Submission to the United Nations Universal Periodic (UN UPR) Review of

Federal Democratic Republic of Ethiopia

Submission to the Universal Periodic Review of Ethiopia

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1. About EHRCO and FIDH

1.1. Ethiopian Human Rights Council (EHRCO) is a non-governmental, non-profit-making, non-partisan, and membership-based organization legally registered by the Ethiopian Civic Society Authority with registration number 1146.[1] Since its establishment in 1991, by founding members from the academic, business, and other professional circles, EHRCO has been working as a human rights-based civil society organization (CSO).[2]

1.2. EHRCO is an organization that strives for the respect, protection, and promotion of human rights, the prevalence of the rule of the law, and the establishment of a robust democratic system in Ethiopia.

1.3. As part of its unique organizational mandates, EHRCO specializes in situation monitoring, investigating, documentation, and reporting (MIDR) of human rights violations within the context of the local human rights arena. Furthermore, EHRCO conducts routine monitoring vis-a-vis prisons, trials, as well as election proceedings, and provides free legal aid services to victims, prioritizing the needs of the most vulnerable segments of society. Additionally, EHRCO is involved in various projects and programs focusing on issues related to human rights which adhere to, as part of its Five Years Strategic Plan (2021-2025) advocacy, public awareness-raising, as well as research endeavors.

1.4. FIDH is international human rights NGO federating 188 organizations from 116 countries. Since 1922, FIDH has been defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration of Human Rights.

1.5. FIDH acts at national, regional and international levels in support of its member and partner organizations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations. Its primary beneficiaries are national human rights organizations who are members of FIDH, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organizations and actors of change.

2. Introduction

[1] Organization of civil societies proclamation number 1113/2019.

[2] https://ehrco.org/

2.1. EHRCO, in this document will assess and evaluate the implementation of selected human rights during the 4th UPR reporting period in Ethiopia. In doing so, this alternative report will mainly use EHRCO's monitoring and investigation findings which are conducted during the reporting period and in some instances some other trusted sources.

2.1. Specifically EHRCO will analyze the rights to life and security of the person, rights related to political participation and election, detention and prison, arbitrary arrest, standard of living, and rights concerning war crimes and crimes against humanity. These rights are selected based on the gravity of violations that occurred during the reporting period

3. The right to life and security of the person

3.1. The Federal Democratic Republic of Ethiopia Constitution (FDRE Constitution) and various international treaties acknowledge the rights to life and personal security.[3] These rights prohibit arbitrary loss of life, except as punishment for serious crimes defined by law, and protect individuals from physical harm or injury.

3.2. Despite robust legal frameworks at national, regional, and international levels, these rights face significant violations by both governmental and non-governmental armed entities. Post-3rd UPR, there was an outbreak of conflicts and persistence of existing conflicts, targeting civilians not directly involved. Moreover, attacks by various armed groups, sometimes against minorities, result in ongoing casualties. Unfortunately, the prevailing culture of impunity fuels further violations.

3.3. The Ethiopian Human Rights Commission (EHRC) report detailed an armed group's attack in the Benishangul Gumuz Region's Metekel Zone, Dangur Woreda, on September 25, 2020. Following this assault, over 15 civilians (11 men and 4 women) were killed, with one person severely injured. Before this incident, consecutive attacks occurred in the Metekel Zone's Bulen and Melkan woredas on September 6-7, 2020, and September 13, 2020, resulting in multiple fatalities. The lack of immediate response from regional and federal security forces allowed the casualties to mount.[4]

[3] FDRE Constitution Article 15, Universal Declaration of Human Rights Article 3, International Covenant on Civil and Political Rights Article 6, African Charter on Human and Peoples Rights (ACHPR) Article 4.

[4] Benishangul-Gumuz region: Another round of killings, EHRC press release, September 26, 2020. https://ehrc.org/benishangul-gumuz-another-round-of-killings/ accessed April 4, 2024.

3.4. Following the killing of a renowned local musician in June 2020, coordinated assaults occurred in the Oromia Region and Addis Ababa. EHRCO's report detailed widespread human rights violations between June 29 and July 2, 2020, with preparations observed in various areas of the region, including victim lists compiled in Dodola, Adaba, and Shashemene. On June 29, 2020, armed groups, using victim lists, carried out organized ethnically, and in some areas, religiously-motivated attacks. Government authorities' involvement, both direct and indirect, was noted. These attacks led to the deaths of over 42 individuals and injuries to 14 based on ethnic and religious affiliations.[5]

3.5. According to a report published by EHRCO in October 2021, in the former Southern Nations Nationalities and Peoples Region (SNNPR) Konso Zone, more than 101 people were killed and more than 75 people were injured[6]. The cause for this grave human rights violation was the request of the Gumayde people for the establishment of Gumayde Special Woreda. This administrative structural request was a long-time request of the people tracing back to 1994. Due to this structural request, the people of Gumayde faced grave danger from the surrounding Derashe Special Woreda, and between July 2020 and December 2020 an attack orchestrated by the special Woreda on the Gumayde people,

3.6. In the Oromia Region, there has been a persistent pattern of armed assaults targeting civilians. These attacks have resulted in numerous fatalities and injuries. For example, in the Sherka Woreda of the Eastern Arsi Zone, incidents occurred on November 24, December 1, and December 4, 2023, resulting in the deaths of over 53 people and injuries to 2 others.[7] According to EHRCO's report, in two of the affected kebeles, 28 individuals were killed simultaneously, including 21 men, 7 women, a 70-year-old, and a 28-day-old infant.[8]

4. Political Participation and Election

4.1. The Ethiopian government is party to international human rights instruments safeguarding political participation and ensuring fair, free elections, and this is also outlined in the country's constitution.[9] After the 3rd UPR, the House of People's Representatives (HoP) has

[5] Ethiopian Human Rights Council 147th special report October 2020; also reported by Human Rights Watch, available here: https://www.hrw.org/news/2020/07/01/ethiopia-cracks-down-following-popular-singers-killing
[6] Ethiopian Human Rights Council 148th Special report October 2021.
[7] Ethiopian Human Rights Council 154th special report December 2023.
[8] Ibid.
[9] FDRE Constitution Article 38, ICCPR Article 25, ACHPR Article 13.

adopted various laws that are said to meet international standards and are aimed at enabling political parties and independent candidates participating in elections to play a constructive role in ensuring a fair, peaceful, free, and democratic elections system.[10]

4.2. Ethiopia has also issued more than ten election-related directives; including the Directive on the Establishment of Special Polling Stations in 2020 G.C.[11] the changes in electoral proclamation 1133/2019 and reform of the National Electoral Board of Ethiopia (NEBE) improved the body's operations and encouraged far more opposition parties to participate than ever before. A total of 46 political parties participated in the 2021 general election fielding 9,505 candidates. An estimated 37 million people registered to vote, and some 90 percent of registered voters cast a ballot based on the Coalition of Ethiopian Civil Society for Election (CECOE) report in 2021[12] .

4.3. EHRCO has been monitoring the whole process of the proclamation amendment and also the 2021 election. The findings of EHRCO show that besides the proclamation amendment and assuring more than ten election related directives the implementation of amended proclamation and directives have its own drawbacks.

4.4. The recently adopted Ethiopian Electoral, Political Parties Registration and Elections Code of Conduct Proclamation 1162/2019, under Arts 18, 28, and 31, even deprives people with mental disabilities of the right to vote and run for office. Those with severe non-mental disabilities, albeit with legal capacity, cannot even vote due to the non-recognition of alternative voting arrangements. These provisions limit the legal capacity of people with psychosocial and intellectual disabilities to fully exercise juridical acts of various types, including the right to vote and run for office.

5. Detention and Prison

5.1. Newly enacted in 2019, a new Prison Proclamation No. 1174 is expected to overhaul regulations and directives and help in the restructuring of the federal penitentiary system and for regional correctional administrations to replicate. The new legislation includes measures to ensure the dignity of prisoners, their rehabilitation, reintegration, and security. Harmonization and implementation of laws, across regions and within all works and

[10] Ethiopian Electoral, political parties Registration and Election's Code of Conduct Proclamation No. 1162/2019 and National Electoral Board of Ethiopia Establishment Proclamation No. 1133/2019

[11] Concerning internally displaced persons (IDPs), the new proclamation, under Article 17(1), specifically provides that "special polling stations" may be established at or near the place where internally displaced voters are located.

[12]

procedures, will help to address the current diversity in rules and practices.[13]

5.2. EHRCO's 152th report in 2023 G.C highlighted harsh and sometimes life-threatening conditions in prisons and pretrial detention centers (woreda police stations). Authorities were reported to physically abuse detainees in these facilities, including military bases and police stations. Issues such as severe overcrowding, insufficient food, water, sanitation, and medical care persisted. Pretrial detention mainly took place in police station facilities, where conditions varied widely, with reports of poor hygiene and abuse of detainees by the police. [14]

5.3. During the current state of emergency (SOE), which was declared on August 14, 2023, the government uses detention centers in many parts of the country to make arbitrary arrests.[15] However, the SOE was being implemented and vast mass arrests were undertaken before the HPR declared the SOE. Following its declaration, there were mass arrests, extrajudicial killings, unlawful search and seizures, identity-based arrests and so forth.[16]

5.4. Physical Conditions: Severe overcrowding was common, especially in prison sleeping quarters. For example, in 2023 the Ethiopian human rights commission visited a prison cell in Shoa Robit Federal Prison and found that its two small windows did not allow enough light into the estimated 40-square-meter (430-square-foot) cell, which was extremely small to house 38 inmates. Authorities sometimes incarcerated juveniles with adults. Prison officials generally separated male and female prisoners, although mixing occurred at some facilities. Medical attention following physical abuse was insufficient in some cases.[17]

5.5. The government allocated about 40 birr ($0.32) per prisoner daily for food, water, and healthcare, though this varied by region. In comparison, the country's per capita GDP was $1.50 per day. Many prisoners supplemented this support with food deliveries from family or by purchasing from local vendors. However, some prisoners were denied food from relatives, with families unaware of their whereabouts. Medical care was unreliable in federal prisons and scarce in regional ones. Access to clean water was limited, leading to

[13] Proclamation No. 1174/2019 Federal Prison Proclamation

[14] Ethiopian Human Rights Council 152th special report September 2023.

[15] SOE proclamation number 6/2023 was decreed by the Council of Ministers on August 04, 2023 and declared by the House of Peoples Representatives on August 14, 2023.

[16] Human Rights violations that are being committed in Addis Ababa city, Debub Ethiopia region and Amhara region have to stop immediately, EHRCO urgent press release September 1, 2023.

[17] https://ehrc.org/human-rights-commission-unveils-a-landmark-report-revealing-systemic-rights-violations-impacting-a-substantial-portion-of-the-population-addis-standard/

unhygienic conditions, and most prisons lacked proper sanitation. Many prisoners suffered from health issues without adequate treatment, with reports of officials denying medical care to some inmates.[18]

5.6. Political prisoners, according to visitors and other sources, frequently experienced distinct treatment from other inmates. This included allegations of limited access to medication or medical care, as well as restrictions on access to books, television, and exercise time.[19]

6. Arbitrary arrest

6.1. The constitution of FDRE guarantees protection from arbitrary arrest.[20] After the 3rd UPR, Ethiopia's government enacted numerous legislative and institutional reforms, resulting in the release of many detainees.

6.2. The two-year conflict in Northern Ethiopia, mainly affecting the Afar, Amhara, and Tigray regions, has caused a major human rights crisis and hampered government reforms in executive organs of the government. Civil war, intercommunal violence, security forces abuses, due process violations, and restrictive laws persist.[21]

6.3. In May 2023, the Ethiopian Human Rights Commission urged the government to halt arbitrary journalist arrests, respect citizens' rights, and lift internet restrictions on social media, citing violations of human rights principles.[22]

6.4. EHRCO's reports advised the government to take corrective actions, but unlawful measures persist. EHRCO reported on the arrests of two prominent journalists in May 2022, indicating ongoing arbitrary arrests of journalists by government security forces.[23]

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[18] Ethiopian Human Rights Council 152rd special report september 2023.

[19] Ethiopian Human Rights Council 152rd special report september 2023.

[20] Article 13(1) states that all Federal and State legislative, executive and judicial organs at all levels shall have the responsibility and duty to respect and enforce the provisions of Chapter three of the constitution of FDRE, which are dealing with Fundamental Rights and Freedoms.

[21] Freedom House, Freedom in the World 2023: Ethiopia, available at: https://freedomhouse.org/country/ethiopia/freedom-world/2023#PR.

[22] https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://ehrc.org/dont-detain-journalists-for-doing-their-job-lament-ethiopias-media-houses-in-press-freedom-celebrations-capital-ethiopia/&ved=2ahUKEwjfrZ_wqqOFAxU09AIHHTUCA3sQFnoECBUQAQ&usg=AOvVaw3BiQw0ZtUIOW_6B34Z-jHO

[23] The Government should immediately halt from violating rights of journalists, EHRCOs urgent press release, May 7, 2022 and National human rights situations that need immediate attention, EHRCOs urgent press release, May 23, 2022; Also reported on by Ethiopian Human Eights Commission, available at: https://ehrc.org/over-a-dozen-media-personnel-in-unlawful-detention/

6.5. In January 5, 2023 four human rights defenders from EHRCO (3 human rights experts and 1 driver) were arbitrarily detained while on investigation in the Oromia Region, Sheger City-Sebeta Woreda 02, Gelan Gudan Police Station for eight consecutive days.

6.6. Furthermore seven Nisir and Ashara YouTube journalists were arrested by government security forces from their workplace and even though their whereabouts had been unknown for some time, EHRCO learnt that they are imprisoned at South Gonder Gaint and that they have not been brought before the court of law.[24]

7. The Right to an adequate standard of living.

7.1. This right is widely acknowledged and firmly established in national, regional, and international human rights agreements. [25] The focus of this report will primarily be on one specific aspect of this bundle of rights: the right to adequate housing. Within this right lies crucial protection against forced evictions. [26]

7.1. Starting from 2022, there were widespread housing demolition and forced eviction activities that took place in the newly established Sheger City of Oromia Region (former Legetafo Legedadi, Cheri Sefera Medhaniyalem, former Nefas Silk Lafto Sub-city Woreda 01 Lebu Eartu Teklehaymano) and some parts of Addis Ababa (Kolfe Keranio sub city, Bole Sub City woreda 11, Lemi Kura sub city woreda 11). According to the report of EHRCO more than 111,811 (one hundred eleven thousand eight hundred eleven) houses were demolished and the people who were living there were forcefully evicted. The individuals that were evicted were not given appropriate notice period, in some parts like the former Kolfe Keranio Sub-city which is now under Sheger City in the Oromia Region the houses were demolished before the residents took out their belongings, and there were also illegal detentions.[27]

8. War crimes and Crimes against humanity.

[24] committee to protect journalists article by the title of Ethiopian authorities arrest 11 employees of 4 independent media outlets https://cpj.org/2022/05/ethiopian-authorities-arrest-11-employees-of-4-independent-media-outlets/

[25] Federal Democratic Republic of Ethiopian Constitution Article 41 and 43, Universal Declaration of Human Rights Article 25, International Covenant on Economic, Social and Cultural Rights Article 11

[26] CESCR general comment number 4 and 7.

[27] Ethiopian Human Rights Council 153rd special report May 2023.

8.1. War crimes and crimes against humanity are established under the FDRE constitution, FDRE criminal code, the Geneva Conventions of 12 August 1949, the Rome statute, and customary IHL rules. The details about these crimes can be found in the above documents.[28]

8.2. On November 3rd, 2020 a widespread armed conflict broke out in the northern part of Ethiopia, making the Tigray Region its epicenter, the armed conflict covered almost all parts of Tigray, Amhara, and Afar regions. This devastating armed conflict continued for two years and was brought to an end by the Pretoria peace agreement which was signed on 2nd November 2022. During the two years of conflict, war crimes and crimes against humanity may have been committed by the conflicting parties.

8.3. According to the report of EHRC, 29 civilians were killed by the Ethiopian National Defense Forces (ENDF) in Mekele, Tigray on November 28, 2020, 15 civilians were killed between 9 and 11 November 2020 in Humera, Tigray, and additional 17 civilians were killed and 3 injured following an ethnic-based attack by the Tigray Special Forces (TSF).[29] Furthermore, more than 100 people were killed in Axum, Tigray by Eritrean Defense Forces (EDF) on 28 November 2020 and at least 70 people were killed by ENDF between 8 and 9 January 2021 in Tigray.[30]

8.4. Based on the report of EHRCO, around 3039 civilians were killed and more than 854 people were injured only in the Amhara region due to the armed conflict.[31] In Afar Region a place called Galicoma more than 200 civilians were killed.[32]

8.5. Furthermore, more than 648 sexual and gender-based violence (SGBV) cases were reported by the investigation report of EHRCO only in the Amhara region. These SGBV cases were committed most of the time as a form of gang rape. Though a clear number is not obtained, similar weights of SGBV were committed in the Tigray Region by ENDF, EDF, and Amhara Special forces.[33]

[28] FDRE Constitution Article 28, FDRE Criminal Code Article 270, Geneva Conventions of 12 August 1949 (mainly common article 3 is suitable for the case being discussed), Rome Statute Article 7 and 8, Customary IHL rule 156.
[29] Report of the Ethiopian Human Rights Commission (EHRC)/Office of the United Nations High Commissioner for Human Rights (OHCHR) Joint Investigation into Alleged Violations of International Human Rights, Humanitarian and Refugee Law Committed by all Parties to the Conflict in the Tigray Region of the Federal Democratic Republic of Ethiopia, November 3, 2021.
[30] Ibid.
[31] Ethiopian Human Rights Council 151st special report August 2022
[32] Ibid.
[33] Ibid.

9. Recommendations to the government

EHRCO calls on the government of Ethiopia to improve the following issues.

9.1. The Federal government, along with Benishangul-Gumuz, Oromia, and South Ethiopia regions, should protect the life and physical security rights of ethnic minorities in the regions.

9.2. After conducting a thorough investigation, the federal and regional governments must hold accountable those committing human rights violations within their jurisdiction.

9.3. The Federal government and Oromia region need to halt forced evictions promptly, providing affected individuals with adequate preparation time, compensation, and ensuring the eviction process complies with international standards.

9.4. The government of Ethiopia should conduct an independent investigation into war crimes and crimes against humanity committed during the armed conflict in northern Ethiopia, and ensure accountability for those responsible.

9.5. The government of Ethiopia should strengthen human rights institutions to monitor, investigate, document and report human rights abuses in detention and prison centers including but not limited to extrajudicial killings, and enforced disappearances.

9.6. All journalists, demonstrators, human rights defenders and political leaders detained for exercising their right to freedom of assembly should be unconditionally and immediately released.

9.7. Call on the government to ratify the International Convention for the Protection of all Persons from Enforced Disappearance

9.8. Urge the government to ensure accountability for cases of unlawful arrest and detention, and extrajudicial killings;

9.9. Establish an independent commission of Inquiry to investigate rights abuses by members of the Ethiopian police and security including acts of torture and harassment of civil society activists and journalists seeking to expose rights abuses and corruption.

10. Conclusion

10.1. Enhancing the effective implementation of human rights practices in Ethiopia requires a comprehensive and collaborative effort involving government institutions, civil society, and

the international community. Recognizing the importance of fostering an environment where citizens can freely express themselves, participate in political processes, and enjoy fundamental rights is fundamental for the nation's development and stability.

10.1. To improve human rights in Ethiopia, there is a need for legal and institutional reforms that promote inclusivity, transparency, and accountability. Authorities should revisit and revise existing laws, removing any ambiguities or provisions that may impede the exercise of these rights. An independent and impartial judiciary is crucial to ensuring the rule of law and safeguarding citizens' rights, and efforts should be directed towards strengthening this aspect of the legal system.

10.1. Political pluralism and a vibrant, diverse civil society are indispensable components of a democratic society. Encouraging a multi-party system, fostering open political dialogue, and protecting the rights of minority groups contribute to a more inclusive political landscape. Civic education programs can empower citizens to actively engage in the democratic process, promoting a culture of informed and responsible citizenship.

10.1. International cooperation and collaboration are essential in supporting Ethiopia's efforts to improve civil and political rights. Engaging in constructive dialogue with international organizations, seeking technical assistance, and embracing best practices from the global community can provide valuable insights and assistance in the reform process.