

Joint UPR Submission by the Ethiopian CSO Taskforce:

Human Rights Council (HRC)
Vision Ethiopia Congress for Democracy (VECOD)
Ethiopian Human Rights Service (EHRS)
Ye Ethiopia Ye Fiteh Seratoch Ma'ekel (Center for Legal Pluralism in Ethiopia)

Ethiopia

September 2013

Introduction:

This parallel report is submitted by the Taskforce of Ethiopian CSOs on the Second Cycle Universal Periodic Review (UPR) of Ethiopia with the objective of providing comments and update on the implementation of recommendations given by members of the Human Rights Council during the first cycle UPR of Ethiopia in 2010. The report is prepared based on analyses of documented information and opinion obtained from members of the CSO Coalition in line with the general guidelines for the preparation of information under the Universal Periodic Review mechanism of the Human Rights Council. The factual statements contained in the report have been verified through a national validation workshop attended by several CSOs and Government representatives. Where necessary, reference has also been made to the human rights reports and other documents mentioned in the annex. The information contained in this report relates to events that occurred between 2010 and 2013.

1. Background

A total of 142 recommendations were forwarded by members of the UN Human Rights Council to Ethiopia during its first cycle UPR review. The recommendations called upon the Ethiopian Government to improve the human rights situation in the country by: a)ratifying and building its institutional capacity to implement its human rights commitments; b)taking measures to protect rights of women and children by combatting gender based violence, harmful traditional practices and human trafficking c)enhancing political participation of women; d)ensuring the exercise of freedoms of assembly, expression and association, especially by revising the Charities and Societies Proclamation (CSP) and the Anti-Terrorism Proclamation to ensure compliance with international standards; and e)improving access to and quality of social services, especially for vulnerable groups.

Although Ethiopia has made some progress in the implementation of the recommendations, a review of the situation on the ground shows that a lot remains to be done in this regard, and a number of issues are still outstanding. The Taskforce believes that it is imperative on Ethiopia to improve its human rights records, especially given that it is a member of the UN Human Rights Council and should therefore adhere to higher moral standards to lead by example in this regard. The report will highlight the status of implementation of the recommendations in the different sectors, identify the gaps and provide recommendations for further action.

1.1. Ratification and implementation of International Instruments (Recommendations 1-2)

Ethiopia has not ratified the International Convention on the Rights of All Migrant Workers and members of their families, although it accepted recommendations to do so during the first Cycle of the UPR. Ratification of the Convention by Ethiopia remains a matter of crucial importance, given the fact that Ethiopian migrant workers, whose number is among the largest in the world, are subject to various forms of human rights abuse and brutality by their employers, traffickers and smugglers, with very little redress, especially in the Middle East.

1.2. Human Rights Education and Building Capacity of Human Rights Institutions (Recommendations 3 -11)

The Taskforce welcomes the adoption of the National Human Rights Action Plan (NHRAP) by the Ethiopian Government. However, it is regrettable that the NHRAP was approved by the Ethiopian Parliament in May 2013, almost a year after its intended date of implementation (which was July 7, 2012). To date, the final version of the NHRAP has not yet been made public, making it difficult for citizens and civil society to access and monitor its implementation. Human rights CSOs were not

involved during the formulation of the NHRAP. The NHRAP does not provide for specific modalities and mechanisms for participation of CSOs during its implementation and monitoring. Although fairly comprehensive in terms of addressing clusters of rights, the NHRAP is framed in general terms, and does not spell out specific implementation measures to be taken by the concerned authorities, especially regarding remedies for human rights violations, legal reform, building the capacity of human rights institutions and raising the human rights awareness of the judiciary. The NHRAP does not provide specific timeframes of implementation, making it difficult to monitor the timely implementation of actions specified therein.

1.2.1. Building the Capacity of National Human Rights Institutions

The CSO Taskforce appreciates the measures taken by the Ethiopian Government to strengthen the capacity of the Ethiopian Human Rights Commission (EHRC) and enhance its accessibility by opening branch offices in the regions. However, the branch offices lack both technical and financial capacity to carry out their mandate and do not work closely with affected communities. The EHRC has done very little in terms of investigation and monitoring human rights. A decade after its establishment, the EHRC has not issued a single annual report on the human rights violations in the country. Initiatives of the EHRC to enhance access to legal aid services and to work with CSOs were short-lived and fraught with inefficiency, poor financial utilization, lack of transparency and absence of an institutional framework for partnership with civil society.

1.2.2 Human Rights Education and Domestic Promotion of International Human Rights Instruments

Implementation of recommendations on human rights education and promotion of relevant international instruments remains dismal. Efforts by human rights defenders in this regard had been severely impeded due to legal restrictions on access to foreign funding. Attempts of the EHRC to promote international human rights instruments were intermittent and of limited outreach. Although the EHRC translated several international human rights instruments into local languages, mainly Amharic. However, the translated texts are not authoritative and could not be used during litigation because they were not published in the official law gazette of the country.

The Ethiopian Government has not complied with recommendations to facilitate official visits to the country by special rapporteurs and other mandate holders. This has made it difficult for treaty bodies and mandate holders to review the situation on the ground and facilitate international cooperation to help Ethiopia meet its human rights obligations.

Recommendation: The NHRAP shall be revised to address the gaps mentioned above. Adequate mechanisms should be put in place to ensure meaningful participation of CSOs in the planning, implementation and monitoring of the actions envisaged in the NHRAP. The EHRC shall be more transparent and proactive, and its capacity to investigate human rights violations should be enhanced. Translated texts of international conventions ratified by Ethiopia should be published in the official law gazette of the Country to make them enforceable at the domestic level.

2. Rights of Women and Children (Recommendations 19-47)

2.1. Participation of women in political and public life (Recommendations 20, 22-24 & 26)

Despite Ethiopia's commitment to enhance women's political participation, little progress has been registered in this regard. Female-male ratio of shares in the House of Peoples' Representatives

(Parliament) is 0.343. Women currently hold 152 out of 547 seats (27.8%) in the House of Peoples' Representatives (HoPR). The representation of women in regional councils is much lower. There is no woman from opposition parties in the HoPR. Women's Caucus in the parliament remains to be an informal group which is not recognized within the structure of the HoPR, and still lacks the institutional capacity and activism to advance women's issues.

Women continue to be underrepresented in senior positions in the Government, the judiciary and the diplomatic service. Only three out of 23 ministers are women. Systematic barriers still exist that hamper women from coming to decision-making positions. The ratio of female to male shares in the labour force participation rate is 0.873 for the year 2013. The Gender Inequality Index (GII), which reflects gender-based inequalities in three dimensions – reproductive health, empowerment, and economic activity-has not been calculated for Ethiopia due to a lack of relevant data.

2.2. Violence against women and children (Recommendations 19, 21, 25, 27-41, 43-47)

2.2.1. Female Genital Mutilation: The Revised Criminal Code criminalizes both female genital mutilation/cutting (FGM/C), and the country's Growth and Transformation Plan sets to almost eliminate FGM/C from a prevalence of 37.7% in 2010/11 to 0.7% in 2014/15. However, FGM/C remains one of the most prevalent and harmful traditional practices affecting women and children in Ethiopia, on which the law has very little impact. Although the practice is said to be on the decline, the Gender Survey of 2010¹ estimated that 70% (63 urban and 74 rural) of women in Ethiopia are circumcised. A majority of the circumcisions take place during infancy: 51.4% of all circumcised women and 81% of Afar women were circumcised before their first birthday. Afar (94.5%), SNNPR (91%) and Oromia (89%) regions are among the regions where the practice is the most prevalent. Afar Region practices the most extreme form of FGM/C and has the highest prevalence rate. The Welfare Monitoring Survey estimates the rate of FGM/C to be 23% for children aged 0 to 14 years, Afar being the highest at 60%.²

2.2.2. Early Marriage: Despite its criminalization, early marriage remains a harmful and prevalent traditional practice in a country where social and economic options for girls are most limited. The Gender Survey of 2010 reported that among the married respondents of the Survey, 7 percent were married before the age of 10, and 33% were married before the age of 15.³ When girls are forced to marry at an early age, their education will be interrupted as they are expected to take care of the household chores. According to the Demographic and Health Survey 2011, the median age at first marriage among women age 25 – 49 was 16.5 years in 2011, while it was 23.1 years for men.⁴ Absence of an effective system of civil events registration has further worsened the problem.

2.2.3. Abduction: Abduction is yet another harmful traditional practice that is prevalent. Abduction is commonly followed by rape. This will render the future of the victim grim as the hopes of marriage of a girl who is not a virgin are low, especially in the rural areas. In most cases, despite the law, the victim's family forces her to marry her abductor and rapist.

2.2.4. Domestic violence: The Criminal Code of 2005 criminalizes physical violence within marriage or in an irregular union. However, marital rape is still not recognized as a criminal act. Ethiopia does

¹ UNFPA and Population Council *Ethiopia Gender Survey – A Study in Seven Regions* (2010) pp. 29 – 30.

² CSA, UNDP and Statistics Finland *Ethiopian Welfare Monitoring Survey 2011 Summary Report* (2012) p.27

³ UNFPA and Population Council Ethiopia (cited at No..1) pp. 33 – 37.

⁴ Central Statistical Agency *Ethiopia Demographic and Health Survey 2011* (March 2012) p. 59.

not have a domestic violence legislation, which enable survivors of domestic violence to prevent future violence. Very few studies are conducted on domestic violence in Ethiopia. The Gender Survey 2010 reported that 10% of the married women in the sample had experienced physical violence from their husbands, while 7% reported they experienced psychological violence.⁵ Nearly 40% of women told someone about the violence. However, only 16% of these women told a policeman or other official. The Survey further showed that the community tolerates domestic violence and even believes that there are circumstances that justify it.

2.2.5. Sexual assault and harassment: Surveys conducted before the first cycle UPR show that child physical, sexual and emotional abuse is highly prevalent in Ethiopia. Reports indicate that children with disabilities are disproportionately vulnerable to sexual violence and harassment. Sexual harassment and coercion at the workplace and in educational institutions were also reported as rampant. However, the Taskforce was not able to find a recent national survey to assess whether the prevalence of sexual abuse and sexual harassment have reduced or increased. Considering that the work of CSOs working on these issues have been interrupted due to the Civil Societies and Charities Proclamation, the situations could only be exacerbated.

2.2.6. Specialized structures for victims of Abuse and GBV: Violence against women and children is a complex problem that requires multi-sectoral and coordinated interventions by multiple stakeholders and sectors. The security and justice sectors had taken a number of initiatives to address violence against women and children through specialized structures mostly supported, both technically and financially, by non-government organizations. Child protection units (CPUs) were established in police stations to ensure the protection of children and women from different abuses, to improve the treatment of children by the police, and to involve the police in alternative treatment of children in conflict with the law in place of custodial treatment. Victim and child-friendly benches exist at the first instance court level at the federal level and some regional towns. The Ministry of Justice had established a specialized unit for the investigation and prosecution of violence against women and children at the federal level, which planned to conduct prosecutor-led investigation of violence against women and children cases. Unfortunately, many of these initiatives have stalled, as the CSP hampered the work of almost all CSOs supporting these initiatives. Moreover, the operation of these specialized structures is not standardized. In Ethiopia, support services are still not mandated by law, although the Criminal Justice Administration Policy recognizes that organizations and institutions that provide support services to survivors of violence should be strengthened.

Support services are often provided by CSOs with limited financial means and with unpredictable funding from donors and governments, resulting in limitations to scope, availability and accessibility. Most of the services provided by CSOs, including information campaigns and awareness raising activities, training of government officials, legal aid services have been terminated due to the funding restrictions by the CSP. Consequently, support services are barely available outside Addis Ababa, do not meet the demand and the needs of the victims. Sustainability of support services is uncertain as projects related to GBV are donor funded and there is no proper handover when they phase-out.

Recommendations: Noting that little has been done to implement the recommendations on women and children's rights, the Taskforce urges the Ethiopian government to review its laws, programs and practices to ensure that women's and children's rights are protected in line with the recommendations.

⁵ UNFPA and Population Council (cited at No.1) pp. 58 – 59.

Funding restrictions imposed by the CSP on CSOs working on women and child rights should be lifted to enable them resume their activities on support services to victims, training of law enforcement officials, legal and support to specialized structures.

3. Human Rights and Law Enforcement (Recommendations 48-49)

There are reports of widespread mistreatment, torture and inhuman treatment by the police especially at the Federal Police Investigation Department, especially on detainees investigated for links with political organizations which are declared as terrorist groups by the Ethiopian Parliament. However, no adequate measures are taken the Government to investigate these allegations and take actions on those responsible for such mistreatment. Although trainings were given to law enforcement officials by the EHRC, the impact of these trainings in terms of improving compliance with human rights standards has not been assessed. There are no clear mechanisms for handling grievances of victims of human rights violations and mistreatment by security officers and police investigators, and actions taken by the authorities are rare and lack consistency. Compensation for victims of torture and mistreatment by law enforcement officers is unprecedented in Ethiopia, and there are no laws specifically addressing redress for human rights violations although tort actions could be brought under the Civil law.

Recommendation: Mechanisms should be put in place to investigate human rights violations by law enforcement officers and bring to justice the perpetrators as well as to provide adequate redress to victims of torture and degrading treatment by law enforcement officers.

4. Freedom of Association and Assembly (Recommendations 51-59)

4.1. Freedom of Association: Despite Ethiopia's acceptance of recommendations to provide a conducive environment for human rights defenders, human rights work by CSOs was effectively impeded during this period due to the CSP. CSOs were significantly hindered from working on human rights issues including, gender equality, child rights and the rights of disabled persons due to restriction in the law on accessing foreign funds. Efforts to mobilize resources locally have been impeded due to legal restrictions on income generation activities, abject poverty and lack of culture of charity. Consequently, many of the organizations working on human rights and governance issues were forced to change their mandate to development and service delivery in order to ensure financial sustainability⁶. The remaining few human rights CSOs were forced to close most of their offices in the regions, terminate their programs and downsize their experienced staff. CSOs working on development were compelled to close their rights based programs due to restrictions by the CSP. The Ethiopian Government froze bank accounts of the Ethiopian Human Rights Council and the Ethiopian Women Lawyers Association, the two most prominent human rights CSOs working on human rights, applying the CSP retroactively and stating that the funds they received in the past were foreign funds and cannot therefore be used by them as Ethiopian charities. The organizations appealed from this decision to the highest court, but to no avail.

The Directive issued by the Government on Administrative Cost posed a serious challenge on CSOs in general and human rights CSOs in particular. The Directive stipulates that the administrative cost of CSOs should not be higher than 30% of their budget, but defines administrative cost in a broad and arbitrary manner so as to include most of the operational costs of human rights CSOs, including

⁶ This included members of the CSO Coalition on the first Cycle UPR, including Action Professionals Association for the People and Organization for Social Justice in Ethiopia. More than 80% of CSOs working on civic education had to change their mandate to service delivery related issues due to the CSP.

payment for consultants, per diem for trainers, venue rental and refreshments for trainings and workshops, costs for staff travel, monitoring and evaluation and salaries of program and project coordinators. Consequently, an overwhelming majority of CSOs, including almost all of human rights organizations, were unable to meet the requirements of the Directive.⁷ CSOs had to abandon activities related to training and capacity building and limit their operations in remote areas because costs associated with travel, training and per diem were considered as administrative expenses. The cumulative effect of the above restrictions on protection of rights of vulnerable groups was debilitating, as it made work by human rights defenders close to impossible.

Recommendation: The CSP shall be revised with a view to: a) Allow CSOs working on the rights of vulnerable groups (women, children, people with disabilities, PLWHA etc) to access foreign funding; b) Lift the restriction on income generating activities of human rights CSOs, so that they can engage in any lawful business activity to raise funds for their work while keeping the accounts of the business separate; and c) amend the Directive on Administrative Cost in a manner which takes into account the nature of activities of human rights CSOs.

4.2. Freedom of Assembly: Human rights defenders reported a number of direct and indirect obstructions by government security forces on the exercise of freedom of assembly by political parties and civic groups. Reports show that, on several occasions hotels and assembly hall owners have cancelled reservations for meetings by political parties and civic groups such as Unity for Democracy and Justice Party, Blue Party, Ethiopian Raey (Vision) Party, Visionary Youth Association and Forum for Federalism and Democracy, following threats and pressure by security forces, or asked the organizers of meetings to bring permission from the Government to hold meetings despite the fact that there is no legal requirement for such permission.⁸

Similarly, political parties have reported a number of impediments to organize peaceful demonstrations and political rallies in the country. The law requires that organizers of a peaceful demonstration shall notify the concerned Government office about the event rather than seeking permission, although the latter might ask the organizers to postpone the demonstration for reasons of security and public safety. In practice, however, police and security forces have often obstructed and blocked demonstrations claiming that organizers don't have permission or 'recognition' from the Office of Demonstrations. Political parties have reported harassment, detention and beating of members and supporters who tried to organize public rallies in regional towns and in Addis Ababa.⁹

5. Freedom of Expression (Recommendations 59-63)

During the previous UPR session, Ethiopia was asked to revise its Anti-Terrorism Proclamation, which was heavily criticized by human rights groups because the vague and broad definition of the offence of moral support and encouragement of terrorism would criminalize almost every form of political dissent.¹⁰ Six leaders of opposition parties and 11 journalists critical of the government were convicted

⁷ Even development CSOs found it difficult to comply with the Directive. For instance, a study conducted by the Charities and Societies Agency found that, out of 261 CSOs inspected by the Agency, 192 were found to have been spending more than 30% of their budget for 'administrative' purposes in the 2011 budget year.

⁸ HRCO, 123rd Special Report, March 2013.

⁹ Ibid.

¹⁰ For instance, Article 6 of the Proclamation stipulates:

“Whosoever publishes or causes the publication of a statement that is likely to be understood by some or all of the members of the public to whom it is published as a direct or indirect encouragement or other

under the Anti- Terrorism Proclamation and sentenced from five years to life imprisonment in 2013.¹¹ These convictions confirmed the fears of the human rights groups that the law would be used to criminalize political dissent. Acts which would normally be considered as legitimate exercise of freedom of expression, such as commenting on the relevance of the Arab Spring for Ethiopia; calling for political solution of issues raised by insurgent groups, taking pictures of protest posters or reporting on protests were regarded as terrorism and resulted in convictions and severe sentences. CPJ reported that 15 Ethiopian journalists went into exile in 2009-10, and the number has been increasing since.

In November 2012, the Government detained journalists and leaders of the “Muslim Committee” who organized peaceful protests calling for cessation of alleged violations of freedom of religion by the Ethiopian Government. Recently, the detainees were prosecuted for terrorism. Their trials are closed to the public, and there are allegations that the detainees were tortured. Protestors stated that the Ethiopian Government tried to impose the teachings of a minority Muslim sect on the Muslim community, interfered co-opted and manipulated the leadership of the Islamic Affairs Supreme Council and is behind the closure of the only religious school teaching Islam in Ethiopia. Human rights groups reported that the police and security forces killed several people and arrested thousands of peaceful demonstrators to quell such protests in Addis Ababa and the regions since January 2012.

The number of newspapers on political matters has significantly reduced after the 2005 election crises. Opposition parties and journalists reported that they faced different bureaucratic hurdles to publish newspapers, including denial and cancellation of licenses by the Ethiopian Broadcasting Agency and refusal by the state-owned Brehanena Selam Printing Enterprise, (the only printing press with the capacity to print newspapers) to print their papers¹². Publishers were also asked by the Enterprise to sign an agreement stating that the printing press has the right to censor the content of newspapers before printing and refuse to print the same if it thinks that they contain matters that might ‘entail criminal liability’. Newspaper publishers have reported that they faced a number of bureaucratic hurdles to set up their own printing presses. The Government and the ruling party continue to have a strong monopoly of the electronic media.

6. Socio-Economic Rights (Recommendations 67-89)

6.1. Unemployment

inducement to them to the EHRC or preparation or instigation of an act of terrorism stipulated under Article 3 of this Proclamation is punishable with rigorous imprisonment from 10 to 20 years”

Whether a statement is ‘likely to be understood by ‘some’ members of the public as a ‘direct’ or ‘indirect’ encouragement of terrorist practices is prone to subjective determination that could easily be abused to impede the growth of a vibrant press and muzzle political dissent. The vagueness of the terms in which the crime is defined instilled self-censorship among the press, political activists and human rights defenders.

¹¹ Including Andualem Arage, Vice President of the Unity for Democracy and Justice Party; Zerihun Gebre Egziabher, Vice President of the All Ethiopia Unity Party, Zelele Tsega Sellasie, president of the All Ethiopia Unity Party (in absentia); journalists Reeyot Alemu, Wubshet Taye, Eskinder Nega, Fasil Yene Alem, Elias Kifle, Abebe Belew, Mesfin Negash, Abiye Teklemariam and Abebe Gelaw and two Swedish journalists (Johan Persson and Martin Schibbye) who came to Ethiopia to report on human rights abuses in the Ogaden Region. Two other opposition leaders, including Bekele Gerba, vice president of the Oromo Federalist Democratic Movement and Olbana Lelisa, senior official of the Oromo People’s Congress were convicted for incitement against the constitutional order and sentenced to 3 and 11 years of imprisonment respectively.

¹² As of May 2013, the Ethiopian Broadcasting Agency gave licenses only to 16 newspapers and 23 magazines, most of which focus on sport and social issues. The Brehanena Selam Printing Enterprise also refused to print the newspaper of a major opposition group called Unity for Democracy and Justice on vague grounds.

Despite a general trend of decline, unemployment remains high in Ethiopia. The CSA Survey reveals that unemployed population in urban areas was 17.9% and 17.5 % in the year 2011 and 2012 respectively. Female unemployment rate (66.3%) was almost double of male unemployment rate.¹³ Rural-urban migration has increased significantly, aggravating urban youth unemployment rates by more than 15%.¹⁴

Reports show that an increasing number of young persons, mostly women migrate for work to escape economic deprivation or in search of employment and educational opportunities elsewhere. Overpopulation that leads to scarcity of natural resources, poverty manifested by way of a large and predominantly young rural population with limited access to means of production such as land, low-paying jobs, limited educational and employment opportunities are the major push factors. From July 2012 to June 2013, 182,696 workers migrated for work using legal channels, 96% being female workers migrating for domestic work. Persons who enter into labour migration end up as victims of trafficking, are often subjected to various forms of abuse and exploitation in the hands of traffickers and employers with very limited or no redress mechanism. The official number of migrant workers does not also include the increasing number of young persons migrating irregularly in search of employment opportunities, especially to countries in the Middle East, using the ‘desert route’.

6.2. Health

Despite the recent impressive achievements in the health sector, a number of issues of concern remain, including wide urban-rural disparity in the distribution of health facilities, too expensive service, poor facilities, shortage and cost of drugs.¹⁵ There are reports of limited availability of drugs and shortage of medical supplies in rural users.¹⁶ The sector also suffers from depletion of trained manpower, as medical professionals migrate due to low salaries and working conditions.

6.3 Education

Ethiopia is progressing well in terms of education coverage, especially in primary education. However regional disparity remains a big problem especially in secondary cycle education. For instance, the Net Enrolment Rate for secondary education for the pastoralist regions of Afar and Somali regions is below 10%, while the rate is 50-80% for all the other regions in the year 2012/2013.¹⁷ This can aggravate the structural marginalization of people living in these areas.

Despite a general trend in the budget increase for the Education sector of above 25% of the national budget, the budget allocated for Somalia and Afar regions have dropped below 15% in the year

¹³ CSA Annual Employment Unemployment Survey (2011/2012)

¹³ Nzinga H. Broussard_y, Tsegay Gebrekidan Tekleselassie *Youth Unemployment: Ethiopia Country Study* (April 21, 2012) p. 25, accessed at www.theigc.org

¹⁴ African Development Bank *Youth, Jobs, and Structural Change: Confronting Africa's "Employment Problem"* Working Paper Series N° 155 (2012) Tunis, Tunisia, p.9

¹⁵ According to CSA Ethiopian Welfare Monitoring Survey of 2011, one third of the total population (29.6%) who had health problems and consulted medical assistance reported that the service is too expensive. Problems of unavailability of drugs was reported to be 18.1%. Sixteen percent of the consulted population reported prolonged waiting time, while 18.1% reported lack of laboratory facilities in the health institutions visited. About 8% of the total surveyed population reported shortage of health personnel and medical equipment. About 7.3% of the surveyed population has come across uncooperative staff of health institutions, while 23% in Tigray, 25% in Afar, 20% in Somali and 23% in Benishengul reported that the service was too expensive.

¹⁶ Ministry of Capacity Building in collaboration with PSCAP Donors *Woreda and City Administrations Benchmarking Survey III" KII and FGD Report Survey of Service Delivery Satisfaction Status* Addis Ababa (July 2010) pp. 89-90

¹⁷ Ibid, p.143

2012/13 compared to 20% in the year 2009/10/11.¹⁸ These significant disparities in Government budget and spending contribute to poor education quality, access and low enrolment rate in secondary and tertiary education in Afar and Somalia regions.¹⁹

As a signatory of the Convention on the Rights of the Child, Ethiopia committed itself to making primary education compulsory and available to all persons free of charge without discrimination.” However, the cost of school supplies is prohibitive for many families, and there was no legislation to enforce compulsory primary education.²⁰ There is no domestic law to make primary education free and compulsory.

7. Other Issues

7.1. Trafficking in Persons: Various reports show that trafficking in persons, especially of women and children, is increasing at an alarming rate both internally and externally. Ethiopia is mainly a country of origin, with women and children being trafficked mostly to the Middle Eastern countries for the purpose of forced labour and domestic servitude and to a lesser extent for commercial sexual exploitation. Women and children are also trafficked from urban to rural areas for the purpose of forced labour and domestic servitude, and less frequently for commercial sexual exploitation.

The flow of Ethiopian migrants to Yemen through the port of Djibouti continues to increase each year. All migrate irregularly in search of better employment opportunities, most of them intending to reach the Kingdom of Saudi Arabia. The protection risks of smuggled and trafficked migrants are many and severe in their brutality. They suffer starvation, dehydration, heat exhaustion, extortion, physical and sexual abuse, robbery and arbitrary detention by officials. Smugglers put irregular migrants in overcrowded boats to cross the Red Sea and Arabian Sea putting migrants at risk of drowning. In case irregular migrants reach their destination, they usually suffer from hazardous working and living conditions, abuse and exploitation in the hands of traffickers and employers, and constant control of their movement.

The low rates of prosecution and conviction of traffickers have contributed to the widespread practice of trafficking and smuggling in Ethiopia. Even though Ethiopia has recently acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (commonly known as the Palermo Protocol), domestic law is still not harmonized with international standards. Due to lack of a clear definition of trafficking in persons in domestic law, prosecutors and officials do not have a clear understanding of the different elements of the act of trafficking. The Federal Police has established a Human Trafficking and Narcotics Section under its Organized Crime Investigation Unit. However, due to lack of trained investigators, border officials and prosecutors, most cases of trafficking and smuggling are closed for lack of evidence. Instead, investigators and prosecutors press charges against traffickers and smugglers using provisions of the Criminal Code with much lower penalty. There is no government agency with specialized competence to combat trafficking or to rehabilitate victims

¹⁸ Ibid, p.137.

¹⁹ According to General Comment No. 13, the Committee observed that [s]harp disparity in spending policies that result in differing qualities of education for persons residing in different geographic locations may constitute discrimination under the ICESCR Covenant.”

²⁰ U.S. Dept. of State, Human Rights Reports, *Ethiopia* (2010/11/13) at 25, available at <http://www.state.gov/documents/organization/160121.pdf>

through the provision of psycho-social and economic support. Awareness raising activities are not conducted especially in the rural areas to provide updated and sufficient information to the public. Instead traffickers and smugglers spread distorted information about their services to change lives for the better. Migration being considered as the only alternative to escape poverty by many, and legal channels of migration being limited²¹, the society tolerates and even encourages irregular migration. Parents do not only push their children to migrate at a young age, they are not also willing to testify against traffickers and smugglers.

7.2. Internally Displaced Persons:

Reports show that thousands of people are internally displaced in Ethiopia due to ethnic conflict over access to resources and land, and internal conflicts between insurgent movements and the Ethiopian Government, especially in Gambella, Benishangul Gumuz and Somali regions. However, there is no adequate information on the current scale of displacement and the current situation. No comprehensive national survey on IDPs has been conducted and there is no specialized government body designated to handle IDP matters because the Government has not recognized the problem and gave it due attention. Although the Federal Disaster Risk Management and Food Security Sector (DRMFSS) is responsible for coordinating responses to humanitarian emergencies, support to IDPs is often late, inadequate and intermittent.²² This was seen in the case of thousands of Amhara peasants who were displaced from the SNNP, Oromia and Benishangul Gumuz regional states after being illegally evicted from their lands by local and regional officials. The Ethiopian Government did not conduct a timely investigation of the egrigious human rights violations committed on the settlers. Even when it responded due to public pressure, the response came late and was unsatisfactory as the peasants were not fully reinstated to their former possessions, nor compensated for the human rights violations they were subjected to.

Recommendations: The Government should: a) implement sound economic policies to address inflation and unemployment and improve the poor labour market conditions for women in both the rural and urban areas; b) allocate adequate budget to improve the quality, affordability and accessibility of drugs and medical facilities; c) provide due attention and implement proper policies and strategies to improve quality of education and address improve access to education in pastoralist areas; d). enact a law to make primary education free and compulsory to implement Ethiopia's obligation under the Convention on the Rights of the Child; e) Adopt a comprehensive policy on migration and trafficking, designate an organ exclusively working on trafficking, including regulation of private employment institutions, rehabilitation and reintegration of victims of trafficking; prosecution of human traffickers and awareness raising on trafficking; revise the Criminal Code to specifically proscribe human trafficking and redefine elements of the crime; and f) build the capacity of prosecutors and judges by providing special trainings on prosecution and punishment of the crime of human trafficking; and g) Designate specialized office to handle the issues of IDPs and coordinate their rehabilitation and facilitate redress in cases of human right violations.

²¹ Legal channel of migration does not offer employment opportunities for male workers as the demand of the labour market in these countries is for female domestic workers. The service is only accessible in few major towns of the country, whereas the network of traffickers and smugglers goes down to rural neighborhoods.

²² HRCO Special Report: 2013.