

**A Submission by Civil Society Coalition<sup>1</sup> to the 3<sup>rd</sup> Universal  
Periodic Review of the Federal Democratic Republic of Ethiopia on  
the Implementation of Civil and Political Rights**

**September 2018**

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## **Introduction**

1. Following the regime change in 1991, Ethiopia has adopted a Constitution with a bill rights, and has ratified a number of United Nations and African human rights treaties relevant to the enforcement civil and political rights in the country. One of these treaties was the International Covenant on Civil and Political Rights (ICCPR). As part of its obligation to under international human rights law, Ethiopia has undergone several reviews before international human rights bodies.

2. It is recalled that Ethiopia was reviewed under the second cycle Universal Periodic Review (UPR) in 2014 from which the government has accepted 188 out of 252 recommendations. By doing so the government agreed to put the necessary legislative, institutional and administrative measures to implement the recommendations. In view of the third cycle UPR of Ethiopia this report is prepared by a group of Ethiopian Civil Society Organizations (CSOs) with the aim to support the review process and contribute to strengthening the protection of human rights in Ethiopia.

3. The present report follows on recommendations issued in previous review on civil and political rights and also draws attention to pertinent concerns emerged during the reporting period.

## **Methodology**

4. The report explored developments in the implementation of recommendations forwarded from the second cycle UPR in 2014. In order to track the progress during the reporting period and draw evidence based conclusions, the report preparation relied on primary data collected from federal and regional government offices, parliamentary bodies, civil society organizations and National Human Rights Institutions. This involved key informant interviews (selected in consideration of their involvement and position held in institutions that are responsible for implementation of the recommendations). The report draws upon reports of various government agencies, research papers and other non-government reports relevant to the issues under

consideration, and inputs forwarded by stakeholders during a consultation workshop organized in August 2018.

## **Right to life**

5. The FDRE constitution and international human rights treaties to which Ethiopia is a party recognized that every person has the right to life and no person may be deprived of this right except as a punishment for serious criminal offense. And these laws require that deprivation of the right must strictly follow a process determined by law. Despite such normative commitments of the government, the disturbing reality is that Ethiopian people continued to experience attack on the right to life during the reporting period. Civilians who were not taking part in conflicts have been victimized by massive attacks commissioned by security forces in several incidents. The unpleasant truth is that such violations were often left with impunity. Only in few circumstances the members of the federal defense army have been prosecuted in relation to death of civilians committed by the security forces.

6. In addition, no post conflict measures have been taken to address violations on the right to life and physical integrity of victims.<sup>2</sup> Massive violations of that nature were committed especially in the margins of the protests occurred in several parts of the country during the reporting period. This is partly the result of inability of the judicial and democratic institutions to hold the executive branch accountable and to press it to rectify failures and violations.<sup>3</sup>

7. A report by the Ethiopian Human Rights Commission (EHRC) for instance has shown that public protests which erupted in parts of the Oromia region in 2015/16 resulted in the killing of 173 individuals (166 male and 7 female). The conflict left 261 individuals with serious physical injury and 695 people suffered from light physical injury. The report also documented casualties and destructions caused by the conflict that occurred in North Gonder in 2015. According to the report, 97 people were killed and 86 sustained physical injury as a result of the conflict that

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<sup>2</sup> . Statement of Dr. Adisu Gebreegizabher, Chief Commissioner of Ethiopian Human Rights Commission to Sheger FM 102.1 radio noted that the recommendations of the Commission forwarded in its 2016 report have not been implemented to date.

<sup>3</sup> . Discussions with Commissioners of the Ethiopia Human Rights Commission on 07 August 2018 confirm this observation.

broke out following Qemant community's request for recognition as a group of separate identity. The commission in its conclusion on the investigation of the conflicts in Oromia, concluded that crimes have been committed by security forces and members of the regional government's special force who gave order to open fire on civilian farmers. The Commission further stated that "primary reasons for the loss of human life, physical injury and property destruction was the failure to properly enforce requirements set out in the constitution".<sup>4</sup> The Commission's report, however, did not identify individuals responsible for the crimes perpetrated though recommended that those suspected of these crimes be brought to justice.

8. The 2018 National Human Rights Action Plan implementation report of the EHRC shows that human rights trainings have been provided for 113 members and officials of the federal police investigation department and 226 members of the security forces drawn from the federal state and Amhara, SNNPRS and Oromia regional states.<sup>5</sup> It is observable that interventions of the EHRC were essentially confined to trainings and manual development and remained weak in terms of investigation of human rights violations and monitoring government compliance in respect to protection of the right to life. No documentation was also found at the time of the report preparation accounting the intervention on the part of the Federal Attorney General's Office towards investigation and prosecution of perpetrators.

9. Accountability for the above described violations on the rights to life was not established and no redress was provided to victims' families to date.<sup>6</sup> The worrisome reality is that such violations continued even after changes observed in the political leadership and the promise made for rule of law and accountability.

10. Report issued by the non-governmental human rights organization, the Human Rights Council (HRCO), show that the right to life was seriously jeopardized during the conflicts that occurred in the territories of Oromia and Somali Regional States. According to the report serious violations on the right to life and physical integrity have been committed in 2018.<sup>7</sup> Based on

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<sup>4</sup> . Report on the findings of the Ethiopian Human Rights Commission's investigation into the human rights situation during the disturbances in parts of Oromia Regional State and dispute related to issues of identity and self-administration raised by the Qemant nationality in Amhara Regional State and the resolution passed by the Federal Democratic Republic of Ethiopia House of Peoples' Representatives, June 2016, pp. 99

<sup>5</sup> . Ethiopian Human Rights Commission, National Human Rights Action Plan implementation report, 2018, pp. 2-3

<sup>6</sup> . Press briefing of the Chief Commissioner to Sheger FM 102.1, 02 August 2018

<sup>7</sup> . Human Rights Council 144<sup>th</sup> Special Report, 31 July 2018

first-hand information gathered from victims' families, the regional state police commissions and field investigation by members of the organization, the HRCO report, found that the conflict has resulted in massive violation of the right to life that claimed the lives of 709 people while 395 people sustained physical injury (serious and light injuries) and 39 people reported disappeared.<sup>8</sup>

11. These violations were committed both by security forces (regional special forces and the national defense army) and civilians involved in the conflict/protests. Horrific forms of killing (such as mutilation and burning victims on fire) and violence were observed in these situations. Worrying developments that seriously threaten the right to life have been frequent phenomenon in the last three years. The painful truth is that the government does not seem to have a clear strategy for dealing with such massive violations and did not show concrete commitment to establish accountability and provide remedy. Despite clear findings and recommendations no remedy was granted and in the large majority of the cases accountability was not established. The government failed to comply with its obligation to prevent such violations and protect human rights including by investigating violations, holding perpetrators accountable and providing redress to victims.

12. Investigation and reporting by the EHRC of the above mentioned situations was a step in the direction of the Commission attempting to implement its mandate. Documentation of the violence is a first important step. However, the way the process ended raises serious concern regarding commitment of the Federal House of Peoples Representatives (HOPR) and role of the EHRC. The report concludes that measures taken by security forces following the protests in the Oromia region "... to save lives, their physical safety, to save government investment and public property, to preserve the constitutional order and to prevent further destruction were necessary and proportional to contain the disturbances<sup>9</sup>".

13. Given the magnitude of violation of the right to life and victimization of innocent civilians the commission's work was ought to focus on airing victim's plights rather than rushing to give verdict on proportionality of the measures taken. This is a matter worth serious consideration and

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<sup>8</sup> . Ibid

<sup>9</sup> . Report on the findings of the Ethiopian Human Rights Commission's investigation into the human rights situation during the disturbances in parts of Oromia regional State and the dispute related to issues of identity and self-administration raised by the Qemant nationality in Amhara regional state and the resolution passed by the Federal Democratic Republic of Ethiopia House of Peoples' Representatives, June 2016, pp. 57

also elicits question on independence of the Commission as a National Human Rights Institution (NHRI).

14. More worrisome is that the HOPR did not take any steps except adopting a resolution accepting “the free and independent Commission’s investigative report” and requesting “the relevant bodies to implement the recommendation provided in the report<sup>10</sup>”. No single known measure was taken since publication of the report. It is observed that the HOPR is reluctant to take measures that could transform recommendations of the EHRC into concrete remedial measures.

15. Other investigations launched by the Commission (for example alleged human rights violations related to the conflicts in Gedeo and Woklita) which also have caused violations on the right to life are yet to be made public.

#### **16. Recommendations:**

- ensure that violations of the right to life are investigated, prosecuted and redress is provided through an effective accountability and redress mechanism
- take appropriate measures to ensure non-repetition and to devise clear strategy for dealing with recurring large scale violations of the right to life,
- ratify the international convention for the protection of All Persons from enforced disappearance and provide safeguards against enforced disappearances

#### **Access to justice**

17. Access to justice is one of the fundamental rights guaranteed under international human rights law and the Constitution of Ethiopia. As provided under article 37 of the constitution every Ethiopian has the right to bring a justiciable matter to, and to obtain a decision or judgement by a court of law or any other competent body with judicial power. That is further strengthened by article 14 of the ICCPR which provides that everyone is equal before the law and has the right to effective remedy against violations of fundamental rights.

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<sup>10</sup> . Ibid, pp. Xii

18. In respect to improving access to justice, courts and other organs in the justice system are operating at the local and federal level rendering service in local language. Though not well organized, translations services are being provided at government expense for parties who do not speak the language of the court in particular jurisdiction. Yet a number of challenges impede realization of this right in practice, lacking quality and regular availability of the service.

19. The two major challenges in this respect are affordability and unavailability of legal services to all. Unavailability of adequate legal service and facilities for the poor, the disabled, the elderly and children is one major challenge. The justice system lacks sensitivity to the needs of disadvantaged groups that come in contact with it.

20. Attempts have been made to ensure representation by a lawyer of one's choice (acquired or assigned at government expense). Office of the Attorney General and courts assign private lawyers to offer free legal service to indigent defendants through the *pro bono* scheme. This service, however, is limited to cases of serious criminal offense. Even this service is not properly organized and systematized. The EHRC and some donor supported projects have been supporting University based legal aid services whose sustainability is very much questionable. The problem of underfunding and limited attention given to the issue of provision of legal aid service, the right to be provided with legal assistance is not equally available to the poor and the disadvantaged, jeopardizing their access to justice. Hence, justice in the country still remains to be "... a rare commodity which is accessible only to the privileged, the powerful and the rich, excluding the poor, the marginalized and the weak<sup>11</sup>".

21. The draft national legal aid strategy is yet to enter into force. That is causing inconsistent practice in the provision of legal aid support to indigent defendants and leads to inconsistent practice. The Public Defense Office of the Federal Supreme Court operates with seriously limited capacity and suffers from resource constraint that makes its service very weak and negatively affects the right of access to justice of indigent defendants. For instance, often times the public defense lawyers do not meet accused persons in advance to give them the necessary legal advice but only meet them in court.

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<sup>11</sup> . Anbesie Fura Gurmessa, The Role of University- Based Legal Aid Centers in Ensuring Access to Justice in Ethiopia, Beijing Law Review, 2018, 9, pp. 357-380

22. Moreover, legal assistance or access to a lawyer is not taken seriously during pre-trial process. There is widely shared attitude among law enforcement agencies which view legal representation at the pre-trial stage of criminal investigation as an obstacle to their work.

23. The 2017 performance report of the Federal Supreme Court indicates the progress federal courts recorded in terms of ensuring speedy dispensation of cases. According to the report performance of the courts in the last nine months at the first instance, high court and Supreme Court level stands at the rate of 94.41%, 88.21% and 96.04% of the target set for that period. The 2011-2018 consolidated statistics of the Federal Supreme Court indicates that the ability to dispose cases of the federal courts at all level (First Instance Court, High Court and Supreme Court) is showing steady progress every year. For instance, in the last three years number of cases disposed at all levels of the courts was 163 631, 179 743 and 132 144 (this one is for the nine months performance) respectively showing increment by a certain percentage of the annual disposal rate of the courts each year. While noticing the progress in the disposition of cases, it is also important to equally recognize that for the last ten years the courts have had to deal each year with 3325 cases at the supreme court , 8 994 at the high court and 27, 348 cases at the first instance courts carried over from previous year. On a related note, the Federal Prisons Commission in 2017 wrote a letter to the Federal Supreme Court that cases of 262 prisoners have been pending in courts for two years and more and expressed concern over the delay.

24. Legal aid provision is still at its lowest level, the judicial system faces serious shortage of trained human resource (the judge- population ratio for instance stands at one judge to more than 14,000 people) and the justice sector continues to be underfunded. All these factors impede realization of access to justice. Given that access to justice is not only about judicial recourse that seeks to ensure guarantee for one's liberty and/or property but equally about access to timely, affordable, and effective remedy, the government needs to take measures taking due consideration of all the important aspects.

## **25. Recommendations:**

- Accelerate the adoption of the national legal aid strategy;
- Devise a system for direct government support to legal aid service provision centers;
- Systematize the *pro bono* scheme operating under the Office of the Attorney General;



- strengthen capacity of the public defense office of the Federal and Regional Supreme Courts;
- Increase budget allocation for access to justice programs (e.g. legal aid, special needs facilities, language, etc.);
- Ensure access to a lawyer during pre-trial detention shall be fully respected.

## **Freedom of expression**

26. Freedom of expression is recognized as one fundamental human rights principle in the Constitution of the Federal Republic of Ethiopia. The federal legislature, with a clearly stated objective of further entrenching freedom of expression, has promulgated a number of proclamations to govern exercise of the freedom. The truth of the matter, however, is that many of the legislations rather resulted in narrowing the space for free expression. Draconian laws that have chilling effect on journalists and media house owners and operators have been put into effect. Owing to that ability of the private media to operate freely has for long remained seriously constrained. Two factors have contributed to that. First the dominant print and broadcast media operators are either government owned or party affiliated. And, these media houses are predominantly governed by the ideology of “developmental journalism” which is guided by the centralist developmental state ideology of the ruling party. Second, paralyzing laws have been promulgated by the legislative that significantly restricted the ability of the private media.

27. One of the laws that restrict ability of the private press is the Mass Media and Access to Information Proclamation promulgated in 2008. Articles 15-26 of this proclamation contain broader stipulations that seriously restrict freedom of expression. Though the proclamation claims that it recognizes the role of the media as public forum for uninhibited dialogue and the fundamental importance of access to information held by public bodies, the actual contents of these provisions systematically keep the media away from access to information concerning public offices. The list of exempted information stipulated in this section of the proclamation is quite extensive which may amount to a total prohibition of access to information, making all almost all information concerning the activities of public offices inaccessible. These provisions grant wider discretion to government agencies to deny access to information under different pretexts that are warranted by broad stipulations.

28. Another legal framework constraining freedom of expression is the defamation and national security clauses of the Criminal Code and the Anti-terrorism law that risk the criminalization of any critical or opposition opinion. Accordingly, serious restrictions on freedom of expression have been imposed in the name and pretext of defamation, national security and countering terrorism.

29. Recent reform initiatives of the Ethiopian government elicited some hope that the promised measures may bring some level of opening in the space for free expression including revision of the restraining laws. It is in particular noted that expert groups are convened under the auspices of the Federal Attorney General to advise on the revision of the such laws. Further, in the year 2017/18 several journalists were released from prison following the government's decision to grant pardon and the judiciary in an unusual shift has in one very famous case decided to acquit journalists charged for alleged crime of terrorism. Yet, this is not a guarantee for upholding freedom of expression and the challenges remain to threaten the exercise of the freedom until concrete legal and policy measures are taken to bring the initiated reform to practice.

30. On the other hand, as national human rights action plan implementation report of the Federal Ministry of Communication shown some degree of progress in the diversity of media broadcast service in recent years. According to the report, currently, there are 10 public broadcast radio stations owned by the federal and regional governments, 6 terrestrial public television stations, 7 satellite public television stations, 13 private/business radio broadcast stations, 10 private/business television stations and fifty community radio stations that spread in all regional states and some public Universities are operational. The report further added that the Ministry, as part of its activities of the implementation of the National Human Rights Action Plan, has conducted a series of trainings for journalists and media professionals on investigative journalism, freedom of information and civil and political rights.

31. It is encouraging to note some developments that may facilitate the promotion of freedom of expression are emerging. Yet, it is imperative that Ethiopian government genuinely address the underlying problems and concerns.

## **32. Recommendations:**

- Expedite the recently initiated reform and ensure that such reform effectively addresses the concerns and gaps in the media law and access to information and anti-terrorism law;
- Decriminalize defamation and revise provisions of the Criminal Code curtailing free speech according to international standards;
- Ensure the non-use of criminal prosecutions for silencing critical voices;
- Enhance the media independence and plurality and devise a sustainable mechanism that ensures access to the media for all sides.

### **Freedoms of assembly and association**

33. Freedoms of assembly and association are widely recognized as a vehicle for the exercise of other civil and political rights and play key role in consolidation of democracy. Ability to exercise these freedoms is as a sign of a functioning democratic system and is given protection under the Constitution.

34. Nevertheless, this has been one of the weakest aspects of the democratization process in Ethiopia. Over the last decade, especially since adoption of the charities and societies laws in 2009, the space for freedom of assembly and association has been increasingly shrinking. The regulatory framework put in place resulted in narrowing down the space for operation of civil society organizations and alternative voice. This was especially the case with those working on issues of human rights, peace, women's rights, and justice. A study by the Charities and Societies Forum shows that 401 charities or societies have been closed from 2010-2016 (114 on their own request and 287 by decision of the Charities and Societies Agency)<sup>12</sup>. Though some of these were closed because they were found involved in illegal activities, a most were closed on their own request due to funding problems<sup>13</sup>.

35. State of emergency declarations imposed in 2016 and 2018 (which lasted for ten and four months respectively) imposed severe restrictions on freedom of assembly and dissent through different mediums including the social and broadcast media. Article 4 of the State of Emergency

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<sup>12</sup> . The Charities and Societies Forum, study report, 2017

<sup>13</sup> . According to a brief by the Charities and Societies Forum, 73 Ethiopian resident charities established to work on issues such as support to women, children and the disabled, education, health, capacity building, child development, environment etc. have submitted request for closure because of inability to secure funding for running their activities.

(SoE) proclamation contains explicit provision that authorize the State of Emergency Command Post “when it believes necessary to prohibit assembly, demonstration or moving in group”. And, criminal liability of up to five years imprisonment was imposed as penalty against anyone found violating obligations related with implementation of the state of emergency measures. Security forces arrested thousands of people pursuant to the wider authority bestowed upon them by the SoE law. SoE Inquiry board was constituted by the HOPR to investigate and report on human rights violations committed during implementation of the state of emergency law. No publicly known report was issued though it was supposed to do so. The state of emergency declaration was later lifted by the federal parliament in June 2018 after causing serious restrictions on fundamental rights recognized by the constitution. Since the protests are results of absence of an inclusive and accountable political system and culture, the government is ought to respond to public demands rather than resorting to recurring SoE measures. The nation lived in a SoE for 14 months in a span of three years period. That was serious setback to the protection of freedoms of assembly and association and other human rights which the country expressed commitment to respect and protect.

▪ **36. Recommendations:**

- Lift restrictions and repeal restrictive laws that undermine freedom of association;
- Provide an enabling legal framework and support to civic and political associations
- Ensure the use of state of emergency as a measure of last resort to a minimum period.

**Election and political participation**

37. Since the adoption of the FDRE Constitution in 1995, Ethiopia organized five national and local elections (in 1995, 2000, 20005, 2010 and 2015) and is looking forward to the upcoming sixth national election in 2020. The ruling party claimed victory in all the previous election, the latest being the 2015 election in which the ruling party claimed victory of all seats in the federal Hose of Peoples’ Representatives. Currently, opposition political parties have no presence in the federal parliament neither in the regional state councils. Unfortunately, all these rounds of elections hardly contributed to genuine multiparty competition. And the sad reality is that none of the elections were accepted as free and fair by opposition political groups and in a number of instances by international observers. The post-election environment with no exception was characterized by questions on fairness of the election. The electoral practice over the last two

decades, as positive practice it may be to have regular elections, was compounded by multiple problems.

38. State-party fusion in the political practice in Ethiopia which developed over the last quarter of a century has been a major stumbling block for free and fair election. That was further exacerbated by absence of free media accessible to all sides of the electoral competition, absence of independent judiciary and seriously questioned neutrality of the electoral board. Owing to that election is being perceived only as exercise by the incumbent for gaining legitimacy. A survey by Afro barometer in 2016 concluded that only half of Africans trust the electoral bodies in their respective countries<sup>14</sup>. That also is the case in Ethiopia and reforming the electoral system has always been at the top of negotiations between the ruling party and opposition politicians.

39. Lack of a national independent oversight is one of the major gaps. The EHRC has, since 2010, been striving to issue election observation report and to monitor compatibility of the electoral process to the standards for free and fair election. It is appropriate to acknowledge that the report issued by the Commission in 2011, though a good start, focused on minor inconsistencies<sup>15</sup>. Unfortunately, the experience of in 2015 did not see any report by the Commission. Election observation of the EHRC remained unreported though election results in have been contested for lack of free and fair process. It is also important to note that civil society organizations engaged in voter's education are prohibited from election observation which adds to the lack of oversight by national actors.

40. The independence of the Electoral Board has also remained questionable starting from appointment of members to its operation and accountability. There is no participatory process in the election of Electoral Board members and membership plurality was lacking, having all the orchestration monopolized by the ruling party.

41. The 2018 National Human Rights Action plan performance report of the Ethiopian National Electoral Board reports that, the Board, with the aim to support the practice of free and fair election in the upcoming sixth national election has implemented a series of preparatory

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<sup>14</sup> . afrobarometer.org/blogs/African-citizens-have-very-low-level-trust-how-elections-are-run, African citizens have very low level of trust in how elections are run, 16 October 2018

<sup>15</sup> . Ethiopian Human Rights Commission, Monitoring Report of the Fourth National Election of the Federal Democratic Republic of Ethiopia of May 2010, September 2011

activities. As described in the report the activities were mainly focused on trainings to regional and national election officers on electoral laws, election code of ethics, electoral dispute resolution skills, and regulations and election management.

42. Though it remains to be supported by more concrete legislative and administrative measures, political developments brought hope for inclusive political practice in Ethiopia. In 2017 the government and opposition political parties' representatives agreed on some possible changes to the existing electoral system. This includes amendments to the existing electoral framework by which 20% of the seats in the federal parliament would be filled by proportional consideration of votes casted and agreed to explore possibilities for introducing a mixed system in regional and city level legislatures. For these proposals to enter into force and to translate the promise into reality, the ruling side needs to show unfailing commitment by introducing immediate initiatives for legal and institutional reform in the electoral system.

43. The Justice Reform Council recently constituted by the Office of the Attorney General is one step in the right direction. The Council already constituted an expert group tasked to advise on reforming the electoral system. The lifting of proscriptions imposed on opposition political groups and pardons granted to opposition politicians are opening an unprecedented new horizon for inclusive political process. Yet, these are only the beginning of a long journey, and require meticulous review and reform of the existing legal and institutional framework. To translate these steps into practice the government needs to enter into specific and concrete negotiation and agreement with all sides before commencement of the sixth national election due to take place in 2020.

#### **44. Recommendations:**

- Expedite the justice and legal reform initiative launched in June 2018 which include reforming the electoral system;
- Ensure meticulous review of the existing legal and institutional framework of the electoral system through an inclusive process;
- Remove the prohibition imposed on civil society organizations involved in voter's education from election observation;

- Enter into specific and concrete negotiation and agreement with all sides before commencement of the sixth national election;
- Adopt participatory process in the selection of Electoral Board members and plurality (gender, academia, CSO etc.) and impartiality of the Board;

## **Detention and prisons**

45. Continued and common challenges to the protection of rights of detainees and prisoners in the Ethiopian prisons and police stations have been overcrowding, poor sanitary condition, poor health facility, lack of adequate food supply and prolonged pre-trial detention. Further to that multiple sources reported problems of ill-treatment and torture in prisons and police stations in Ethiopia. Torture and other ill-treatment also often occur during initial stages investigation and arrest. There are many reports that confessions and other information elicited through coercion and torture have been used before court.

46. Previous UPR review and other regional and international treaty reporting processes (for example examination of Ethiopia's report by the UN Committee against Torture in 2011<sup>16</sup>, Press statement of the African Commission on Human and Peoples Rights<sup>17</sup> and concluding Observations of the African Commission on Human and Peoples Rights in 2015<sup>18</sup>) pointed out torture and other ill treatment of detainees and prisoners have been recurring violations. Several reports documenting the accounts of torture in custody have been released over the years.

47. One major challenge is the absence of an independent oversight body and independent and transparent investigation into allegations of torture and ill treatment. As a result, despite the declared commitment and some efforts here and there to improve the situation of detention centers and prisons and protection of rights of prisoners', evidence still shows the increasing magnitude of the problem. Recurring acts of torture and other-ill treatment remain unpunished or even unchallenged and victims go without any redress.

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<sup>16</sup> . Concluding observations of the Committee against Torture, Ethiopia, 20 January 2011

<sup>17</sup> . [www.achpr.org/sessions/51st/resolutions/218/](http://www.achpr.org/sessions/51st/resolutions/218/), Resolution on the Human Rights Situation in the Democratic Republic of Ethiopia, 18 April to 2 May 2012

<sup>18</sup> . [www.achpr.org/files/sessions/18th-eo/conc-obs/5-2009-2013/concluding\\_observations\\_ethiopia\\_eng.pdf](http://www.achpr.org/files/sessions/18th-eo/conc-obs/5-2009-2013/concluding_observations_ethiopia_eng.pdf), Concluding observations and recommendations on the 5<sup>th</sup> and 6<sup>th</sup> periodic report of the Federal Democratic Republic of Ethiopia, 21 April to 7 May 2015, Banjul, Gambia

48. Judicial oversight of allegations of torture and ill treatment has been a serious gap. The judicial response to complaints of torture and ill treatment during police or prison custody has been unacceptably inadequate and inconsistent, raising serious questions as to the independence and capacity of the judiciary. In many occasions, the judiciary refrained from its responsibility of protecting the rights of the accused persons in detention and prison and as a result perpetuated violations of the freedom from torture, the right bodily security and integrity, and the right to life. Moreover, victims' access to international judicial or quasi-judicial bodies is limited since Ethiopia has not accepted the Protocols allowing individual complaints before the African Court or the UN Human Rights Committee.

49. Some degree of positive progress has been witnessed in recent days. The most direct step in this regard is the government's acknowledgement of mistreatment of prisoners in the federal prisons. The Prime Minister, in his address to the federal HOPR in June 18/2018<sup>19</sup>, has made clear acknowledgement to this effect. Subsequent measure that resulted in removal from position of prison officials was taken by the government. Another development in this respect is open coverage by the mass media of these violations supported with testimony of victims of the violations. In July 2018 the Ethiopian Broadcast Corporation and Amhara TV have broadcasted programs that narrate sufferings and ill treatment of prisoners in the federal and Amhara regional state prisons. The highlight of the recent developments was the announced closure of the infamous torture center, *the Maekelawi* detention center in Addis Abeba. This being an outstanding step, the concern remains that there has been a proliferation of un-gazetted detention centers throughout the country.

50. Overcrowding and poor hygiene and sanitation continues to be recurring problems which has not shown significant improvement. For instance the prison in Gambella town accommodate 20-30 prisoners in a very small cell, children are being detained together with adults and the prison cells have no ventilation or beds despite a very hot weather which makes the living condition very difficult for the prisoners. In 2017 the Federal Prison Administration Commission adopted different directives that include directive for the determination of granting parole to prisoners, directive for determination of visit of prisoners by family members, lawyer, medical personnel

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<sup>19</sup> . Prime Minister Abiy Ahmed, Address to the Federal House of Peoples Representatives, available at <https://www.youtube.com/watch?v=wJnC2aX4jp8>



etc. These directives provide further details that will lead implementation of rights recognized by the constitution and the criminal code. Though that can be considered as one positive step it remains to be seen in practice and addresses only part of the problems observed that have been experienced in the past.

## **51. Recommendations:**

- Establish an independent prison/police oversight mechanism with unrestricted access to prisons and police stations and with mandate to publish independent report;
- Intensify emerging commitments to eliminate torture and ill-treatment, unnecessary and prolonged pre-trial detention and violation of due process;
- Strengthen judicial response to allegations of torture and due process violations;
- Investigate, prosecute and redress acts of torture and ill-treatment , and devise mechanism to ensure effective remedy for victims;
- Adopt international instruments that allow individual complaints before African and UN human rights bodies;
- Improve the conditions of detention centers and prisons and ensure adequate detention standards and protection of fundamental rights in detention centers and prisons.