62; and United Nations country team submission, p. 5.
36 CAT/C/ETH/CO/2, paras. 12 and 13 (a).
37 Ibid., paras. 32 and 33 (a), (b) and (d).
38 CCPR/C/ETH/CO/2, paras. 37 and 38 (b).
39 Ibid., paras. 31 and 32 (a). See also CAT/C/ETH/CO/2, paras. 52 and 53 (a); and United Nations country team submission, p. 6.
40 CAT/C/ETH/CO/2, para. 46.
41 CCPR/C/ETH/CO/2, para. 23.

[42] CAT/C/ETH/CO/2, para. 47 (a)–(c)
[43] CCPR/C/ETH/CO/2, para. 23. See also CAT/C/ETH/CO/2, para. 40.
[44] CAT/C/ETH/CO/2, para. 41 (a)–(c).
[45] Ibid., para. 19 (a).
[46] CCPR/C/ETH/CO/2, para. 18 (c).
[47] Ibid., paras. 13 and 14 (e). See also CAT/C/ETH/CO/2, para. 25 (c); and CEDAW/C/ETH/CO/8, para. 24 (e).
[48] CCPR/C/ETH/CO/2, paras. 39 and 40 (a) and (b). See also CAT/C/ETH/CO/2, paras. 50 and 51; A/HRC/44/49/Add.1, para. 67; United Nations country team submission, p. 7; and UNESCO submission, paras. 27 and 31–33.
[49] A/HRC/44/49/Add.1, paras. 58 and 59.
[50] CAT/C/ETH/CO/2, para. 51 (c).
[51] A/HRC/44/49/Add.1, para. 65.
[52] Ibid., para. 52.
[53] CCPR/C/ETH/CO/2, para. 40 (d).
[54] Ibid., para. 43.
[55] A/HRC/44/49/Add.1, para. 68.
[56] CEDAW/C/ETH/CO/8, para. 57.
[57] United Nations country team submission, p. 6.
[58] CCPR/C/ETH/CO/2, paras. 29 and 30.
[59] United Nations country team submission, p. 8.
[60] Ibid., pp. 8 and 9.
[61] See communication ETH 1/2022.
[62] CEDAW/C/ETH/CO/8, para. 38 (a)–(d).
[63] United Nations country team submission, p. 4.
[64] UNESCO submission, para. 2.
[65] Ibid., para. 5.
[66] United Nations country team submission, p. 10.
[67] UNESCO submission, paras. 11 and 12, referring to A/HRC/42/14, paras. 163.266 (Holy See) and 163.278 (Mauritius).
[68] United Nations country team submission, p. 10.
[69] CCPR/C/ETH/CO/2, paras. 9 and 10.
[70] Ibid., paras. 47 and 48 (c).
[71] United Nations country team submission, p. 3; and CEDAW/C/ETH/CO/8, paras. 23 (a) and 24 (a).
[72] CCPR/C/ETH/CO/2, paras. 13 and 14 (d). See also United Nations country team submission, p. 7; and CEDAW/C/ETH/CO/8, paras. 23 (a) and 24 (a).
[73] CCPR/C/ETH/CO/2, paras. 13 and 31. See also United Nations country team submission, p. 4.
[74] CAT/C/ETH/CO/2, para. 27. See also CEDAW/C/ETH/CO/8, paras. 21 and 22.
[75] CEDAW/C/ETH/CO/8, paras. 42 and 44 (b) and (d).
[76] CAT/C/ETH/CO/2, para. 53 (b).
[77] United Nations country team submission, p. 11.
[78] CEDAW/C/ETH/CO/8, para. 50 (b).
[79] CCPR/C/ETH/CO/2, paras. 47 and 48 (b).
[80] Ibid., para. 46 (d). See also A/HRC/44/49/Add.1, paras. 54 and 55.
[81] United Nations country team submission, p. 4.
[82] CCPR/C/ETH/CO/2, paras. 11 and 12 (c) and (d).
[83] Ibid., paras. 33 and 34 (a). See also CAT/C/ETH/CO/2, paras. 28 and 29 (a).
[84] See communication ETH 3/2023.
[85] CAT/C/ETH/CO/2, para. 29 (b)–(f).
[86] OHCHR, “Update on the human rights situation in Ethiopia”, para. 56.
[87] CCPR/C/ETH/CO/2, paras. 35 and 36.
[88] United Nations country team submission, p. 11.
[89] CCPR/C/ETH/CO/2, para. 34 (c).