

## **Ethiopian Human Rights Commission's Submission for the UPR**

The Constitution of the Federal Democratic Republic of Ethiopia (adopted in 1994) is a constitution which has a full chapter (about a third of the Constitution) dealing with human rights. The Constitution is the supreme law of the land and no law, executive decision or judgment may contravene it. The Constitution also makes international human rights instruments ratified by Ethiopia part of the law of the land and also ensures that the human rights provisions of the Constitution be interpreted in line with the Universal Declaration of Human Rights and other international human rights conventions and principles. The Constitution also establishes democratic institutions of which the predominant ones are National Human Rights Institutions. The Constitution under Article 55 defines the powers and functions of the House of Peoples' Representatives (HoPR) which is the highest political organ of the Federal Government and its law making body. Article 55(14) stipulates that a Human Rights Commission shall be established. The fact that the Commission's establishment is envisaged in the Constitution cements that the institution is mandated by the supreme law of the land which has a significant effect in its perpetuity and independence.

Pursuant to its responsibility under the Constitution, the HoPR established the Ethiopian Human Rights Commission by Proclamation No. 210/2000 which came into effect as of the 4<sup>th</sup> day of July, 2000. The Chief Commissioner was nominated by the HoPR in July 2004 following a procedure that included public consultations. Similarly, the Deputy Chief Commissioner and Commissioner for Children and Women Affairs were nominated in July 2005. With the appointment of the Commissioners, the Commission was able to constitute a Council of Commissioners, as required by the establishing law and become functional. The Ethiopian Human Rights Commission has now six branches in the regions and two more are in the process of establishment.

Owing to its enhanced capacity and accessibility, the number of promotion activities, investigations and monitoring made are increasing. During the 2012/13 Ethiopian fiscal

year, the Commission has investigated over 1200 cases and has provided necessary remedial measures including monetary compensation for victims of human rights violation. The Commission has a strong working relationship with both civil society and the government. It has joined hands with civil society organizations in its work on human rights promotion and protection. It has provided funds and strengthened the network of legal aid service providers all over the country. It currently collaborates with three NGOs and 19 universities that operate 126 legal aid centers all over the country which provided legal aid services to over 13,000 beneficiaries (the indigent and vulnerable) during the just ended fiscal year.

What is more, the Commission has been instrumental in the implementation of the UPR recommendations through its continuous awareness raising programs and other specific projects. For example, it has translated the recommendations into the official language of the Federal Government, Amharic language, and distributed it to stakeholders. The Commission, as it is an institution mandated by law, has translated international human rights instruments into local vernaculars. The translations are made in Amharic, Oromiffa, Tigrigna, Somali and Afar languages and distributed to all the courts and police stations among others. Thus, the application of provisions of these instruments is better guaranteed as the documents are now available and accessible in authoritative translations.

It is a member of the Network of African National Human Rights Institutions. It has an affiliate status with the African Commission on Human and Peoples' Rights and has submitted its application for accreditation to the International Coordinating Committee for National Human Rights Institutions.

### **UPR Recommendations and Concluding Observations from Treaty Bodies**

There are 98 recommendations proposed by member countries under the UPR and accepted by Ethiopia. These recommendations cover all areas of human rights. Thus civil

and political rights as well as social, economic and cultural rights are covered. The rights of women also had taken center stage in the recommendations. Ethiopia has also submitted all its overdue reports along with the UPR and concluding observations from the UN treaty bodies and the African Commission were provided.<sup>1</sup> It needs to be noted that, the UPR follow up mechanism has also taken into consideration the observations of the Treaty Bodies too. Thus, the following will highlight the preparation for the implementation of the recommendations, the adoption of the human rights action plan and then move to highlight some of the findings of the Commission in its monitoring activities which will help the council to see the implementation of the reports.

### **UPR Follow Up Program**

A national consultative workshop co-organized by the Ethiopian Human Rights Commission and the Ministry of Foreign Affairs, with the technical assistance of the Office of the UN High Commissioner for Human Rights, East Africa Regional Office, was held in December 2010 with the aim of creating awareness concerning, and interpreting into action, the recommendations given to Ethiopia pursuant to the Universal Periodic Review (UPR). The workshop has facilitated the conditions for the legislative, executive and the judicial branches, which are the principal stakeholders, to agree in principle upon the responsibility and commitment expected with regard to implementing the UPR recommendations and concluding observations. This workshop has also enabled participants, holding discussions in groups; to identify which organs of the government are responsible for implementing each recommendation accepted by Ethiopia and the time within which the implementation should be completed.

During the workshop, it was noted that the formulation of a National Human Rights Action Plan was among the accepted UPR recommendations which could also address the other UPR recommendations. It was also asserted that the initiatives for the preparation were already underway even before the recommendations and that it is

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<sup>1</sup> Currently, there are a couple of reports which became overdue again and preparations are underway. The State should be encouraged on its previous submissions and that future submissions be made on a timely basis.

deemed to address all the recommendations and concluding observations on Ethiopia. One important achievement in the action plan preparation is that the Steering Committee for the follow up of the implementation of the action plan is also mandated to follow up on the implementation of the UPR recommendations as well as oversee the preparation of the report of the government.

In general the Commission believes that except for few recommendations such as ratifying the Convention on Migrant Workers and drawing up specific legislation on sexual violence, the Government of Ethiopia has either fully implemented or is in the process of implementation of the recommendations of the Human Rights Council under the UPR. This can only serve as a source of encouragement to continue planning and implementation. For example, while the government has taken appropriate measures to address challenges regarding women, there still remains a lot to be done to ensure gender equality. It is in this line that the Commission here in below submits its information regarding the national human rights action plan and the findings of its monitoring reports.

### **NHRAP for Ethiopia**

One of the most important recommendations accepted by the government of Ethiopia was the adoption of a Human Rights Action Plan. Although the adoption of a national human rights action plan was initiated by the Commission even before, the recommendation reinforced what was within the operative frameworks of the Commission. As a result, a comprehensive National Human Rights Action Plan prepared in a participatory manner had been adopted by the Parliament after it was approved by the Council of Ministers.

The action plan has included several measures in it which could materialize a good part of the recommendations under the UPR and other Treaty Body observations. The following are few among the proposals:

- 1- In order to ensure better protection of the right to life, studies will be carried out to revise, develop and implement laws and regulations relating to the use of force. Measures will be taken to strengthen the existing system of accountability.
- 2- Government will support the charities and societies to institute a Joint Consultation Forum to discuss and solve common problems, to self-criticize and generate ideas, etc.
- 3- In order to reduce the gap of participation in education on the basis of gender, the efforts of the relevant government authorities will be coordinated and integrated to increase enrolment of women, example, to facilitate the girl's access to tutorial classes; to reinforce affirmative action and other supportive measures.
- 4- Expansion of family planning service, control of deficiencies and causes of death related to delivery and child health care will be exercised.
- 5- With regard to illegal human trafficking and child labor exploitation, government in collaboration with relevant authorities will act strongly to prevent and bring perpetrators before the law.
- 6- Regulations shall be enacted and executed to prevent and control sexual harassment as well as regulate the working conditions of private services where majority of women are employed
- 7- Regional states that have not, so far, revised their family laws in conformity with the constitution will do so, and the federal government will provide relevant assistance.
- 8- Children's freedom from corporal punishment, at home or in school will be guaranteed.
- 9- A strategy will be designed and implemented to prevent HIV/AIDS based discrimination by the society.

The adoption of the human rights action plan is a milestone in Ethiopia's endeavor in realizing the rights recognized in the constitution and other international human rights instruments. The fact that it is approved by the highest political organ in the country

manifests the commitment and political will of the government. However, it needs to be noted that this important development is not an end by itself. Its success can only be measured in the achievements that will be registered as a result of this action plan. For this, a concerted effort of all stakeholders including civil society and development partners is paramount. Hence, the Commission would like to call upon the Human Rights Council to endorse the proposals in the action plan and encourage the government to keep the momentum that is created in the preparation phase.

### **EHRC Reports**

The EHRC has during the last four years conducted monitoring of all the prisons in the country, the 2010 general elections, villagisation programs of the country, human trafficking, discrimination of minorities detention centers, among others. While the monitoring programs helped in addressing some of the issues in the UPR recommendations, the following are excerpts indicative of the findings of the Commission.

### **Prison Report**

The EHRC monitored the rights of prisoners in 114 prisons country wide in 2010/2011 out of a total of 119 prisons. At the time of the monitoring it was found out that, there were 88610 detainees, out of which 85610 were male constituting 96.9% and 2700 female detainees making up only 3.1% of the total number of detainees. Of these, 3365 detainees (3170 male, 195 female) were on remand in custody and 8638 detainees (8237 male, 401 female) on regular adjournment. The remaining 76607 (74503 male, 2104 female) were convicted detainees. Convicted detainees represented 86.4% of the total number of detainees with the remaining 9.7% and 3.8% being those on regular adjournments and on remand in custody, respectively. The proportion of individuals on pretrial custody in the prisons has proportionally decreased compared with the previous monitoring conducted four years ago. The Commission has not observed any individual who is imprisoned without any due process of law.

However, the Commission has identified some obstacles in the operations of the prisons so far. The following are a few:

1. In considerable number of prisons, prisoners committing serious disciplinary offences are penalized by disciplinary committees outside the law and relevant regulations including through arbitrary beatings.
2. Failure to revise periodically the budgetary allocations for food in a researched manner and with due consideration to the rise in the cost of living has led to poor quality and insufficient food being served to prisoners.
3. Serious scarcity of water in considerable number of the prison facilities.
4. Shortage of medical professionals, inadequacy of medical materials, absence of ambulance services and lack of adequate drug supply.
5. Most of the buildings of the prison facilities are aged, have never been maintained and are below standard, even by the standards of the current level of the Country's development.
6. The prison population is beyond the capacity of the prison facilities and, therefore, there is lack of space and serious congestion in most detention centers.
7. Because most prisons lack materials and personnel, adequate academic and vocational training is not given; they have no libraries, no transportation services to take detainees to court and health centers and lack adequate facilities for entertainment and physical exercise.
8. In most of the prisons, the management of data and information about detainees has not been modernized.
9. Most prisons do not have separate accommodations on the basis of offences, type of sentence, age and adjournment as required by law.
10. Although there are improvements, there are still a number of individuals on remand whose right to prompt justice is not protected.
11. Women prisoners do not have opportunities and benefits, on the basis of equality with men, with respect to training, employment in income generating jobs and the provision of entertainment facilities.

12. In many cases, adequate attention and sustainable support is not provided to pregnant and lactating mothers, persons with mental problems, persons living with HIV/AIDS and persons with disability.

After the monitoring was conducted, the Commission held a series of meetings at all levels to discuss its findings. The report was also presented in the 2012 National Justice Sector Forum where both Federal and Regional leaders in the Justice Sector took part in. As a result of these, encouraging results have already been registered.

Most prison administrations have stopped the functioning of committees inside the prison as their act is tantamount to inhuman treatment in some cases. And when the prison facilities in consultation with the inmates decide to setup new committees, any power to take disciplinary measures is cancelled. Regional governments have increased the per capita budget of the prisoners for food and other items. Prison buildings are being constructed by both the Federal and Regional Governments.

## **ELECTION REPORT**

The Ethiopian Human Rights Commission has monitored the 2010 general elections. While it has concluded the elections were generally peaceful and democratic, to ensure that strong democratic order is in place, it has provided detailed recommendations to address the challenges identified. The following are excerpts:

- 1- Appropriate measures need to be taken on the part of the government including training and awareness creation programs to some kebele officials who, in contravention of the dictates of the electoral laws of Ethiopia, attempted to put pressure on citizens to register for the elections.
- 2- Creating all the necessary institutional mechanism for child registration is not only a matter of enforcing the Convention on the Rights of the Child which provides for the registration of a child immediately after birth but also laying a foundation for legally and effectively addressing disagreements arising from voter eligibility as related to issues of age. This therefore calls for the government to consider the setting up of a vital registration system.

- 3- The offices of the National Electoral Board of Ethiopia (NEBE), especially those at the regional level, need to be fully ready well in advance of election seasons. What is more, the offices at lower level need to be strengthened ahead of time to enable them provide civic and voter education on a much wider scale and intensity across the country.
- 4- In order to provide civic and voter education more adequately to the public in the future, there is the need for licensing civic organizations to play their legitimate roles in this regard. CSOs operating in the county need to make extra efforts in civic and voter education and ought to encourage their members to actively participate in the elections. Similarly, it will be appropriate for the NEBE and government to provide them, as resource permits, with all the support they need to play such constructive roles.
- 5- Opposition political parties should enable themselves to come up with the mission of mobilizing and organizing their members and sympathizers by making all the necessary preparations well ahead of the election seasons.
- 6- As far as possible, contending political parties need to refrain from using public property during election campaigns. However, if they are obliged to do so, they need to introduce a mechanism for fair and equitable utilization.
- 7- The Commission has during its observation witnessed the obliteration and the tearing down of election posters in several places. It has also noted that there were problems in producing evidence against the culprits. Therefore, creating a condition for a joint effort on the part of the Board, the security forces and the judiciary could do well in avoiding such practices and arraigning the culprits before courts of law in the future.
- 8- Opposition parties need to be given a special support in order to develop their capacity and enhance democratic culture in general so as to make the upcoming fifth General Elections more competitive. The Commission in this regard proposes that the government as much as resources permit, provides the opposition parties running for elections with more financial and material support in the future.

The Commission acknowledges the fulfillment a number of its recommendations provided in the election report; the prominent one being its call for vital status registration. It calls upon all parties that the fulfillment of the recommendations as detailed in the election report is vital for building Ethiopia's democratic system even better.

### **Villagisation Report**

The Commission has conducted monitoring of the villagisation programs of the government. In the process, it has ascertained that the programs of the government are geared towards ensuring food security, accessible infrastructure (health, education, water etc) and participatory and continuous development. Yet, the implementation of these programs differs from one area to another. It needs to be noted here that generally the programs were conducted in a voluntary and participatory manner where members of the community were involved with the government forming joint committees for the overall program. However, as this is not uniformly put in place in all of the villages the government needs to take lessons and take note of the recommendations set out in the report of the Commission.

### **Conclusion**

The EHRC believes the situation of human rights in the country is getting better by the day and the government has taken important measures to address most of the UPR recommendations. Building on this, the Commission understands, human rights protection can be strengthened and human rights violations of especially women, children and persons living with disability can be reduced significantly if the serious causes for the violations such as harmful traditional practices and awareness problem are addressed.

In this regard, the national human rights action plan is magnificent to address more than what is called for in the UPR recommendations. The Commission believes that the Human Rights Council need to stress that the government fulfill its commitment as

indicated in the action plan and also the recommendations provided for in the Commission's monitoring reports. Finally, the Commission would like to underscore that the UPR recommendations made to Ethiopia have been useful in encouraging the government to take measures and believes that the recommendations will produce more results if they are provided in a specific and measurable manner.