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ETHIOPIAN HUMAN
RIGHTS COMMISSION

4TH CYCLE UNIVERSAL PERIODIC REVIEW OF ETHIOPIA

NHRI SUBMISSION

8 APRIL 2024

Ethiopian Human Rights Commission (EHRC)

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*The **Ethiopian Human Rights Commission (EHRC/ the Commission)** is an independent federal state body established as per the Federal Constitution (cum Proclamation No. 210/2000 as amended by Proclamation No. 1224/2020) and reporting to House of People's Representatives as a national human rights institution with the mandate for promotion and protection of human rights.*

EHRC's core functions include monitoring human rights situation, including during election periods and state of emergency, investigating alleged human rights violations including conducting unannounced visits to places of detention, human rights education, and advisory services. EHRC forwards concrete recommendations to stakeholders for remedial actions and conducts advocacy and follow-up on implementation. The Commission is also a quasi-judicial body mandated with the powers to receive individual complaints and provide resolution/remedy. EHRC was reaccredited with 'A' status by the Global Alliance of National Human Rights Institutions in October 2021 and has affiliate status with the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the

Child.

THEME: D1 CIVIL AND POLITICAL RIGHTS

THEME: FREEDOM OF ASSOCIATION AND EXPRESSION

Recommendation 163.218: Uphold freedom of association and expression.

1. Laws that protect freedom of association and free speech have been enacted. Legislative amendments have enabled civil society organisations (CSOs) wider space, and to form a joint council to safeguard their interests.

2. However, EHRC has documented several instances of harassment, intimidation, and arrest of journalists, human rights defenders, and opposition political party members. There have been repetitive total/partial internet and telecommunications shutdowns or occasional nationwide restrictions on social media platforms, often due to conflict.

3. The Government should:

   - ***End all forms of violations on freedom of association and expression.***

   - ***Resume internet and telephone services in affected areas and minimize its restriction within the bounds of legality, necessity, and proportionality.***

THEME: D43 FREEDOM EXPRESSION

Recommendation 163.56 Amend the Mass Media and Access to Information Proclamation and 163.219 Create a conducive environment for journalists and human

rights defenders.

4. Some legal reforms have been undertaken to protect freedom of expression and media freedom, including the amendment of the Media Proclamation in 2020, which decriminalizes defamation, expands media ownership, enables media self-regulation, and prohibits pretrial detention of media personnel for alleged media related offenses. However, the continued arbitrary detention of journalists and activists for media related alleged offenses continues to instil fear among media professionals.

5. The Hate Speech and Disinformation Proclamation was adopted in 2021. The access to Information Proclamation is under revision. The Anti-Terrorism Proclamation, amended in 2021, has also been unduly invoked in criminal cases against media personnel.

6. Successive state of emergency decrees also negatively affected media work and free speech. EHRC documented the detention of 66 journalists/ media personnel and 21 social media activists/political commentators between May 2021 and December 2023.

7. Suspension or denial of operating licenses/accreditation, verbal or written warnings from authorities, revocation of journalists' associations licenses, and some cases of office burglaries are some of the challenges media workers face. Several journalists have also been exiled citing imprisonment, continued harassment, and restrictions on media space as the main reasons.

8. The Government should:

- ***End all forms of harassment and arbitrary detention of media workers, activists, and human rights defenders, and ensure accountability for violations.***

- ***Adopt the access to information proclamation in compliance with international human rights standards.***

THEME: D43 RIGHT TO PEACEFUL ASSEMBLY

Recommendation 163.217: Adopt guidelines and train law enforcement on the use of force and policing of assemblies.

9. EHRC documented deaths and injuries during public demonstrations due to excessive use of force by security forces. Demonstrators were killed in Somali region in March 2022, in Central Ethiopia region in February 2023, and in Addis Ababa in March and May 2023.

10. The Government should:

- ***Investigate incidents of excessive use of force during assemblies and hold perpetrators accountable.***

- ***Adopt a law on the use of force by security forces in line with international human rights standards.***

THEME: D7 RIGHT TO PARTICIPATION IN PUBLIC AFFAIRS AND RIGHT TO VOTE

Recommendation 163.207 Ensure inclusive, free, and peaceful elections.

11. The National Electoral Board of Ethiopia (NEBE) was re-established with new law ensuring its independence and competence, the electoral law was revised to enhance the participation of women, internally displaced persons (IDPs), and inclusion of persons with disabilities (PWDs).

12. The Sixth General Elections in 2021 was overall peaceful except for a few incidents which resulted in the killings and injuries of political parties' members and supporters, and election officers.

13. In several locations, local administration officials banned opposition party members from accessing assembly places and EHRC received reports of harassment, interference, and intimidation of opposition parties. Other challenges included accessibility of polling stations, legal prohibition of persons with intellectual disabilities, and limited confidentiality guarantees for persons with visual impairment and other disabilities. However, no major irregularities that affected the overall election process were documented by EHRC.

14. Due to conflict and insecurity, the national election did not take place in two regions and some parts of other regions. In January 2024, the Electoral Board announced that bielections are expected to be held before June 30, 2024.

15. The Government should:

- ***Ensure accountability for election related violations, including full investigation of the killings.***

- ***Reform laws to eliminate violence against women in politics, set accessibility standards for polling stations, and ensure political representation for PWDs.***

THEME: D22 EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS

Recommendation 163.200 Investigate extrajudicial executions and ensure accountability.

16. EHRC has documented several cases of extra-judicial killings in the context of conflict and insecurity. However, accountability for most cases of extra-judicial killings remains minimal.

17. The Government should:

- ***Ensure accountability and provide effective redress for victims and their families.***

- ***Resolve conflicts and develop a comprehensive national strategy on the prevention of atrocity crimes.***

THEME: D25 PROHIBITION OF TORTURE AND ILL-TREATMENT

Recommendation 163.154 Prevent torture and ill-treatment and ensure accountability and 163. 157 Investigate torture in places of detention.

18. Ethiopia does not have a comprehensive legal definition of torture that aligns with international standards.

19. State and non-state actors committed torture and ill-treatment in the context of conflicts including sexual and gender-based violence.

20. There has been minimal accountability for torture allegations in places of detention. EHRC's regular monitoring of detention places, including non-regular places of detentions, has revealed practices which amount to systematic use of ill-treatment as a form of punishment in some prisons and police stations. Some of these include denial or restriction of sanitary or medical goods and services or visitation rights, verbal and physical abuse or beatings, and harassment of visiting family members.

- ***Adopt a comprehensive definition of torture in line with international human rights standards and establish redress mechanism for victims.***

- ***Ensure accountability and enhance human rights training for law enforcement officials.***

THEME: D26 CONDITIONS OF DETENTION

Recommendation 163.179 Improve detention conditions in facilities, for women and children and 163.180 Improve detention conditions in prisons.

21. EHRC documented gaps in the physical and services accessibility of detention places for PWDs, in the proper screening of persons with communicable diseases and their treatment, limited nutritional supplement for women and children, inadequate pre- and post-natal healthcare services, and lack of sanitary products for women.

22. Other main concerns include inconsistent and inadequate allocation of per capita daily food budget across regions, and issues of overcrowding, poor hygiene, and limited clean water and healthcare. Lack of a central database and information management system affects tracking of court appearances and parole processes.

23. In some prisons, children are detained with adults. Some police stations do not have separate rooms for female detainees.

- ***Ensure that prisons/ detention centres provide reasonable accommodation for PWDs and provide separate facilities for women and children.***
- ***Establish a centralized database and information system.***
- ***Allocate adequate resources for administration of detention places in general and food and basic services in particular.***

THEME: SOCIO-ECONOMIC RIGHTS

THEME: E32 RIGHT TO JUST AND FAVOURABLE WORK CONDITIONS

Recommendation 163.232 Establish minimum wage for private sector workers.

24. The revised Labor Proclamation No. 1156/2019 provides a legal basis for setting minimum wage. However, the establishment of the Minimum Wage Board, which has the power to determine minimum wage, has taken more than four years and has only been officially operational since February 2024.

25. Tripartite employment relationships are not governed by the Ethiopian labour law, putting workers recruited through this mechanism, particularly low wage and unskilled workers at risk.

- ***Expedite minimum low wage adoption.***
- ***Amend Proclamation No. 1156/2019 to comprehensively cover tripartite employment relationships.***

THEME: E22 RIGHT TO FOOD

Recommendation 163.239 Sustain and reinforce food security.

26. Since 2021, the Government have established a school feeding scheme in Addis Ababa for pre-primary and primary school students. More recently, community feeding programs for the needy were also set up in the capital.

27. Repeated drought and armed conflict across Ethiopia have drastically affected food productivity and accessibility, aggravating food insecurity.

- ***Implement effective programs to ensure food security.***
- ***Expand sustainable school and community feeding programs schemes to other regions.***

THEME: E23 RIGHT TO ADEQUATE HOUSING

Recommendation 163.242 Ensure urban redevelopment initiatives do not cause undue displacement and evictions.

28. Widespread demolition and forced eviction in cities and peri-urban areas, particularly in Sheger city and Addis Ababa, have exacerbated homelessness and exposed families to severe economic and social hardship.

29. While the 2019 Proclamation on evictions and compensations schemes provides for fair compensation schemes, detailed processes and notice periods prior to evictions, reasons for evictions and complaint handling mechanism, it is not adequately implemented, allowing authorities wide discretion on property valuation, selection of relocation places, and process of demolition. A draft amendment to the law has been submitted to parliament, which if adopted in its current form will be a regression on the main protection components under the existing legal framework.

- ***Ensure that urban redevelopment initiatives do not cause unlawful displacement and evictions.***

- ***Expropriation related laws and practices provide fair and adequate protection to property owners.***

THEME: E51 RIGHT TO EDUCATION

Recommendation 163.277 Increase student retention in post-primary and tertiary school levels.

30. Conflict and insecurity and displacement over the past five years have caused immense destruction to infrastructure and significantly decreased enrolment rates.

The numbers of children out of school vary from year to year but currently stands at over 3 million according to the Ministry of Education. In some regions, lack of financial resources, drought and natural disasters have also caused an increase on school disenrollment rates, particularly among displaced children.

31. The Government should:

- ***Resolve ongoing conflicts and intensify reconstruction efforts of educational facilities.***

- ***Address systemic challenges affecting student retention.***

THEME: B31: EQUALITY AND NON-DISCRIMINATION

Recommendation 163.306 Promote access to education and basic services for children with disabilities.

32. Ethiopia revised its Education Policy in 2023 aiming to expand inclusive education. Children with disabilities are also represented in child parliaments.

33. However, participation of children with disabilities in general education is below 10% (1.2% in primary and 8% in secondary education) with significant regional disparities.

- ***Increase the participation of children with disabilities in general education at least to 25%.***

THEME F4: PERSONS WITH DISABILITIES

Recommendation 163.314 Ensure legal protection for PWDs and provide effective remedies.

34. The revised Federal Courts Establishment Proclamation provides for access to judicial processes for persons with hearing impairment through a sign language interpreter. Despite efforts by courts to give expedited services to PWDs, physical and institutional inaccessibility of court structures adversely affects PWDs' access to legal protection and effective remedies.

- ***Ensure physical accessibility of infrastructure and mainstream disability issues in policies, legislation and training tools.***

Recommendation 163.234 Ensure that PWDs can enter the job market and increase opportunities for vocational training.

35. Lack of disaggregated data on PWDs' participation in the job market and limited participation in vocational training programs hinder employment opportunities.

- ***Gather disaggregated data and enhance vocational training programs for PWDs.***

THEME: F13 VIOLENCE AGAINST WOMEN

Recommendation 163.166 Implement legislation and policies to end harmful traditional practices (HTPs).

36. EHRC continues to document HTPs and lack of adequate progress on preventive actions to address early marriage and female genital mutilation (FGM). Systemic challenges to end HTPs include limited awareness and budget, cultural barriers, lack

of coordination among stakeholders, and legal gaps on clear prohibition and sanctions against HTPs.

- ***Intensify awareness-raising programs to address the root causes of HTPs.***
- ***Undertake legal reforms to adequately prohibit and punish perpetrators.***

THEME: D27 PROHIBITION OF SLAVERY, TRAFFICKING

Recommendation 163.224 Address trafficking in persons and smuggling, especially women, girls, and children.

37. The Prevention and Suppression of Trafficking in Persons and Smuggling of Persons Proclamation contributes to the prevention and control of trafficking. However, human trafficking is an ongoing problem, disproportionately affecting women and children.

38. The Government should:

- ***Implement anti trafficking laws to prevent and address trafficking in persons and ensure accountability.***

THEME: F31 CHILDREN

Recommendation 163.199 Establish effective procedures and mechanisms to ensure accountability for child abuse cases.

39. A national child protection case management framework has been developed to respond to children's protection needs in a comprehensive and standardized way.

However, justice institutions do not enable child victims' full participation in the criminal justice process, and do not provide effective mechanisms to protect them from harassment, retaliation, and violence.

- ***Incorporate provisions on child victims in the draft criminal procedure and evidence law, including provisions for safe houses.***

- ***Regularly train justice actors on child-sensitive mechanisms.***

THEME: F34 CHILDREN: JUVENILE JUSTICE

Recommendation 163.192 Promote rehabilitation centres for juvenile delinquents.

40. Ethiopia has only one rehabilitation centre for children in conflict with the law in the capital city. It lacks resources to provide adequate food, clothing, sanitary products, protection, and education.

- ***Improve the service quality of the rehabilitation centre and establish additional centres.***

THEME: A12 ACCEPTANCE OF INTERNATIONAL NORMS

Recommendation 163.6 Ratify the Kampala Convention and improve humanitarian access.

41. Ethiopia ratified the Kampala Convention in 2020 and drafted a law on IDPs' rights. However, there is no institutional framework to coordinate humanitarian and government actors' support and facilitate durable solution for IDPs.

42. The Government should:

- ***Expedite the adoption of the draft law on IDPs and establish an inter-agency coordination mechanism for regular communication and joint decision-making.***

THEME: G5 REFUGEES AND ASYLUM SEEKERS

Recommendation 163.315 Ensure security and protection of boys and girls in refugee camps against disappearances and violence and ensure accountability, and 163.316 Combat all forms of violence and insecurity of child refugees and asylum seekers.

43. Refugee camps in conflict affected areas are at high security risk, including vulnerability to disappearances and other forms of violence.

44. In Addis Ababa, the suspension of asylum seekers registration and renewal of refugee documents have exposed refugees to risks of arbitrary detention and refoulement.

45. Tensions between the host communities and refugees in some refugee camps has also caused insecurity in some areas.

46. Inadequate food aid has worsened the safety and security of child refugees and asylum seekers.

47. The Government should:

- ***Address and prevent armed conflict and insecurity to reduce protection risks, particularly for child refugees and asylum seekers.***
- ***Resume asylum seekers registration and renewal of refugee documents.***
- ***End the arbitrary detention and risks for forceful return.***

THEME: G4 MIGRANTS

Recommendation 163.327 Enhance child registration at birth, especially in rural areas and among migrant and refugee children.

48. The birth registration system continues to be functional in all regions. The rate remains low in rural areas, due to lack of awareness, limited technical capacity and staff shortages. A significant backlog of child registration among migrant and refugee children persists. The requirement for both parents' presence during registration also poses a challenge to birth registration.

- ***Increase resources and intensify community awareness campaigns on birth registration, particularly in rural areas.***
- ***Address challenges related to the legal requirement for both parents' presence during birth registration.***

THEME: HUMAN RIGHTS EDUCATION

THEME: A51 HUMAN RIGHTS EDUCATION

Recommendation 163.121 Create awareness and access to human rights education and training, particularly to the vulnerable.

49. The school co-curricular education manual recognizes human rights clubs in schools to create awareness on human rights. The 2022 national education curriculum strengthens human rights education by introducing two new subjects which have human rights content. However, the concepts, and methodological approach in the subjects need improvement to promote a child friendly and participatory approach.

50. There is no clear policy and strategy on creating awareness and access to human rights education for the general public, particularly vulnerable groups.

- ***Improve the content and methodology of human rights education in primary and secondary levels, expand to tertiary level.***

- ***Develop a national human rights awareness raising strategy for the general public.***

THEME: GENERAL RECOMMENDATIONS

THEME: A12 ACCEPTANCE OF INTERNATIONAL NORMS

Recommendation 163.1 Ratifying core human rights treaties.

51. Ethiopia has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance; International Convention on the Protection of All Migrant Workers and Members of Their Families; International Labour Organization (ILO) Protocol of 2014 to the 1930 Forced Labour Convention; ILO

Convention No. 189 on Domestic Workers; and the Optional Protocol to the Convention against Torture.

52. The Government should:

- ***Ratify the above-mentioned human rights treaties.***

THEME: A45 NATIONAL HUMAN RIGHTS INSTITUTION

Recommendation 163.91 Strengthen EHRC and 163.90 Enhance its capacity to monitor human rights.

53. **Proclamation No. 1224/2020 was adopted as part of the necessary legislative measures to ensure the Commission's independence and effectiveness**. The amendments, among other things, ensured EHRC's operational and financial autonomy, and expanded its powers and scope of work, in compliance with the Paris Principles. According to the revised Proclamation, Commissioners cannot be members of political parties; it provides for a participatory and transparent nomination and appointment process to ensure the independence of Commissioners. It further ensures independence from government in the hiring and management of staff; explicitly empowers EHRC to monitor the human rights situation during election periods and state of emergency, and, to visit and monitor places of detention without prior notice.

54. The Government should:

- ***Continue to strengthen EHRC including by allocating adequate budget and implementing its recommendations.***