



**FEDERAL DEMOCRATIC REPUBLIC OF
ETHIOPIA**

**THE FIFTH AND SIXTH PERIODIC COUNTRY REPORT
(2009-2013) ON THE IMPLEMENTATION OF THE AFRICAN
CHARTER ON HUMAN AND PEOPLES' RIGHTS IN
ETHIOPIA**

SUBMITTED BY

THE MINISTRY OF FOREIGN AFFAIRS

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Forward

The Government of Ethiopia has assiduously engaged in the promotion of democracy and good governance. It has designed and implemented mechanisms to instill good governance in all civil service institutions. In this connection, the country's Democratic System Building Policy affirms that individual rights and freedoms are inseparable from the rights of the people or groups. The policy emphasizes that all human rights are indivisible and complementary. The protection of civil and political rights enshrined in the Constitution of the Federal Democratic Republic of Ethiopia is tied to the promotion of economic and social rights and the former should not be given priority over the latter. The Citizen's Charter has been adopted to enhance and improve the efficiency of the work of civil servants to encourage them to deliver effective results to the public. While aiming to ensure government accountability and transparency, the Charter also identifies challenges to the provision of such services to the public.

The Government of Ethiopia has pursued a rights based approach to development insofar as issues of human rights are related to the challenges of poverty, mass deprivation and underdevelopment. National policies and laws have been designed to bring about economic development and political transformation to change the lives of all Ethiopians. It is important to stress that the right to development is central to the Ethiopian Constitution, a fundamental aspect of which involves participation of the citizenry in development activities. It is the active participation of the people which has made possible various major national projects currently under construction. The realization of these development projects is consonant with the respect, protection and fulfillment of fundamental human rights and freedoms. This people-centered approach to development, which includes the adoption of the National Human Rights Action Plan (NHRAP,) demonstrates the government's commitment to human rights. It also shows the government's effort to create equal opportunities for all Ethiopians.

This report highlights the policies, legislative and administrative measures taken to implement the recommendations of the African Commission. It was prepared by a national committee from six relevant ministries. The undertaking was coordinated by the International Legal Affairs Directorate-General of the Ministry of Foreign Affairs. The Ministry of Foreign Affairs takes this opportunity to express its appreciation to the distinguished Commissioners of the African Commission on Human and Peoples' Rights.

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List of Acronyms

ABE	Alternative Basic Education
ACHPR	African Charter on Human and Peoples' Rights
AfCHPR	African Commission on Human and Peoples' Rights
ADR	Alternative Dispute Resolution Mechanisms
ARMs	Annual Review Meetings
ART	Anti-Retroviral Treatment
AU	African Union
BPR	Business Process Re-engineering
COMESA	Common Market for Eastern and Southern Africa
CSA	Central Statistical Agency
DRM	Disaster Risk Management
ECCE	Early Childhood Care and Education
ERCA	Ethiopian Revenues and Customs Authority
FAL	Functional Adult Literacy
FBO	Faith- Based Organizations
GBV	Gender Based Violence
FDRE	Federal Democratic Republic of Ethiopia
FEACC	Federal Ethics and Anti-Corruption Commission
FGM	Female Genital Mutilation
F/MoH	Federal / Ministry of Health
GTP	Growth and Transformation Plan
IGAD	Inter-Governmental Authority for Development
HC	Health Centers
HEW	Health Extension Workers
HoF	House of Federation
HP	Health Posts
HPR	House of Peoples Representatives'
HSDP	Health Sector Development Program
HTC	HIV Testing and Counseling
HTPs	Harmful Traditional Practices

ICT	Information Communication and Technology
IMR	Infant Mortality Rate
IOM	International Organization for Migration
MAP	Management and Administration Program
MDGs	Millennium Development Goals
MoJ	Ministry of Justice
MTRs	Mid-Term Reviews
NEPAD	New Partnership for Africa's Development
NEBE	National Electoral Board of Ethiopia
NETP	National Education and Training Policy strategy
NHRAP	National Human Rights Action Plan
OAU	Organization of African Unity
PEPFAR	U.S. President's Emergency Plan for AIDS Relief
PHCU	Primary Health Care Units
PMTCT	Prevent of Mother-to-Child Transmission
RHBs	Regional Health Bureaus
SIDA	Swedish International Development Cooperation Agency
SNNP	Southern Nations Nationalities and Peoples
TVET	Technical and Vocational Education
UMR	Under-five Mortality Rate
UN	United Nations
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WFP	World Food Program
WHO	World Health Organization

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INTRODUCTION

The Federal Democratic Republic of Ethiopia is located in the Horn of Africa and shares borders with Djibouti, Eritrea, Kenya, Somalia, Sudan and South Sudan. Situated in the Horn of Africa, the crossroads between Africa, the Middle East and Asia, it is also one of the gateways to Africa.

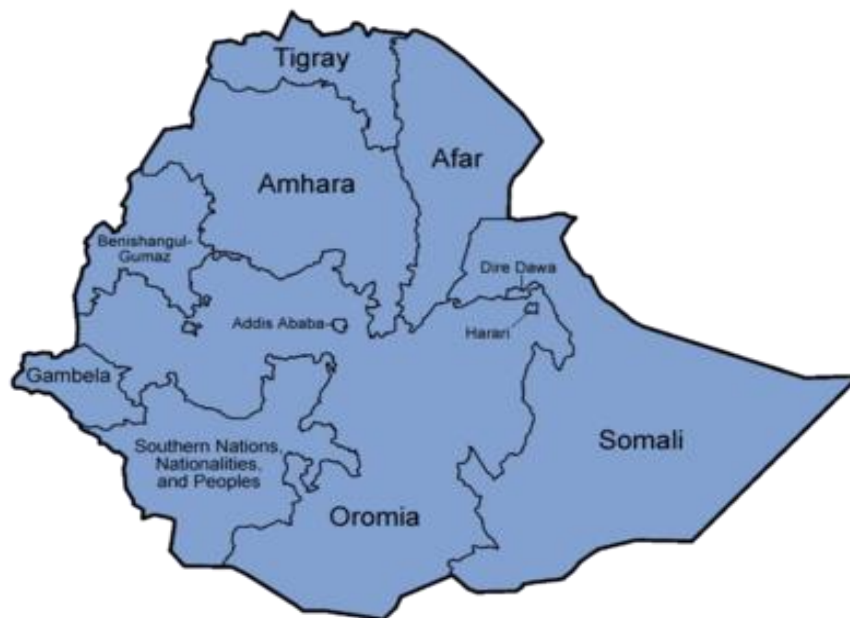
Ethiopia is an ancient country, home to the earliest hominid ancestors of mankind and to one of the earliest human civilizations. Throughout its long history, under its own system of governance, it has been ruled by a succession of emperors and kings for over three thousand years, remaining independent and free from colonial rule. Ethiopia was the only African state which successfully defended its independence during the colonial era. Previously a member of the League of Nations, it subsequently became a founding member of the United Nations. Since the formation of the Organization of African Unity (OAU) in 1963, subsequently replaced by the African Union (AU), Ethiopia has played an active and critical role in African affairs.

Ethiopia is committed to the realization of AU's vision for an integrated, prosperous and peaceful Africa providing and representing a dynamic force in the global arena. Ethiopia is a committed member of the New Partnership for Africa's Development (NEPAD) Heads of State Implementation Committee. It has contributed significantly to NEPAD's dealings with the international community in forums like the G20 while expanding NEPAD's activities within the AU. Ethiopia is an active member in Inter-Governmental Authority for Development (IGAD); a sub-regional organization focusing on peace and development in the Horn of Africa sub-region. It is also a member of the Common Market for Eastern and Southern Africa (COMESA), embracing 19 countries in the sub-region. Ethiopia's role and contributions in these organizations has been prominent, and Addis Ababa has become a hub of African diplomacy, serving as the seat of many African organizations today, including the AU. Ethiopia's involvement in Africa, in governance and development on the continent, demonstrates that it holds the African human rights system in high regard. The Government of Ethiopia is committed to the African mechanism of human rights and welcomes the opportunity to work together with ACHPR and with other governments to improve the situation of human rights in the continent.

ETHIOPIA'S DEMOGRAPHY, GEOGRAPHY AND ADMINISTRATIVE STRUCTURE

Ethiopia, with a population estimated at 93,000,000, the second largest in Africa, occupies a total area of 1,100,000 square kilometers (420,000 sq. mi.). A multi-lingual and multi-ethnic country, Ethiopia embraces a complex variety of nations, nationalities, peoples, with different linguistic groups, diverse customs and cultures. Ethiopia is geographically diverse with topographic features ranging from the highest peak of Ras Dashen, 4,550 meters high, to the Afar Depression, 110 meters below sea level. The climate is as varied as its topography: with temperatures from as high as 47 degrees Celsius in the Afar Depression to as low as 10 degrees Celsius in the highlands, and with the climate ranging from tropical rainy to dry and warm temperate zones. Maximum and minimum average temperatures vary widely across the regions and the seasons. Ethiopia's general distribution of rainfall is seasonal and varies in amount and area.

Ethiopia has a federal system of government which comprises nine regional states—Afar, Amhara, Benishangul-Gumuz, Gambela, Harar, Oromia, Somali, Southern Nations Nationalities and Peoples (SNNP), and Tigray—and two city administrations, the Addis Ababa and Dire Dawa Administration Councils.



The nine regional states have been given responsibilities relating to important political, economic and social matters. These regional states have their own Constitutions, within the framework of the

FDRE Constitution. The Federal legislative body comprises two tiers of parliament, the House of Peoples' Representatives and the House of the Federation. The political leaders are elected every five years. The regional governments have a State Council (the highest organ of state authority), a State Administration (the organ of executive power) and regional Courts. The State Council defines the region's policy, appoints the executive and judiciary organs of the region, and has legislative powers covering all areas except those under the responsibility of the central government, such as defense, foreign affairs, economic policy etc. The State Council plans, approves, heads and controls economic and social development programs. It drafts, approves and manages the regional budget. The State Administration is the highest executive authority of regional government. It is elected by the State Council and includes the Executive Committee members.

The State Administration enforces, as appropriate, the policies, proclamations, regulations, plans, guidelines and decisions of the central government, and those of the State Council. The administration manages and supervises the activities of regional offices, zone administration offices Weredas (district) and Kebeles (the lowest administrative structure) offices. It drafts and submits economic and social projects to the State Council for approval, and manages the projects once they have been approved. It also drafts the region's budget, submits it for approval to the State Council and manages the budget once approved. Multi-party elections also take place at regional and Wereda as well as national and federal levels.

PREPARATORY PROCESS OF THE PERIODIC REPORT

This submission contains Ethiopia's Fifth and Sixth Periodic Reports to the ACHPR as prescribed under Article 62 of the African Charter. The Report provides basic information about Ethiopia; it describes the progress made thus far in terms of the implementation of the African Charter on Human and Peoples' Rights and underlines the challenges and measures required for further action. For the preparation of this report, the Government established a National Human Rights Steering Committee, composed of senior officials from six relevant Ministries, the Ministry of Foreign Affairs, Ministry of Justice, Ministry of Federal Affairs, Ministry of Women, Children and Youth Affairs, Ministry of Finance and Economic Development, Ministry of Communication Affairs and the Ethiopian Human Rights Commission. The National Committee created a drafting team which undertook the task of preparing the draft report under the guidance and supervision of the Ministry of Foreign Affairs. The Government also conducted extensive consultations with stakeholders to obtain information on the progress made in the implementation of the African Charter since the last report period. Relevant information was gathered and observations and suggestions solicited as inputs for the preparation of this report from both private and public institutions.

The National Committee organized a one-day consultative workshop where participants drawn from governmental organs, civil societies and partners discussed on a first draft and provided comments and inputs on the draft. The workshop offered all stakeholders from the private and public sectors, as well as representatives from different civil society associations and media groups, the opportunity to contribute to the process. Their suggestions and recommendations have been incorporated into the report. A validation workshop was arranged inviting all stakeholders including members of the media to consider the first draft. The suggestions and recommendations made therein were taken into account in developing the final report.

This combined report constitutes the consolidated report of the two periodic reports that have been due since 2010. It is based on the Guidelines for National Periodic Reports under the African Charter adopted in 1989 and Supplementary Guidelines issued in 1998 by the African Commission on Human and Peoples' Rights, and presents the various legislative and other measures taken towards the realization of the fundamental human and peoples' rights and freedoms incorporated in the Charter.

MACRO- ECONOMIC PERFORMANCE

According to a report issued recently by the Ministry of Finance and Economic Development, the rapid and broad-based economic growth registered over the last three years has been effective in generating employment, improving incomes and reducing poverty. The per capita GDP in current prices has grown from USD 373 in 2009/10 to USD 550 in 2012/13. The overall poverty level declined from 29.6 percent in 2010/11 to 26 percent in 2012/13. In the same period, food poverty declined from 33.6 percent in 2010/11 to 31.8 in 2012/13. The progress made over the last three years in economic growth and social development has put Ethiopia in a better position to achieve the MDGs target of reducing poverty level to 22.2 percent by 2015.

1. Growth and Transformation Plan (GTP)

In 2010/11, the government adopted the Growth and Transformation Plan (GTP) (2010-2015), a five-year development plan, with a central goal to end poverty in Ethiopia. The GTP addresses the social, economic and justice sectors as well as good governance issues, and how these sectors impact the overall goals of the Plan.

The agriculture economic sector remains the main engine of the Ethiopian economy. One of the strategic directions devised under the GTP has been to ensure the productivity of smallholder agriculture by scaling up interventions for better utilization of smallholders' labour, land use and improved agricultural practices.¹ The broader objective of the agriculture and rural development element of the plan is to achieve accelerated and sustained growth that contributes to poverty eradication and achievement of the Millennium Development Goals (MDGs).² With respect to infrastructural development, strategic directions were laid out for expansion of road networks, railway transport, energy, telecommunications, potable water supply and irrigation development, transport services, and urban and construction development. This was done on the basis that provision of affordable physical and economic infrastructure contributes significantly to economic growth, employment creation, and social welfare.

The education sector development plan of Ethiopia generally aims to produce democratic, efficient, effective, knowledgeable, inspired and creative citizens who can contribute to the realization of

¹ GTP, page 45, para 2

² GTP, page 47, para 2

Ethiopia's vision of becoming a middle-income economy.³ Accordingly, priority is given to improving the quality and efficiency of education at all levels and to achieve the millennium development goals. To achieve these, various strategic directions have been laid out under the education and training sector, including vocational education and training as well as higher education development.

The health sector development program was also designed in line with the GTP to support overall policies, strategies and targets.⁴ The highest priority areas for the health sector development program have been identified as maternal and newborn care, child health, and the halting and reversing of the spread of major communicable diseases such as HIV/AIDS, Tuberculosis and Malaria.⁵ The core elements of the health strategy are decentralization of the health care system, development of the preventive, promotional and curative components of health care, assurance of accessibility of health care for all segments of the population and the promotion of increased private sector and NGO participation in the health sector.⁶

In recent years, Ethiopia has registered high economic growth and has become one of the top fastest growing economies in the world. Over the last ten years, between 2002/3 and 2012/13, the annual average growth rate of GDP was 10.9 %. The agriculture, industry and service sectors' annual average growth was 9.3%, 12.2% and 12.4 % respectively.⁷

The country's major efforts to achieve the MDGs has registered significant results overall. The stable macroeconomic environment in the country and the double-digit growth, in turn, contributed to enhancement of efforts in regard to the advancement of protection and promotion of human rights. In sum, the Government has put in place plans to realize accelerated and sustained growth that contributes to poverty eradication which continues to expand the infrastructural development the road network, railways, energy, telecommunication, potable water supply and irrigation development and urban and construction development for economic growth, employment creation, and social welfare.

³ GTP, page 86, para 2

⁴ GTP, page 91, para 4

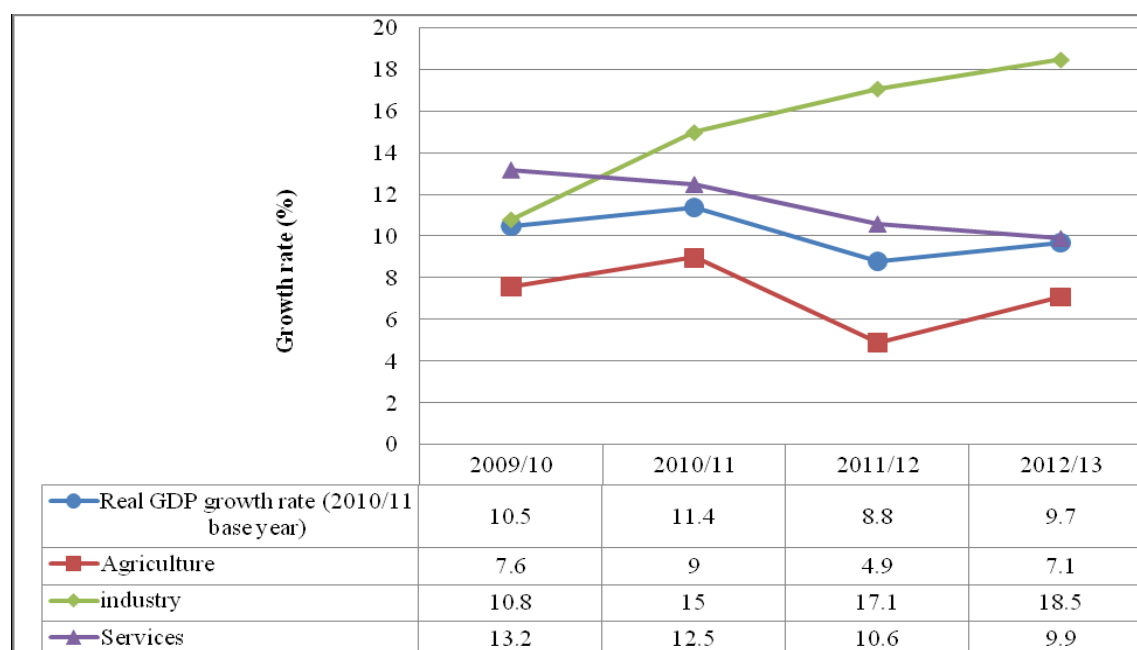
⁵ GTP, page 91, para 4

⁶ GTP, page 92, para 1

⁷ Available at <http://www.mofed.gov.et/English/Resources/Documents/>

In the implementation of the GTP, during the 2010-12 period, the gross domestic product (GDP) in real terms grew by 11.4 percent. The GDP growth rate registered in 2011/12 was 8.8 percent. In 2012/13, the GDP grew by 9.7 percent in real terms. Accordingly, the average economic growth rate during the last three years (2010/11-2012/13) of the GTP period was about 10 percent per annum. Though the 9.7 percent growth performance registered in 2012/13 is below the 11.3 percent target set for the fiscal year under review, it was achieved under difficult domestic and global environmental circumstances. One of the objectives of the GTP is to set the economy on a path of structural economic transformation. Economic structural change refers to a long-term shift in the fundamental structure of an economy, which is often linked to sustainable growth and economic development. The table below shows both the economic growth and the shifting nature of the economy, especially the growth of the industrial sector.

Table 1. Real GDP Growth in Percent



Source: Ministry of Finance and Economic Development (MoFED).

In general, the average growth rate of the overall economy has been 10 percent per annum over the past three GTP periods ending 2012/13, which is significantly close to the target of 11.1 percent. This marginal shortfall in growth performance could be compensated over the remaining two GTP years by efficiently executing sector-specific plans and strategies. In these three GTP periods, the average growth targets of agriculture, industry and service were 8.5 percent, 17.8 percent and 11.5 percent, respectively.

Table 2 Growth by Sector

Percent Sectors	2009/10	2010/11	2011/12	2012/13		2010/11-2012/13 average	2014/15 Target
				Plan	Actual		
Real GDP growth rate in percent	10.5	11.4	8.8	11.3	9.7	10	11.4
Agriculture	7.6	9.0	4.9	8.6	7.1	7	8.7
Industry	10.8	15.0	17.1	21.4	18.5	16.9	23.7
Large and Medium scale manufacturing	13.6	14.1	15.9	-	14.5	14.9	-
Micro and small scale manufacturing	7	7.2	4.2	-	3	4.8	-
Services	13.2	12.5	10.6	10.5	9.9	11	9.0
% share							
Agriculture	41.6	45.6	44.0	38.7	42.9	44.1	36.9
Industry	12.9	10.6	11.1	15.3	12.4	11.5	18.8
Large and Medium scale manufacturing	2.6	2.6	2.8	-	2.9	2.8	-
Micro and small scale manufacturing	1.3	1.2	1.4	-	1.3	1.3	-
Services	45.6	44.5	45.6	45.3	45.2	44.9	44.3
GDP in Million Birr @CMP	382,939	505,646	738,605	-	852,740	698,997	

Source: MoFED

2. Domestic Saving and Investment

The increase in investment in Ethiopia has been another key driver of the rapid economic growth registered over the last four years. The investment rate has persistently increased over the period (between 2009-2012). In 2009/10 and 2010/11, capital formation (investment rate) accounted for about 24.7 percent and 27.9 percent respectively. The investment rates were 33.1 percent in 2011/12 and 33 percent in 2012/13. The investment rate in 2012/13 was remarkably higher than the GTP target of 28 percent set for the year. These are significantly high rates of investment. The investment rate has not only been high, but it also grew at a much faster rate than in previous years, becoming a major driver of economic growth over the past three years.

3. Employment

During the past four years, the expansion of investments by micro and small enterprise as well as medium- and large-scale industries has resulted in the creation of significant number of job opportunities. In 2012/13 alone, micro and small-scale enterprises created employment opportunities for over 1.2 million individuals (0.5 million temporary and 0.72 million permanent). In addition large-scale public projects have created employment opportunities for over 797, 995 individuals. Private investments in medium and large manufacturing, including hotels, restaurants, real estate and housing projects are also expected to have created additional job opportunities during the fiscal year under review. Thus the rapid economic growth has resulted in job creation in the country. As a result, in 2011/12 the urban unemployment rate decreased to 17.5 percent from 18.9 in 2009/10. At the same time, even though the economic growth has been creating new job opportunities for citizens, unemployment and underemployment remain critical challenges in Ethiopia.

4. Wellbeing and Poverty Reduction

The primary objective of the GTP is reducing poverty in all its dimensions via recording broad based, inclusive, accelerated and sustainable economic growth. In 2011, an impact assessment analysis (Household Income and Consumption Expenditure –HICE) was conducted with the goal to assess the outcome of the overall economic growth on the welfare of the poor. According to the assessment report and related findings, the economic growth that has been registered in the past years has been inclusive, benefiting the citizens at large. Inclusive growth is a concept which advances equitable opportunities for economic participants during the process of economic growth with benefits accruing to every section of society. The socio-economic gains of the progress that has been realized in the past three years improved the income of the citizens, reduced urban unemployment and improved the living standard of the society. The impact of economic growth on the welfare and poverty conditions of the society is explained from the two dimensions of income and non-income.

Per capita income has increased from USD 510 in 2011/12 to USD 550 in 2012/13. According to the Household Income and Consumption Expenditure Survey, the proportion of the population living below the poverty line has declined from 38.7 percent in 2004/05 to 29.6 percent in 2010/11,

showing a decline of 9.1 percentage points over the five years. Assuming the same trend and growth elasticity of poverty, the poverty index will have decreased to about 26 percent in 2012/13. The analysis also indicates that about one million poor people have been lifted out of poverty in 2012/13 alone. The survey results show that the poverty headcount index has been declining in all regional states and city governments. With regard to food poverty, the survey results indicate that the food poverty index has declined from 38 percent in 2004/05 to 33.6 percent in 2010/11, registering a decline of 4.4 percentage points. The food poverty level decreased to 32.7 percent in 2011/12 and 31.8 percent in 2012/13.

GENERAL MEASURES TAKEN TO PROMOTE HUMAN RIGHTS AND TO IMPLEMENT THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

Ethiopia has taken policy, legislative and institutional measures with a view to promote and protect the rights, freedoms and duties enshrined in the African Charter on Human and Peoples' Rights. The Constitution of the Federal Democratic Republic of Ethiopia (FDRE) is the foundation of the country's democratic system of governance. The building of a democratic system has been taken as an absolute necessity for the continued existence of the country and as the basis for strong and lasting peace, development and good governance, all of which serve as the necessary foundations for the protection of human rights. The Constitution, as the supreme law of the land and as the basic legal framework for the promotion and protection of human rights in Ethiopia, sets forth the affirmative commitments of the country to the cause of human rights. Article 9 (4) of the Constitution for example provides that international agreements ratified by Ethiopia form an integral part of the law of the land; Article 13(2) goes a step further to align the national human rights system with the international system by requiring the interpretation of national human rights provisions to be in line with international human rights instruments. Accordingly the basic civil, political, economic, social and cultural rights of citizens have been and are given full recognition. The rights of women to full equality have also been addressed with a constitutional backup of affirmative measures to remedy the historical legacy of gender-based inequality and discrimination.

Ethiopia has ratified a series of human right treaties as a part of its commitment to the promotion, protection, respect and fulfillment of human rights, including the ACHPR in May 1998. In fact, by virtue of the Constitution, all ratified human right treaties form an integral part of the law of the land⁸. The translation of international human rights instruments in to different national languages has helped enhance awareness of the international human rights instruments.

The House of Peoples' Representatives adopted the International Convention of the Rights of Persons with Disabilities and enacted a Proclamation to that effect on July, 2009. Currently, Ethiopia is in the process of ratification of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families¹⁰. This document has been submitted

⁸ . Article 9 of the FDRE constitution

⁹ . Ethiopia's implementation report of the UN Convention on the Rights of Persons with Disabilities (Dec, 2012)

¹⁰ . Report on Ethiopia's reporting status of human rights, p-1.By UNOHCHR-EARO.

to the House of Peoples' Representatives for ratification. Ethiopia has also reported with proper diligence under various international Human Rights instruments including the African Charter on the Rights and Welfare of the Child on which the last submission was in November, 2013¹¹. The HPR has also ratified the instruments of the African Union such as the African Youth Charter and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

STRENGTHENING DEMOCRACY AND GOOD GOVERNANCE

1. Universal Suffrage

Ethiopia, as an emerging democracy and a country with different nations and nationalities, has been striving to bring about a robust multi-party system. As a result, in accordance with the registration of Political Parties Proclamation No 573/2008, seventy nine National and Regional Political Parties have been registered by the National Electoral Board of Ethiopia. These political parties participate in elections as individual parties or as part of a Front, a Coalition or a Union.¹² These parties participated in the 2010 national elections comprising of 2,188 candidates for the House of Peoples' Representatives, of which 1,916 (87.6%) were male, and 272 (12.4%) female. 4,746 candidates ran for the Regional State Councils, of which 4,021 (84.7%) were male, and 725 (15.3%) female. Thirty four (34) independent candidates participated for the House of Peoples' Representatives, of which 33 (97.1%) were male and 1 (2.9%) female. 11 independent candidates participated for the Regional State Councils, of which 9 (81.8%) were male and 2 (18.1%) female. In general, the total number of candidate participants in the 2010 General Election was 6,979, of which 5,979 (85.7%) were male and 1000 (14.3%) female. The total number of registered voters was 31,926,520, of which 16,674,280 (52.2%) were male and 15,252,240 (47.8%) female. Among these, the total number of voters who cast their votes was 29,832,190, of which, 15,617,453 (52.4%) were male and 14,214,737 (47.6%) female. Overall, the total voter turnout was 93.4% of registered voters.

2. Promotion of Democracy and Good Governance

The Government has been taking various actions to promote democracy and good governance. Many associations and community groups have been set up to protect the interests of the groups

¹¹ Report on Ethiopia's reporting status of human rights, p-1.available at of UNOHCHR-EARO website

¹² The National Election Board of Ethiopia available at <http://www.electionethiopia.org/en/political-parties.html>

they represent. Public participation in decision making has also been effected through participation in associations and by actions of individual citizens. The House of Peoples' Representatives regularly calls upon different stakeholders to give opinions and recommendations on draft legislations.

The Government has designed several strategies to engage in public sector reform. The Federal Government has provided support to emerging regional administrations that need special attention. Training and orientation seminars were given to federal and regional civil service employees to increase efficiency and enable them to respond to the challenges they face. Between 2008/9 to 2012/13 as many as 5010 civil servants attended the Ethiopian Civil Service University to earn certification and advanced degrees.

The Ministry of Civil Service has adopted measures to advance good governance and has designed and promulgated a Citizen's Charter to make the services provided to the public by civil servants more effective and efficient. The charter identifies the need for civil servants to provide appropriate services to the public and details the services they are expected to render to the public. The charter aims to ensure the accountability and transparency of the government and of civil servants to the public.

NATIONAL HUMAN RIGHTS ACTION PLAN (NHRAP)

The Government of Ethiopia adopted a National Human Rights Action Plan (NHRAP) as part of the GTP in 2013 to improve the promotion and protection of fundamental human and democratic rights in a comprehensive and structural manner.¹³ The main objective of the NHRAP is to develop a comprehensive and structural mechanism to advance the respect, protection and fulfillment of the human and democratic rights guaranteed by the Constitution. The action plan is based on a review of the present human rights situation in the country, identification of potential problems, and the provision of feasible and practical solutions.¹⁴

The Action Plan was developed through the widespread participation of governmental and non-governmental organizations and through the participation of the public.¹⁵ A series of consultative meetings and workshops was held on different occasions. A NHRAP Affairs Coordinating Committee was established at national level composed of six ministries at ministerial level. The

¹³ NHRAP, page 5

¹⁴ NHRAP, Page 6

¹⁵ NHRAP, Page 9

country's Human Rights Commission led, supervised and managed the operations of monitoring and evaluating the sections established at federal and regional levels for implementation.

The NHRAP is comprehensive in scope and action, addressing, in detail, civil and political, economic, social and cultural rights as well as the rights of vulnerable groups. The plan also includes consideration of additional rights including the right to a clean environment and to development.

The Ministry of Justice is responsible for implementation of the National Human Rights Action Plan. Following the preparation phase of the plan, the government took into account the recommendations of Human Rights bodies and corresponding feed-back from public participation. The Action Plan provides for a proper monitoring and evaluation mechanism to follow up its implementation. This includes preparation of performance plans; the creation of awareness of the Action Plan; collaboration with development partners and civil associations; utilization of National Human Rights institutions; promotion of Human Rights education and the creation of supervisory bodies to monitor the implementing institutions. The monitoring and evaluation mechanism provides full-fledged instruments for assessment. The Action Plan acknowledges the role of national human rights institutions as independent monitoring bodies and hence the Ethiopian Human Rights Commission is charged with this task. The Ethiopian Ombudsman also monitors the implementation of the Action Plan in connection with the exercise of administrative and executive powers. This Office reviews administrative directives to ensure the administrative decisions of the executive organs are in conformity with the Constitution.

POLICY MEASURES

The Government has adopted national policies and strategies that set the platform for economic development and political transformation. The policy documents address the political, economic and social life of citizens, based on the general approach towards decentralization and democratization. The basic policies and strategies of the country include: - the Democratic System Building Policy; the Rural and Agricultural Development Policy and Strategy; the Industrial Development Strategy; and the Capacity Building Strategy and Program.

These policies serve as appropriate instruments for the promotion of peace and development in a sustainable manner and ensure that the democratic process provides space to promote pluralism, ethnic/cultural diversity, tolerance and respect for human rights. There is continuous assessment on

the impact of these policies on human rights. The Government continuously verifies that these policies and strategies provide a positive contribution to the promotion and protection of human rights. For instance, the policy on democratic system building sketches out the measures that need to be taken to entrench the realization of democratic rights. The following section highlights the basic tenets of some of these policy documents.

1. Foreign Affairs and National Security Policy and Strategy

Ethiopia's Foreign Affairs and National Security Policy and Strategy defines the country's main security threats to be of an internal nature, the danger being that widening poverty might lead to the collapse of the nation or that an absence of democracy and good governance might result in increased vulnerability to external threats. This explains the focus on rapid economic development and the building of a structure of democratic governance. The policy asserts that the country should first pursue links on economic matters, and emphasizes that relationships, whether hostile or friendly, should be on the basis of economic development. In light of this, the economy is at the centre of the national security strategy. The government recognizes that it is only rapid economic growth that can build the nation's capacity to withstand internal and external security threats. Ethiopia's bilateral relations over the last two decades have therefore been exercised in pursuit of these goals. The policy advances the promotion of friendly relations based on mutual trust and common benefit.¹⁶

2. Fiscal and Monetary Policy

The fiscal policy pursued has focused on increasing tax revenue by effectively administering existing tax policies and tax reform programs, and on increasing budgetary expenditures on capital investments, pro-poor and growth-enhancing sectors. The fiscal and monetary policy objectives are macroeconomic stability, rapid and sustainable economic growth and increased public spending on pro-poor sectors. The objectives of the fiscal policy have been to enhance the capacity of tax revenue to finance the country's expenditure needs, and ensure a stable macroeconomic environment by maintaining any budget deficit at less than 3 percent of GDP. Total government expenditure in 2012/13 was Birr 153.9 billion; the planned target was Birr 130.2 billion, indicating

¹⁶ For the details refer to the Foreign Affairs and National Security Policy and Strategy available at <http://www.mfa.gov.et/>

18.2 percent higher expenditure than the planned target. Of the total expenditure, Birr 91.2 billion (59.2 percent) was for capital expenditure, while the remaining Birr 62.8 billion (40.8 percent) went on recurrent expenditure. Over the past three years, the government on average spent Birr 125.5 billion per annum. Out of this, over 69 percent was spent on the pro-poor sectors of education, health, water and sanitation, agriculture and road infrastructure. It was a clear demonstration of the government's commitment to sustain its efforts to eradicate poverty and improve the welfare of its citizens.

3. Education Policy

The educational policy of Ethiopia was originally enacted in 1994, and a National Education and Training Policy strategy (NETP) was introduced to gradually overcome the deep-rooted education problems of the country. One of the priority areas addressed in the NETP was the development and implementation of reforms. These were implemented on a stage by stage basis on the basis of performance in the primary and secondary sectors. The reformed education system introduced the 8-4 strategy, providing for 8 years of primary education followed by 4 years of secondary education. Both levels were divided into two cycles. The government also adopted strategies to increase the number of schools and universities to enhance the education base. The detailed performance indicators are presented below in the section dealing with the right to education.

4. Health Policy

The health policy focuses on all components of health care and the development of equitable and acceptable standards of health service to reach all segments of the population. The health service delivery of the country is arranged in a four-tier system: Primary Health Care Units (PHCU), district hospitals, Zonal hospitals and specialized hospitals. In line with this policy, the expansion of health care institutions to the lowest levels of administration as part of the prevention-oriented health policy has increased life expectancy from 50.9 for women and 53.5 for men in 2002 to 60.4 for women and 58.4 for men in 2010. The basic transformation in the health sector is addressed under the section dealing with the right of health.

5. National Youth Policy

The national youth policy aims to fill the institutional policy gaps that existed in the past in attempts to enable citizens to acquire a democratic outlook, professional competence, skills and ethics to become active and efficient, and participate widely in and benefit from the country's ongoing activities as part of the aim to provide a democratic system and accelerated development. The Ministry of Women, Children and Youth Affairs at the Federal level and Regional Youth Affairs Bureaus at Regional level follow up the implementation of the policy.

6. Criminal Justice Policy

The Government of Ethiopia issued an improved criminal justice policy in 2010 to ensure the peace and security of its citizens, and advance and strengthen one of the basic foundations of democracy and good governance.¹⁷ The policy maps out a national strategy of crime prevention, and provides for improvement of the crime investigation and prosecution services and for the efficiency and fairness of the criminal justice process. This, in turn, is expected to improve the administration of criminal punishment and its efficacy. The Policy aims to foster a criminal justice sector that not only addresses issues related to the prosecution of crimes, but also to ensure exemplary due process for those accused of crimes, especially vulnerable groups and juvenile offenders. One of the policy objectives is building a criminal justice system that strengthens respect for individual rights and freedoms. The policy also gives due attention to the issues of a speedy and fair judicial process and of access to an independent judiciary.¹⁸

7. Other Policy Measures

In addition to the above, the government has also adopted the National Women's Affairs Policy, the Urban Development Policy, the National Population Policy, the HIV/AIDS Policy, the Cultural Policy, the Social Development and Welfare Policy, the Water Sector Policy and other similar policies. The central objective of all these, many of which are specifically pro-poor and green energy policies, is the continuous and sustainable development of the country and the building of a

¹⁷ Criminal Justice Policy document, page 1

¹⁸ Criminal Justice policy page 11

democratic system. It should be noted that all these declared and implemented government policies have components on the promotion and protection of human rights.

LEGISLATIVE MEASURES

The FDRE Constitution provides for legislative institutions and procedures at both federal and state levels. At the federal level, the House of Peoples' Representatives, which is the supreme legislative body at the federal level has promulgated numerous Proclamations necessary for the protection of civil, political, social, economic, and cultural rights. On this level, the initiative of legislation mainly belongs to the Council of Ministers. The laws or "Proclamations" are subsequently discussed and adopted or rejected by the House of Peoples' Representatives. A similar procedure exists in each of the nine Federated States.

At the federal level, legislative competence is divided between the federal government and the regional governments. Pursuant to Article 50(1) of the Constitution both the Federal Government and the States have legislative, executive and judicial powers. The House of Peoples' Representatives, the highest legislative organ and authority, enacts legislation within the areas falling under its jurisdiction while the State Council has the power of legislation on matters falling under State jurisdiction.

The House of Peoples' Representatives is the organ empowered to ratify international agreements concluded by the executive. Accordingly the House has ratified the major human rights conventions and protocols adopted within the international and African human rights system, and these, as all other ratified international agreements have nationwide application. In addition, legislative measures have been taken both by the Federal and Regional legislative organs to enhance the protection of the human rights enshrined in the African Charter on Human and Peoples' Rights. The following are some of the most important recent measures in the context of human rights:

- Anti-Terrorism Proclamation No. 652/2009;
- A Proclamation to Provide for the Electoral Code of Conduct for Political Parties No. 662/2009);
- Federal Judicial Administration Council Establishment Proclamation (as Amended) No. 684/2010;

- Social Health Insurance: Proclamation No. 690/2010;
- Protection of Witnesses and Whistleblowers of Criminal Offences Proclamation No. 699/2010;
- Ethiopian Federal Police Commission Establishment Proclamation No. 720/2011 and 737/2012;
- Prevention and Suppression of Money Laundering and Financing of Terrorism: Proclamation No. 780/2013

The House of Peoples' Representatives has also ratified international instruments to further strengthen the recognition and protection of the rights and freedoms of individuals. The following are the major examples:

- Proclamation to Ratify the Convention on the Rights of Persons with Disability No. 676/2010;
- Proclamation to Ratify Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children Ratification Proclamation No. 737/2012;
- Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition Ratification Proclamation No. 735/2012;
- Protocol Against the Smuggling of Migrants by Land, Sea and Air Ratification Proclamation No. 736/2012;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children Ratification Proclamation No. 737/2012
- Proclamation to Ratify the African Youth Charter Ratification Proclamation No. 817/2013
- Proclamation to Ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography Ratification Proclamation No.825/2013;
- Proclamation to Ratify the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict Proclamation No. 826/2013
- Proclamation to Ratify African Union Non-Aggression and Common Defense Pact Ratification Proclamation No 821/2014
- Proclamation to Ratify African Charter on Statistics 832/2014

- Proclamation to Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa Ratification Proclamation

INSTITUTIONAL MEASURES

The Government of Ethiopia has taken a number of measures to further strengthen the institutions that play a central role in the protection and promotion of human rights. The creation of such democratic institutions is regarded as indispensable to reinforce good governance. As a result there are institutions established to cater the human rights of citizens.

1. The House of Peoples' Representatives and the House of Federation

The FDRE Parliament is composed of two houses: the House of Peoples' Representatives, which is the main legislative organ, and the House of Federation (HoF). These organs advance the rule of law and are a true expression of the sovereignty of the people. As in the case of all federal States, member states of the federation are empowered to establish a legislative organ called the State Council in line with the FDRE Constitution. These organs are empowered to appoint the executive, allocate budget and follow up on the implantation of plans. The Federal HoF is composed of all officially recognized ethnic groups which should have one representative in the House. Members of the HoF are elected by the State Councils in each regional state.

The HoF is vested with the power to interpret the constitution. It is also empowered to decide upon issues related to the rights of states, to self-determination, including secession, to resolve disputes between states, and determine the division of federal and state revenues and the level of federal subsidies to the states. The House of Federation, in fact, has a central role in the human rights system in Ethiopia, serving as a guarantor or protector of the rights of all the nations, nationalities and peoples of the state.

2. The National Electoral Board of Ethiopia

The National Electoral Board of Ethiopia (NEBE) is responsible for conducting free and fair elections in Federal and State constituencies. Since its establishment in 1994, the NEBE has conducted four national elections, as well as a series of by-elections, local elections and referenda. Elections have been conducted to elect members of the House of People's Representatives and to

the State Councils. A total of 547 constituencies and approximately 43,500 polling stations have been created to conduct elections.

3. The Ethiopian Human Rights Commission

The Ethiopian Human Rights Commission was established by Proclamation No. 210/2002 pursuant to Article 55(14) of the FDRE Constitution with the objective of educating the public in awareness of human rights and to ensure human rights are protected, respected and fully enforced as well as taking the necessary corrective measures where they are found to have been violated. The Ethiopian Human Rights Commission has undertaken numerous activities that have brought about changes in the human rights field. It has translated basic human rights instruments into several of the most widely-spoken languages in the nation, including Amharic, Oromiffa, Tigrigna, Somali and Afar. It has opened branch offices in the regional States of Amhara, Oromia, Gambella, Somali, Tigray and Southern Nations Nationalities and Peoples Regional States. It has responded to thousands of enquiries and most recently has been deeply involved in the organisation of the National Human Rights Action Plan.

4. The Ethiopian Ombudsman

The Institution of the Ombudsman was established by Proclamation No. 211/2002 pursuant to Article 55(14) of the FDRE Constitution with the objective of ensuring that citizens' rights and benefits, provided for by law, are respected by the organs of the executive. The institution has made enormous contributions to the strengthening of good governance, for example, by inquiring into claims of abuse of power by the executive branch of the government.

The office of the Ombudsman has been able to build up its institutional capacity through arranging training in different areas and topics for its staff. Awareness creation campaigns and a rigorous use of the media to raise public awareness has been a major focus of its activities. It has been receiving a growing number of administrative complaints from the public, a sign of the growing confidence of citizens in its operation.

5. Ethics and Anti-Corruption Commission

The Federal Ethics and Anti-Corruption Commission (FEACC) has been working on the prevention, investigation, and prosecution of crimes of corruption. In the year 2009/10 the FEACC

received 2915 tip-offs and complaints of which 1584 came under its jurisdiction. Investigations were subsequently launched in 405 cases. The FEACC's conviction rate for the year reached an impressive 96.6 percent. Seven of the nine Regional States have also established their own anti-corruption commissions.

6. The Vital Events Registration Agency

A Proclamation on the Registration of Vital Events and National Identity Card has been issued to create a mechanism for the registration of vital events in the country and for the keeping of proper data. It is believed that the establishment of a system of registration of vital events plays a key role in planning political, social and economic developments, in providing different social and economic services to citizens and in making the justice administration expedient and effective.

On the basis of this proclamation, the Council of Ministers subsequently issued Regulation No. 278/2005 establishing the Vital Events Registration Agency. This is accountable to the Ministry of Justice and has the task of bringing together all the data available on births, deaths, marriages, divorces and declaration of absence scattered through different institutions. The agency is also working with regional governments to establish similar agencies in all the regional states. Currently a national council has been established to oversee and coordinate the works of the agency.

7. The Ministry of Justice

The authority of federal prosecution is vested in the Ministry of Justice (MoJ) since the Public Prosecutor is formally part of the Ministry. Federal Prosecutors are appointed by the Minister of Justice. Candidate prosecutors at the federal level must be graduates from colleges with a law degree or a diploma in law. The Public Prosecutor is in charge of criminal investigation and has authority over the police. Other government offices such as Ethics and Anti-Corruption Commission, Revenue and Customs Agency also have prosecutorial authority. At Regional state level, the Justice Bureau's functions as prosecutor and their mandate is comparable to that of the Federal Ministry of Justice.

8. Ministry of Federal Affairs

The Ministry of Federal Affairs was re-organized pursuant to the definition of powers and Duties of the Executive organs of the FDRE (Proclamation no. 691/2010). The Ministry is responsible for

maintenance of public order, handles all domestic matters including the federal-regional relationship and the provision of assistance and advice to regional states, especially to those eligible for affirmative action and ensuring the enforcement of federal laws. It also ensures that the proper functioning of the Federal police and Federal Prison Administration.

9. The Federal and Regional Police Commission

The Ethiopian police system consists of the Federal Police Service and nine Regional Police forces as well as the police forces of Addis Ababa and Dire Dawa which have a special status. The Federal Police Commissioner is accountable to the Minister of Federal Affairs. The Regional States are free to organise their police forces as they see fit, though, all State police forces in fact have a structure similar to that of the Federal Police. The regional forces are accountable to the Bureaus of Regional Affairs of their respective States. The Commissioners of Addis Ababa and Dire Dawa are accountable to the Mayors of those cities and to the Minister of Federal Affairs. Police training takes place at the Training Centre for Federal Police, at the Police College and at regional training centres. A Police Commissions' Joint-Forum has been established to coordinate the actions, evaluate and resolve problems of the various forces and improve conduct and integrity.

10. Federal Prison Administration

The Federal Prisons Commission is responsible for setting up and administering federal prisons as required under the FDRE Constitution. The Commission was established pursuant to Proclamation No. 365/2003, to implement judicial decisions and to undertake the functions of the custody, reformation and rehabilitation of prisoners as part of the contribution to crime prevention.

11. Federal Charities and Societies Agency

The government established the Charities and Societies Agency pursuant to Proclamation No. 621/2009 as an institution of the Federal Government under the Ministry of Federal Affairs. The HPR established the agency to facilitate the role of charities and societies in the overall development of the Ethiopian peoples. The Agency is governed by the Charities and Societies Board. According to the law, the main functions of the Agency include licensing, registration, and supervision of Charities and Societies. The Agency also supports the administration of Charities and Societies,

collects, publishes and distributes information about the registration of Charities, and organizes a consultative forum for governmental organs and the various Charities and Societies.

12. The Cooperative Societies Commission

The Government established the Cooperative Commission, which is responsible for organizing and registering cooperative societies and for rendering training, conducting research and other technical support to societies. The government issued legislation under which cooperative societies are organized and managed in order to achieve their objectives, and created mechanisms to enable cooperative societies to actively participate in the free market economic system. Accordingly many cooperative societies have been formed by individuals on a voluntary basis for those who have similar needs for creating savings groups and mutual assistance among themselves by pooling their resources, knowledge and property. These co-operative societies are open to all persons able to use their services and willing to accept the responsibilities of membership without gender, social, racial, political or religious discrimination. Co-operative societies provide education and training for their members, elected representatives, managers and employees to enable them to contribute effectively to the development of their societies. These societies have enabled rural and urban working people to solve many of the economic and social problems they face by themselves, helping them to depend on local resources and become self-reliant.

13. Financial Intelligence Center

The Financial Intelligence Centre was established by virtue of regulations issued by the Council of Ministers. The Centre is empowered to investigate cases of money laundering, financing of terrorism and other offences provided for under Proclamation number 657/2009 and to refer cases to the competent authorities. The Center takes action to ensure compliance by accountable persons pursuant to the requirements laid down under the Proclamation when there is sufficient ground for prosecution or investigation. The Centre also collects, receives, stores, surveys, analyzes and disseminates information pursuant to the Proclamation. This law provides for banking and financial institutions and other persons to disclose information obtained from customers.

JUDICIAL INSTITUTIONS

The FDRE Constitution under Article 78 provides for the establishment of Supreme, High and First Instance courts both at federal and regional levels. The Federal Supreme Court is based in Addis Ababa and includes a cassation bench with the power to review and overturn decisions containing fundamental errors of law issued by lower federal courts and State Supreme Courts.

The Federal Supreme Court was established in accordance with the Constitution, while the Federal High Courts and Federal first instance courts were established pursuant to the Proclamation enacted by the House of Peoples Representatives (HPR). To ensure the overall independence of the judiciary, the Constitution authorizes the Federal Supreme Court to draw up the budget for the federal courts and submit it directly for the House of peoples Representatives for approval. Upon approval, the Federal Supreme Court administers the budget.

The Judiciary

The Constitution deals with the right of access to justice and provides for independence of the Judiciary. It also serves as the basis for the protection of individual rights and freedoms. The impartiality and independence of the courts is the institutional foundation that gives meaning to their functions as the ultimate custodians of justice. Access to an independent judiciary is fundamental to the confidence of individual citizens in the system and motivates them to work towards developing and enriching it. In light of this, there are advocates' licensing procedures and code of conduct rules for both advocates and public prosecutors in place to assist in the administration of justice.

The government exerts all efforts to ensure that constitutional rights are properly implemented and enforced. Members of the executive branch cannot give instructions to a judge concerning interpretation of the law, or on issues of injunction or concerning the stand a judge should take on any matter of law. Judges are guaranteed protection from being subject to any pressure as a result of any act during the exercise of their power. Ethiopian Judges are well trained, experienced and qualified lawyers and the legal system emphasizes professionalism. The disciplinary code of practice

for judges in the legal system contains detailed regulations on the manner in which judges must conduct their activities.

The Judiciary has also put in place a process for continuous assessment which allows for taking any corrective or reformative action and legal measures necessary. The Federal Judicial Administration Commission has the relevant powers and duties. These include: to select those who qualify as judges in accordance with Article 8 of the Proclamation from among candidates nominated by members of the Commission; to issue the Disciplinary and Code of Conduct Rules for federal judges; to decide on the transfer, salary, allowance, promotion, medical benefits and placement of federal judges; to examine and decide in accordance with Article 79 (4) of the Constitution, matters presented to it. The Commission may also suspend a judge though the decision must be approved by the House of Peoples' Representatives, subject to details determined in the Disciplinary and Code of Conduct Rules.

Judicial Administration Councils are established both at the federal and regional levels as institutional mechanisms to assist in the independence of the judiciary. The Judicial Administration Councils Proclamation (No.684/2010) clearly states that no person can simultaneously assume the post of a judge while serving in the legislative or executive branches of government or while a member of any political organization. The councils administer the appointment of judges, draft and enforce disciplinary and code of conduct rules for judges, and decide on the transfer, salary, allowance, promotion, medical benefits and placement of federal judges.

The Regional Courts

The regional governments are responsible for the establishment of State Supreme Courts, State High Courts, and State First Instance Courts at regional levels. Until such time as the HPR establishes federal high courts and federal first instance courts in a region, the constitution delegates the exercise of powers of entrusted to federal high courts and federal first instance courts to the state supreme courts and state high courts, respectively.

The Constitution also allows the establishment of customary and religious courts to adjudicate disputes relating to personal and family laws in accordance with customary or religious laws with the consent of all parties to the dispute. It enshrines provisions designed to guarantee the personal independence of judges as well as institutional independence of the judiciary. Courts at any level

must be free from any interference or influence of any governmental body, government official or any other source.

Religious Courts

The Constitution allows the establishment of customary and religious courts to adjudicate disputes relating to personal and family laws in accordance with customary or religious laws with the consent of all parties to the dispute. In line with the principles set in the Constitution, parties to a dispute arising in relation to marriage, personal and family laws may refer those matters to be adjudicated in accordance with religious or customary laws, when both are willing. The HPR and State Councils can establish or give official recognition to religious and customary courts.

The Sharia Courts

Sharia Courts have also been established at federal and state levels pursuant to the Proclamation 188/1999 adopted by the HPR. The Sharia Courts have common jurisdiction over the following matters; a) issues related to marriage, divorce, maintenance, guardianship of minors and family relationships provided that the marriage to which the question relates was concluded, or the parties have consented, to be adjudicated in accordance with Islamic Law; b) issues related to waqf, gift /Hiba/, or wills, provided that the endower or donor is a Muslim or the deceased is a Muslim at the time of his death; c) Any question regarding payment of costs incurred in any suit relating to the aforementioned matters.

CHALLENGES

Ethiopia has been facing multifaceted challenges which include resource constraints, lack of capacity, and the impact of climate change resulting in droughts. The diverse and complex nature of the nation makes it difficult to create uniform strategies and programs for the promotion and protection of human rights in all regions. In its common endeavour to enhance the promotion and protection of human rights in a sustained manner, the government has looked for assistance to the capacity development of the staff of relevant Federal and regional institutions in implementing the human rights instruments and their dissemination.

OPPORTUNITIES

The adoption of the Growth and Transformation Plan, which set the path for the Ethiopian renaissance, has created ample opportunities for the promotion and protection of human rights. The commitment of the government to build a nation, through the participation and free will of the people, in which democratic rule, good-governance and social justice reign, provides the platform for the promotion of individual rights and freedoms. The dedication of the people to free themselves from the bondage of poverty enables the State to remain focused on the advancement of economic and social rights.

The government has been diligent in engaging in the protection and fulfilment of fundamental human and democratic rights recognized in the Constitution. The national policies and strategies address economic, social justice and good governance issues. The three branches of the state work in tandem in the design and implementation of strategies that reinforce respect and protection of human rights and enable nations, nationalities and peoples of Ethiopia to be sustainable beneficiaries. The HPR, for example, established and supervises the main human rights institutions in the country, including the Ethiopian Human Right Commission and the Institute of Ombudsman.

In June 2013, the Parliament adopted the National Human Right Action Plan. This plan was prepared by the executive branch and was developed through consultative meetings and workshops to augment the participation of governmental organizations, civil societies and the public at large. The implementation of the plan is now well underway. The Plan will enable the nation to conduct human rights protection and promotion activities in a coordinated and effective manner. In other words it reviews the human rights situation in the country, identifies potential problems, and sets feasible solutions. It addresses civil and political, economic, social and cultural rights as well as the rights of vulnerable groups and the right to clean environment and the right to development.

The government believes that when implemented the plan will ensure the full enjoyment of all the fundamental freedoms and democratic rights which are guaranteed under the Constitution and the human right treaties ratified by Ethiopia.

PART I

CIVIL AND POLITICAL RIGHTS (Articles 2- 12)

EQUALITY BEFORE THE LAW AND RIGHTS TO NON- DISCRIMINATION (Article 2 and Article 3)

Constitutional Measures

The FDRE Constitution, as provided in the preamble stresses the firm conviction of the people to the fulfillment of the main objective of democratic order” which requires full respect of individual and people’s fundamental freedoms and rights, to live together on the basis of equality and without any sexual, religious or cultural discrimination.” Hence, any sort of “discrimination on the grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status” is prohibited under Article 25 of the Constitution.

The underlying principle of equality is reiterated in the Constitution that “all persons are equal before the law and are entitled without any discrimination to the equal protection of the law.” This prompts fairness amongst all factors of differences for inequality. Addressing the case of gender equality, the Constitution under Article 7 accentuates that all provisions of the Constitution are equally applicable for women. Article 35 of the Constitution guarantees equal rights for women in marriage. The right of women in marriage is further dealt under Article 34 which reads that “men and women, without any distinction, have the right to marry and create a family and have equal rights while entering into and during marriage and at the time of divorce.”

Article 35 further provides that women have the right to acquire, administer, control, use and transfer property. In connection with employment, this provision guarantees the equal rights and opportunities of women in promotion, pay, and the transfer of pension entitlements. It also guarantees the right to maternity leave, which might include prenatal leave, with full pay. Article 42 of the Constitution also guarantees women workers the right to equal pay for equal work with men.

The equal opportunities of woman in the formulation of national development policies, the designing and execution of projects, particularly those projects affecting the interests of women, are

affirmed under Article 35. Under Article 89, the Government is obliged to ensure the equal participation of women with men in all economic and social development endeavors.

Article 35 also requires the elimination of the influences of harmful customs to enforce the rights of women. It prohibits laws, customs and practices that oppress or cause bodily or mental harm to women. Further, the article states that, to remedy the historical legacy of inequality and discrimination suffered by women in Ethiopia, they are entitled to affirmative measures.¹⁹

Policy Measures

The key policy frameworks that seek to promote equality before the law and non-discrimination of citizens can be found in the series of policy documents issued by the government. These include: the National Policy on Woman (2000), General Education and Training Policy (1993), the National Health Policy (1993), the HIV/AIDs Policy (1998) and Social Development and Welfare Policy (1998), the Policy on Demography (2000), Policy on Democratic System Building (2002), the Criminal Justice Policy (2011), and Ethiopia's Climate- Resilient Green Economy Strategy (2011)

Legislative Measures

There were many laws enacted by HPR and the regional State Councils which constitute the legislative measures that have been taken to ensure that citizens are equal in the eyes of the law. The Federal Courts Establishing Proclamation No. 25/1996 /as amended/, Federal Courts Advocates Licensing and Registration Proclamation (Proclamation No. 199/2009), the Amended Federal Judicial Administration Council Establishment Proclamation (Proclamation No. 684/2010, Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the FDRE (Proclamation No. 691/2010), Ethiopian Federal Police Commission Establishment Proclamation (Proclamation No. 720/2011), The Revised Family Code (Proclamation No. 213/2000), Family Codes of Regional States, Criminal Law (Proclamation No. 414/2004), Revised Federal Civil Servants Proclamation (Proclamation No.515/2007), Laws of Regional States on Civil Servants, Labor Proclamation (Proclamation No. 377/2002) and its amendment, Rural Land Administration and Land Use Proclamation (Proclamation No. 656/2005), Higher Education Proclamation (Proclamation No. 650/2009), Vagrancy Control Proclamation (Proclamation No. 384/2004), Health Care Service Administration and Management Proclamations.

¹⁹The FDRE National Human Rights Action Plan, 2013- 15

Institutional Measures

The House of Peoples' Representatives (HPR) established a standing committee for women's affairs to oversee the respect, protection and implementation of the constitutional rights of women. In all regional states and city administrations, women, children and youth affairs bureaus have been created, mandated to attend to women's affairs. In all federal executive institutions and Ministries there are women's affairs sections, often at department level, tasked with mainstreaming gender issues. Even at Sub-City and *Kebele* levels, offices have been established to follow up on women issues. The government has also supported efforts of women to organize themselves by enacting laws to that effect as well as by providing material and technical support.²⁰

The Federal and Regional Police Commissions, the Ministry and Bureaus of Justice, and Courts of Law, Boards of Pardon, Ethics and Anti-Corruption Commissions have been established to ensure the equality citizens before the law. The Ministry of Women, Children and Youth Affairs has also been mandated by law to manage and administer issues related to the rights of women in a sustainable and participatory framework. Other Ministries are also required by law to mainstream women's affairs in all their policies, laws, development programs and projects.

Administrative Measures

The policy documents reiterate that all laws are applied in identical manner to all members of the society. In line with the principle of equality before the law, the government officials including judges and police officers are made accountable to the same body of law. Hence, government organs put in place mechanisms to ensure that the services and programs are made available to all citizens irrespective of any conditions. Legal instruments including directives and manuals are issued to ensure that all the practitioners in the justice system including police officers, prosecutors, lawyers, judges, correction officers are applying the law indiscriminately. The law enforcement organs monitor that citizens would not suffer from prejudice or enjoy preference because of their origin, faith or political belief.

The question of equality is attached to the groups that have been subjected to discrimination on the basis of gender, ethnic origin...etc. In this context, among the plans and programs developed by the government and which have produced positive results in translating into action the predicates of women's rights, the following hold prominence:-

²⁰ The FDRE National Human Rights Action Plan, 2013- 15, pg 132

- Women's Sectoral Growth and Transformation Plan which forms part of the Growth and Transformation Plan /GTP/
- National Women's Action Plan for Gender Equality/1/ and /2/
- Ethiopian Women's Growth and Change Package
- National Gender Inclusion Guidelines
- Ethiopian Women Pastoralists and Semi-pastoralists Growth and Change Package

The government has been giving due attention for Women's issues by properly responding to challenges in the implantation of the rights of women and through the implementation the policies and strategies as well as through legal, policy and strategic measures, has enhanced the respect of women's rights avoiding anti democratic perceptions, enhancing the educational status of women and ensuring their economic benefits. In terms of ensuring economic benefits, by the end of 2010, almost one-million women had benefited from the development of micro-finance institutions.

In order to ensure equal access of land to women, landholding certificates are now issued jointly in the names of husband and wife, and because of this, about 28% of rural land holders by 2010 were women or maternal heads of family. To enhance women's access to home ownership, 30 % of the urban condominiums that have been completed and passed to their owners were allocated solely for women. Women were also eligible to apply for the remaining 70% of apartments chosen by lot. As far as equality of access to income-generating opportunities is concerned, 50% of the job opportunities created through the urban development package has been reserved for women.

The government has taken series of positive measures in terms of enabling women to get education by highlighting the importance of increasing women education, to ensure respect for the rights of women. With regard to encouraging women to join higher educational institutions, the requisite GPA for college entrance for women students was lowered from that expected from male entrants and 30 % of the seats in any department of a higher education institution allocated for women students, while allowing women also to compete with male students for the remaining 70%. Furthermore, with the objective of supporting female students to compete equally with male students, extra tutorials are provided and arrangements put in place to support female students from low income families to help them complete their higher education.²¹

²¹The FDRE National Human Rights Action Plan, 2013- 15, pg 133

Women's political participation has grown noticeably. In the 4th national election in 2010, the number of women candidates was 7% higher than in the previous election and almost half of the voters, about 47.8%, were women. In the House of Peoples' Representatives, the share of women members rose to 29% in 2011 increasing from an original 2.75%. Among the federal executive authorities, ministers, ministers of state, commissioners, deputy commissioners the number of women has reached 19%, and in the judiciary, it has reached 19.8%.²²

Judicial Measures

Recently, there was a case before the Federal High Court which relates to the nature of the principle of equality before the law; the formal justice criteria that all cases must be treated alike. The Federal Ethics and Anti-Corruption Commission brought charges in 2013 to the Supreme Court against the former leadership of the Ethiopian Revenues and Customs Authority (***Melaku Fenta et al Vs Public Prosecutor***) on the basis of Article 8 of Proclamation No. 25/1996. According to this Proclamation, in principle the Federal Courts have jurisdiction over; - Cases arising under the Constitution, Federal Laws and International Treaties; places specified in the Constitution or in Federal Laws. Under Article 8 of the Proclamation, the Federal Supreme Court was granted exclusive First Instance Jurisdiction over offences for which officials of the Federal Government are held liable in connection with their official responsibility.

The defendants challenged the jurisdiction of the Supreme Court claiming that the law denied them their Constitutional Right to appeal. The lawyers of the defendants had argued that even if the former Director General of Ethiopian Revenues and Customs Authority (ERCA) was a government official with a Ministerial rank, he should not be tried at the Federal Supreme Court because this would deny him the Constitutional right for appeal. They presented their case to the Federal High Court's 15th Criminal Bench which referred the case of ***Melaku Fenta***, and others, to the Council of Constitutional Inquiry, requesting the latter needed to determine whether the Federal High Court had material jurisdiction on the issue. The Court indicated that the case needed interpretation by the Constitutional Inquiry Commission despite counter arguments from prosecutors of the Federal Ethics & Anti-Corruption Commission (FEACC).

The Council of Constitutional Inquiry, a professional body tasked to investigate and decide on constitutional disputes, found that the provisions violate a defendant's right to appeal' as stated

²²The FDRE National Human Rights Action Plan, 2013- 15, pg 133

under Article 20 (6) of the FDRE constitution. They also found the provisions contrary to the principle of equality before the law (Article 25 of the constitution). Based on this decision they submitted the matter to the House the Constitutional and Regional Affairs Standing Committee. The issue was sent to the attention of the House of Federation (HoF)

The House (HoF) considered the Proclamation that granted the Federal Supreme Court exclusive first instance jurisdiction over criminal cases involving senior government officials. Then, the House by an overwhelming majority, declared Article 8 (1) of Proclamation No. 25/96 and a similar provision, Article 7 (1) of Proclamation No. 434/05 granting the Federal Supreme Court, the country's highest and final judicial organ, first instance jurisdiction over criminal suits involving government officials to be unconstitutional. The HoF decision rendered the provisions of the Proclamation null and void. Accordingly, the Federal High Court retained jurisdiction over the case.

This decision has far reaching implication; henceforth, subject to other basis of jurisdiction, cases concerning all government officials, including members of House of People's Representatives, HoF, Ministers and officials above the rank of Ministers, and judges of the Federal Supreme Court can be brought before any court.

RIGHT TO LIFE (Article 4)

Constitutional Guarantee

The FDRE Constitution guarantees for Right to Life and provides for the application of the death penalty for serious Criminal Offences determined by the law. Article 15 of the Constitution reads "... Every person has the right to life. No person may be deprived of his life except as a punishment for most serious criminal offences determined by law."

Based on the principle set in the Constitution, the Criminal Code envisages the death penalty as a last resort punishment for serious offences. For instance, crimes such as genocide and war crimes or crimes against humanity and offenses against an individual such as aggravated homicide might entail the death penalty under the Code. A thief or a robber or even a killer is more often sentenced to imprisonment under the criminal laws of the country. But imprisonment is not all. Capital punishment is envisaged as one of the methods of punishment to be imposed on criminals and the FDRE Constitution saves a room for application of the death penalty.

Policy Measures

The Ethiopian government has also adopted the following policy measures which have bearing on guarantees and protection of the right to life.

- The Criminal Justice Policy (2011):- This policy highlights the basic foundations of the criminal justice and accentuates the significance of pardon for those under death penalty.
- The Health Policy: - This policy is the result of a critical examination of the nature, magnitude and root causes of the prevailing health problems of the country and awareness of newly emerging health issues. It underlines the preventive measures to be taken to advance the right of citizens to life. In light of this, it sets realistic goals and the means for attaining them based on the fundamental principles that health, constituting physical, mental and social well-being, is a prerequisite for the enjoyment of life and for optimal productivity.²³

Legislative Measures

The following legislations have been promulgated.

- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the FDRE (Proclamation No. 691/2010)
- Criminal Code of the FDRE (2004) and the Criminal Procedure Code Proclamation
- Anti-Terrorism Proclamation (ATP) No. 652/2009
- Procedure of Granting Pardon (Proclamation No 395/2004)
- Labor Proclamation (Proclamation No. 377/2003)
- Employment Exchange Services (Proclamation NO. 632/2009)

These laws provide the framework for advancing the right to life, for instance the main objective of ATP as indicated in the preamble is to protect the right of citizens to live in peace, freedom and security has to be protected, at all times, from the threat of terrorism.

The HPR promulgated the Anti-terrorism proclamation No. 652/2009 (herein after ATP) on the 28th August 2009. The ATP was enacted in line with the UN Security Council resolution 1624 which requested member states to enact domestic anti-terrorism laws to combat terrorism and to

²³ Health Policy of the Transitional Government of Ethiopia (1993), Paragraph 5.

protect the life of its people from the threat of terrorism. It was carefully crafted in compliance with human rights laws, as a central element in strengthening our effort to tackle the dangers posed by terrorist activities. Indeed, the objective of the ATP is to fight terrorism adequately in all its forms. The Government believes that fighting terrorist activities while protecting human rights is the basis for the full protection and promotion of fundamental human rights and freedoms. The Criminal Code under Article 117–120 provide that sentence of death shall be rendered only in cases of grave crimes and on dangerous criminals. The Principles set under the Criminal Code on Death Penalty outlines that the punishment will only be prescribed when the Crime is a completed crime and if there are not any extenuating circumstances; and if the criminal, at the time of the commission of the crime, has attained the age of eighteen years. A death sentence shall not be carried out unless confirmed by the President of the State; nor can it be executed before ascertaining non-remission or non-commutation by pardon or amnesty. Death sentence shall not be carried out on fully or partially irresponsible or seriously ill person or on a pregnant woman. In the case of a woman with child and such child is born alive and the mother has to nurse such child, the death sentence may be commuted to rigorous imprisonment for life. A sentence of death may be commuted or remitted by way of pardon or amnesty.

The Criminal Code restricts the application of the death penalty only to the "most serious crimes". Despite this legal framework, the actual execution of death penalty in Ethiopia is noticeably low, virtually non-existent. Capital punishment is very rarely invoked, and requests for or sentencing has been minimal, owing to the rigorous procedure required, including approval by the Head of State and the option of pardon provided under the law. Indeed, the rigorous procedure involved makes it difficult to implement. After 1992, almost all decisions of death penalty have been commuted by life imprisonment through pardons. There have only been few instances of the penalty being carried out. This means that Ethiopian Courts continue the imposition but not execution of death sentences apart from the most exceptional circumstances. Even in the case of Red Terror charges against senior officials of the former Military Regime the President reduced the punishment in all cases to long terms of imprisonment.

In addition to this, there are procedural safeguards that must be respected in all trials that relate to serious offences. The carrying out of executions without a court judgment pronounced by a regularly constituted court, affording all judicial guarantees has been upheld. In the Ethiopian legal system, no person can be sentenced to death without a 'trial'. As elementary as this proposition

seems, its importance must be understood with reference to the innumerable executions, notably during the civil war that have taken place under the previous regime merely as a result of the orders given by the Head of State, the Minister of Justice or a high ranking military officer. The right to seek pardon, clemency, reprieve or commutation is widely admitted and rarely poses much of a real problem for States, because it is an inexpensive concession. In a nutshell, imprisonment is the principal mechanism used to achieve the objectives of punishment in Ethiopia, as in many national criminal justice systems.

Institutional Measures

The Police Commissions, the Ministry and Bureaus of Justice and the Courts have been established at Federal, Regional and City Administration levels. In addition to these, the Boards of Pardon have been established at Federal and Regional levels to enable all convicted persons including persons sentenced to death to submit requests for pardon.

Administrative and Judicial Measures

In 2010, the Federal Supreme Court of Ethiopia Issued Directive No. 1/2010 in order to ensure predictability of sentences and fines imposed by criminal benches across the nation. To this end, courts impose death penalty only in the most serious cases and using similar standards set by the directive in line with international human rights instruments and the Constitution. Moreover, Persons accused of serious criminal offence punishable by death penalty have the right to be represented by legal counsel of their choice, and, if they can't afford this the government will provide them with one.

Directives have also been issued both at Federal and Regional levels to ensure that members of the police and prison administrations respect the right to life in their relations with persons in custody and imprisonment as well as with the general public. With regard to the members of the Defense Force, the Council of Ministers has issued regulations prohibiting violation of the right to life of civilians in the course of their active duty. The Ministry of Defense has also issued directives in conformity with the laws of the country to respect and ensure this important right. These directives enable the enforcement of the right and make persons accountable when violations occur.

The Ethiopian Human Rights Commission monitoring report shows that efforts at protecting and respecting the right to life of detainees in all detention centers have been positive. While there were

cases of detainees who died in detention, it appeared detainees, who had received medical attention, had died of ill health or of natural causes. There have been cases of detainees shot and killed by detention center wardens while attempting to escape. Such cases are investigated and those responsible were charged under the law. For instance, a detainee who tried to escape was shot and killed by a detention center warden on duty in *Addis Zemen* Detention Center (*Ambara* Region). The warden was charged and punished. Overall there has, been no evident problem in regard to protecting and respecting the right to life of detainees in all regional and federal detention centers.

It was understood that 174 persons (four of whom are women) in the prisons monitored have been sentenced to death by a court of law. In many instances, the government granted pardon to those under death row. However, according to information received from prison administrations, no death sentences have been carried out in any regional detention centers to-date or in any federal detention centers since 2008. Efforts are made in most detention centers to provide those sentenced to death, with counseling services and with their consent, with training and participation in jobs, as is the case for all other detainees. Equally, as noted above, there is also the possibility of pardon in this and other cases. Article 229 (1) of the 2005 FDRE Criminal Law provides that, unless prohibited by another law, prison sentences passed by courts can be terminated, partly or fully, by pardon. Accordingly, the Federal government as well as Regional Administrative Councils has been regularly granting pardons to detainees that meet the pardon requirements. A total of 18,246 detainees country-wide were released on pardon in 2010-2011. Of these 767 were women detainees.

With respect to the right to life in context of health policy, the government has been successfully implementing a number of projects aimed at reducing the infant mortality rate and maternal mortality. Over the period between 2005 and 2011 the rate dropped from 77/1000 to 59/1000. A National Nutrition Program was also designed and successfully implemented, reducing the death of children from malnutrition. The Government, by expanding health care institutions to the lowest levels of administration in line with its prevention- oriented health policy, has managed to increase life expectancy from 50.9 for women and 53.5 for men in 2002 to 60.4 for women and 58.4 for men in 2010.

In order to reduce road traffic fatal accidents, a Council of Road Traffic Safety was established under the Ministry of Transport pursuant to the Council of Ministers' Regulation No. 205/2011. This body, consisting of stakeholder organizations, has the responsibility for developing and

establishing systems for reducing road accident fatalities and coordinating the activities of all concerned. The Secretariat of the Council has drafted a 10-year Road Security Action Plan, currently under implementation.

The death of Citizens' from famine has also been reduced and progressively abolished through developing the productivity of farmers, pastoralists and semi-pastoralists, through the successful implementation of developmental safety-net programs, by raising the purchasing power of rural society and by putting in place disaster prevention and early warning systems. The government put in place appropriate mechanisms to facilitate the provision of food assistance to famine prone areas.

RIGHT TO HUMAN DIGNITY, LIBERTY, SECURITY AND PROHIBITION OF TORTURE AND INHUMAN TREATMENT (Article 5 and Article 6)

Constitutional Guarantee

The FDRE Constitution under Articles 24 provides that “everyone has the right to respect for his human dignity, reputation and honor.” In addition, Article 16 and 17 of the Constitution guarantee all citizens the right of protection against bodily harm and deprivation of the right to liberty, except on such grounds and in accordance with such procedures as are established by law. No one shall be subjected to arbitrary arrest, and no person may be detained without a charge or conviction against him.

Article 18 of the FDRE Constitution provides that everyone has the right of protection against cruel, inhuman or degrading treatment or punishment and no one shall be held in slavery or servitude or be subject to human trafficking. It goes further and declares that no one shall be required to perform forced or compulsory labor with the exception of any work or service normally required of a person who is under detention in consequence of a lawful order; or of a person during conditional release from such detention. Other exceptions include case of conscientious objectors; any service exacted in lieu of compulsory military service; any service exacted in cases of emergency or calamity threatening the life or well-being of the community; or any economic and social development activity voluntarily performed by a community within its locality. Under article 93 of the constitution, it is stated that the right to security of the person and prohibition of inhuman treatment may not be removed even during a state of emergency.

Policy Measures

FDRE Criminal Justice Policy (2011) constitutes a key policy framework that seeks to promote citizens right to human dignity, security, liberty and the prohibition of torture and inhuman treatment.

Legislative Measures

Laws listed below and other various relevant laws enacted by the HPR and the Regional Councils and the draft Criminal Procedural Law constitute legislative measures taken to protect citizens right to Human Dignity, Security, liberty and to protect them from torture and inhuman treatment.

These laws elucidate the basic concept of human dignity which is tied to inherent nature of the human person and the honor and respect to be accorded to human beings and protections offered to each person.

- Criminal Code of the FDRE (2004)
- Criminal Procedure Code Proclamation (1961)
- Federal Prisons Commission Establishment Proclamation (Proclamation No. 365/2003)
- Ethiopian Federal Police Commission Establishment (Proclamation No. 720/2011)
- Registration of Vital Events and National Identity Card (Proclamation No. 760/2012)
- Employment Exchange Services Proclamation (Proclamation NO. 632/2009)
- Labour Proclamation (Proclamation No. 377/2003 /as amended/) and
- Anti-Terrorism Proclamation (Proclamation No. 652/2009)

Institutional Measures

The Government has established the necessary organs charged with the administration of justice. The Ministry of Justice, Bureaus of Justice in the regions, the Federal Police Commission and Regional Police Commissions, as well as Courts of Law at various levels took measure to promote the right to human dignity, security, liberty and the prohibition of torture and inhuman treatment.

In addition to these, the Ministry of Women, Children and Youth Affairs, the Ministry of Culture and Tourism at the Federal level and the parallel Bureaus at the Regional level are fully engaged in

prevention of harmful traditional practices particularly against women and children. The Ministry of Labor and Social Affairs together with other Government organs has been given the task of ensuring the respect for labor rights and security of person.

Administrative Measures

The Council of Ministers issued a Regulation for Administration of the Federal Police Commission. This Regulation obligates the members of the Commission to respect the human rights enshrined under the FDRE Constitution in performing their duties and prohibits the violation of these rights. Similar provisions have also been inserted in the Regulations for the administration of all Regional Police Commissions.

The government has also issued further regulations to underline and ensure the human rights of persons held in custody in prisons throughout the country, in particular, the right to receive treatment respecting their human dignity. A detailed Draft Regulation to implement the provisions of the Proclamation No. 720/2004 establishing the Federal Police Commission has been submitted to the Government. The Draft Regulation stipulates that any member of the Federal Police Commission violating the rights enshrined in the Constitution will, notwithstanding more severe punishments under other laws will also face serious disciplinary action.

The government has enacted regulations prohibiting members of the National Defense Force from violating citizen's right of human dignity and protection against bodily harm and inhuman treatment in the course of their active duty. Equally, the Ministry of Defense has also issued appropriate directives in conformity with these regulations. A mechanism has been put in place to bring before military courts any members of the defense force who violate rights in the course of duty.

Federal and regional police commissions as well as prison administrations have incorporated the right to human dignity and prohibition against torture and inhuman treatment in the curricula of their respective training institutions. They provide continuous on-job training to their members in order to ensure that they do not commit violations and are able to prevent violations by third parties.

All Police Commissions have established Ethics/Discipline Committees to investigate cases of violation of human rights and take necessary administrative measures against perpetrators. A large number of Police stations and investigation centers across the country have now set up Ethics

Control and Complaints Reception Offices within their premises to receive citizens' complaints of human rights violations. Following the implementation of Business Process Engineering (BPR) at the federal level and in many regions across the country, prosecutors have also been assigned to police stations to assist in criminal investigations and ensure that human rights violations do not occur in the process. Courts of law are able to receive complaints of violation of human rights in the course of police investigations, and order investigations of any such allegations.

In this connection, detainees in detention centers also claim for their freedom from inhuman treatment. The EHRC received reports from persons under custody in 49 detention centers that inmates who commit grave disciplinary offences are subjected to certain inhuman treatment by the detainees' disciplinary committees. Detainees also spoke of instances in certain prisons where they had been arbitrarily beaten by some prison wardens. Prison administrators investigated cases of abuse. They explained that certain disciplinary measures were taken where restraint has been used, or where detainees convicted of grave criminal offences have been handcuffed where there was a need to punish detainees who tried to attack other inmates. The action was taken, lest they try to escape while being escorted to court or for medical treatment.

Ethiopia ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2002 which now an integral part of the law of the land. In considering the issue of inhuman treatment and punishment in prisons, the government conducted focused investigations on whether there have been acts of torture against detainees. The Ethiopian Human Rights Commission, during the monitoring has conducted in prisons found that while there have been instances of unlawful punishment of detainees, there was no indication that this was of an institutional nature, nor was this ordered by public officials. The monitoring, and the data collected, also shows that acts of torture not inflicted against detainees at any institutional level. Some occasional cases have occurred and disciplinary action taken. The few instances of arbitrary beatings of detainees by some wardens in detention center appeared to be due to lack of awareness or understanding. Nevertheless, disciplinary measures are always taken against prison wardens that are found to have beaten detainees.

National and international laws on the treatment of detainees provide that detainees are entitled to health services. In this regard, Article 27 of the Federal Prisons Establishment Proclamation, Article 11 of the Federal Detainees Treatment Regulation No. 138/2007 and regional regulations and

directives on the treatment of detainees, indicate that detainees have the right to free medical services. Currently, 76 detention centers have health service clinics, though these have yet to be established in 38 others. Generally, detainees receive free medical services in all detention centers, manpower and laboratory facilities, patients are referred to health centers outside the detention centers. In prisons where there are no clinics, patients receive medical services at the nearest health stations.

Following the implementation of the Business Process Re-engineering (BPR), detainees in *Oromia*, *SNNPRS*, *Ambara*, *Tigray* and *Harari* regions are able to meet their family members seven days a week in total freedom and without interference by detention center wardens. In so far as in *Afar*, *Gambella*, *Somali* and *Benshangul/Gumuz* regions where this process has yet to be finalized persons under custody are allowed visits by family members twice a week (Saturdays and Sundays). With regard to the right to access to information, detainees in regional detention centers were given the opportunity to use personal radio and to watch television programs to get information. In federal prisons, there are television sets in all areas, however, the use of personal radios is prohibited because it would disturb others. In 75% of the regional detention centers, there are television sets in each room and except for the *Gode*, *Jigjiga*, *Arsi Robe*, *Agnwak*, *Ameya* and *Ani* detention centers, all other detention centers have television sets in entertainment centers, for common viewing. Detainees are allowed to receive books under strict scrutiny.

THE RIGHT TO FAIR TRIAL (Article 7)

Constitutional Guarantee

Article 20 of the FDRE constitution provides that accused persons have the right to a public trial by an ordinary court of law within a reasonable period of time after having been charged. They have the right to be informed of sufficient particulars of the charge brought against them and to be given the charge in writing. During proceedings, these persons have the right to be presumed innocent until proven guilty according to the law and not to be compelled to testify against them. It is also provided that they have the right to be given full access to any evidence presented against them, to examine witness testifying against them, to adduce or to have evidence produced in their own defense, and to obtain the attendance and examination of witnesses on their behalf before the court.

They have the right to be represented by legal counsel of their choice and if they do not have sufficient means to pay for it, they will be provided with legal representation and expenses are

covered by the state. They also have the right to appeal and have the right to request for the assistance of an interpreter at state expense where the court proceedings are conducted in a language they do not understand. These persons shall also have the opportunity to communicate with, and be visited by, their spouses and partners, close relatives, friends, religious councilors, medical doctors and their legal counsel.

The right to fair trial is one of the pillars of rule of law as enshrined in the Constitution, fairness relates to expeditious process, the right of the accused to be tried within a reasonable time. Article 19 of the FDRE Constitution provides that persons held in custody and convicted persons have the right to be informed promptly, in a language they understand, of the reasons for their arrest and of any charge against them. They have the right to remain silent and the right to be informed properly in a language they understand, that any statement they make may be used as evidence against them in court. They also have the constitutionally guaranteed right to be brought before a court within 48 hours of their arrest and the right to petition the court to order their physical release when they fail to appear before the court within the prescribed time. They cannot be compelled to make confession or admissions which could be used against them. It is also provided that they have the right to be released on bail and only in exceptional circumstances as prescribed by law, unless the court deny bail or demand adequate guarantee for the conditional release of the arrested person.

Policy Measures

The government adopted the Democratic System Building Policy /2002/ and the Criminal Justice Policy /2011/ as the key measures that seek to promote the right of citizens to fair trial.

Legislative Measures

The legislative measures taken to promote citizens' rights to a fair trial are contained in: the Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the FDRE No. 691/2010, Criminal code of the FDRE (2004), Criminal Procedure Code (1961), Federal Prisons Commission Establishment Proclamation No. 365/2003, Amended Federal Judicial Administration Council Establishment Proclamation (Proclamation No. 684/2010), Federal Courts Advocates Licensing and Registration Proclamation (Proclamation No. 199/2000), Ethiopian Federal Police Commission Establishment Proclamation (Proclamation No. 720/2011), Registration of Vital Events and National Identity Card Proclamation (Proclamation No. 760/2012), Draft criminal procedure law and Various Relevant laws enacted by Regional Councils.

Article 26 of the Federal Courts Proclamation No. 25/1996 prescribes that all cases shall be heard in an open court. The cases may only be heard in camera in consideration of the public and state safety and security or public morality and decency. In accordance with this legal framework, hearings in ordinary courts are held always open to the public.

Institutional Measures

The Ethiopian Government has established and is actively engaged in continuing and ongoing capacity building programs for the Police, Prison Administrations, Courts of Law, Ministry and Bureaus of Justice at the Federal, Regional and City Administration levels.

Administrative Measures

The Ministry of Justice ensures that any prosecution and trial in the Ethiopian justice system follows all the legal principles of fair trial including a public hearing, due process, presumption of innocence and other principles incorporated under the international human rights instruments to which Ethiopia is a party or under the FDRE Constitution.

As part of the Business Process Re-engineering (BPR), Prosecutor-led investigation and Real Time Dispatch (RTD) benches have been introduced at the federal and regional levels. The Prosecutor-led investigation has solved problems of delay in the phase of the investigation of crimes. Accordingly, the arrested persons are charged once the evidence needed to start the procedure is gathered. In accordance with the Criminal Procedure Code, the Courts may allow 14 days in the event where time is needed for further investigation and also strictly follow up what has been done during the 14 days provided. Once investigation is complete, the Court will proceed with trial of the case in accordance with the Criminal Procedure Code and in a manner that ensures the right to a speedy trial. A “real-time dispatch” system has also been put in place in regions, to allow judgment and sentencing to be undertaken within one day, in petty offence cases where there is a clear identification of the crime and the culprit.

The presumption of innocence until proven guilty is one the basic principles incorporated in the Criminal code and the Criminal Justice policy. The Courts apply strictly the principles of presumption of innocence, due process in the context of criminal and constitutional law. There are many instances where courts give orders to prosecution on the presumption of innocence, the right to a fair hearing; guarantee to be tried within a reasonable timeframe, the right to be tried by a

competent, independent and impartial court, and the right to appeal a conviction. The Supreme Court has repeatedly upheld the importance of these Constitutional guarantees and ruled that all courts maintain the same.

By implementing intelligence-led investigation in line with the National Criminal Justice policy through the various BPR studies at the federal and regional levels, it has been possible to shorten the time frame of criminal investigations take. Suspects are not arrested before the gathering of sufficient evidence and a time frame is to be provided for investigators and prosecutors to complete their criminal investigations. Particular attention has been given to activities designed to better ensure respect of the human rights of persons arrested, held in custody and convicted persons and there were aptly incorporated in the National Growth and Transformation Plan (2010/11-2014/15).

The human rights of persons held in custody have been included in the curricula of Federal and regional police training institutes and colleges and trainings given accordingly. Numerous on-job trainings have also been given to management and guard officers of Prison administrations on the rights of convicted persons.

Regular visits of prisons have been conducted by members of the Ministry of Justice, the House of Peoples' Representatives and the Ethiopian Human Rights Commission at the federal level and the Bureaus of Justice and the State Councils at Regional level to monitor respect for human rights. Recommendations are regularly submitted to the management of Prison Administrations and other relevant government bodies so that corrective measures can be taken as necessary.

The Ministry of Justice has submitted a draft proclamation on community service sentencing and other alternative forms of punishments to the government. In the implementation of the right of convicted persons to petition for pardon, the government released over sixty-two thousand /62,000/ prisoners have been from federal and regional prisons in the country since 1993. This pardon has been granted on the basis of good behavior and moral rehabilitation. In addition to this, the Ministry of Justice is currently drafting a new proclamation on the procedures for granting pardon to replace the one in force to ensure improved and wider access to the right.

Prison Administrations across the country provide three meals a day to all prisoners and continuous revision and an increase has been made in the amount of money allocated to feed each convict in line with market prices.

In conformity with the UN minimum standard rules for the treatment of prisoners, the Council of Ministers has issued ‘Council of Ministers Regulations on the Treatment of Federal Prisoners No. 138/2007’ to ensure respect of human rights for prisoners. Strict disciplinary punitive measures are provided under Regulation No. 137/2007 (the Council of Ministers Federal Prison Warden’s Administration) in cases of human rights violations.

In collaboration with other stakeholders, the federal prison administration gives free legal aid services for prisoners upon request. Hence, in the year 2011 the Federal Prisons Administration arranged for free legal aid services to 8,729 prisoners. A National Prison Administrations Strategic Plan is also being implemented in order to standardize the treatment of and provision of services to prisoners at federal and regional levels.

The justice sector reform program designed to increase the effectiveness and the efficiency of law makers, courts of law and law enforcement organs is being implemented through training and the implementation of new working strategies. Part of the program relating to the courts of law is organized by the Federal Supreme Court while the remainder is overseen by the ministry of justice.

The Federal Supreme Court has led a Children’s Justice Project with the purpose of ensuring that the rights of the child enshrined under the FDRE constitution are fully implemented and to create a justice system which is adaptable to children’s need is created. As a result, the project office has been carrying out research studies on the justice system and children for several years. Various training has been given for judges, prosecutors, police officers, and prison administration officers with regard to treatment of children.

The introduction of real time dispatches for speedy investigation, charging and sentencing of particularly simple medium, criminal offences in which all relevant evidence is available) both at federal and regional courts, justice bureaus and police commissions has shown commendable results in ensuring speedy trials.

A sentencing manual implemented in all courts throughout the nation has been prepared by the federal Supreme Court. This has provided for a significant reduction in the attrition rate, backlog, and the year-to year carryover of cases. It has also improved the predictability and fairness of cases. The case and data management system of Federal and some regional courts has now been upgraded to a database system with tape-recording and transcription of testimonies during trial. A federal

courts reform program (2008-2015) is under implementation with the purpose of ensuring fair, effective, efficient and equitable adjudication of cases.

Office of public defenders has been established both at the federal and regional levels. In addition to this, bureaus of justice at both levels assigning private advocates pro bono to those who can't afford it. In collaboration with the Ministry of Justice, the courts, and justice organs' professional training institutes, training is regularly provided for judges and public prosecutors to enhance their professional competence and reinforce their ability to respect and ensure human rights. The right of accused persons to be presumed innocent until proved guilty in accordance with the law is instilled in the criminal justice system. In order to implement the presumption of innocence in criminal cases the burden of proof is placed on the Public Prosecutor. The Government took measures to protect the rights of persons deprived of their liberty, especially those in the detention centers. The Prison Administration has zero tolerance for torture, inhuman, degrading or other cruel treatments, which are prohibited by the Constitution and suspected persons would not to be compelled to testify against themselves.

Interpreters have been assigned in all courts of law so that a citizen's constitutional right to request for interpreter has been protected. Federal Courts are also preparing to introduce a 'pre-trial conference' system which will give the accused full access to any evidence presented against him. The Ministry of Justice has established a directorate to separately deal with crimes against women and children and similar structures has been set up in many of regions.

Judicial Measures

In the case of *Shambel Hussein Ali vs. Public Prosecutor* for Somali Regional Government, which reached to the level of the Supreme Court, the Cassation Court (under File Number 37050) decided that the death penalty imposed by the lower courts was in contravention of his rights under the law. This case was regarding the aggravated homicide and the complainant brought appeal to the court on the ground that his right to counsel was not respected; he was not given sufficient time to prepare his defense and the death penalty passed by the lower courts violates his rights under the law. The Supreme Court cited Article 13(1) and 25(5) of the FDRE Constitution and ruled that his rights were violated by the lower courts and reversed the decision of the lower courts.²⁴

²⁴ See details which is available at <http://www.fsc.gov.et>

FREEDOM OF RELIGION AND BELIEF (Article 8)

Ethiopia is a multi-religious country where a culture of respect and acceptance developed over centuries of mutual coexistence. Judaism, Christianity and Islam were accommodated in the nation. In accordance with the recent statistical data, about 43.5% of the country's population is Orthodox Christian, 33.9% Muslim, 18.6% Protestant, and 4.6% traditional religions, 0.7% Catholic and 0.6% others.²⁵

Constitutional Guarantee

The Constitution of the Federal Democratic Republic of Ethiopia provides that everyone has the right to freedom of thought, conscience and religion. These rights include the freedom to hold or to adopt a religion or belief of his/her own choice, either individually or with others and to manifest his religion or belief in public or private. The Constitution further provides for the right to establish institutions of religious education and administration in order to propagate and organize a religion, and that parents and legal guardians have the right to raise their children in conformity with their religious and /or moral convictions. In addition to this, the Constitution under Article 11 guarantees the separation of State and religion (i.e. there shall be no state religion and the state shall not interfere in religious matters and religion shall not interfere in state affairs). In other words, citizens' rights to adopt a religion or belief of his/her own choice and the separation of state and religion are constitutionally guaranteed.

Policy Measures

The government adopted a Policy on Democratic System Building in Ethiopia (2002) which constitutes the key statement to promote citizens' rights of freedom of religion and belief.

Legislative Measures

The Legislative measures taken to protect citizens' right of freedom of religion and belief include: Proclamation to Provide for the Registration and Regulation of Charities and Societies (Proclamation No.621/2009), Civil Code (Proclamation No. 1/1960), Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of FDRE (Proclamation No. 691/2010), Criminal Law (Proclamation No. 414/2004).

²⁵Data from the Ethiopian Central Statistics Agency available at <http://www.csa.gov.et/>

Institutional Measures

The Ministry of Federal Affairs and the Inter-religious Council has been given the task of ensuring citizens freedom of religion and belief. The Ministry of Justice, the Civil Societies Agency and other governmental institutions provide assistance to religious institutions.

Administrative Measures

In January 2010, the major religious groups established an inter-Religious Council with the aim of maintaining religious tolerance, promoting a culture of peace through religious participation while enabling religious institutions to advance their faith freely and without infringing anyone's constitutional rights. The government has extended support to the Council in its efforts to foster religious tolerance between the various groups. Since January 2010, the Council has organized several awareness creation and enhancing conferences in collaboration with government organs including the Ministry of Justice and the Ministry of Federal Affairs. The Council has also organized one national and two regional consultative and experience-sharing workshops with the participation of 870 religious leaders and faith-based organizations (FBO) in some of the regional states on issues related to harmful traditional practices (such as female genital mutilation), HIV and AIDS, and maternal and youth reproductive health.

Adherents of the various religions have freely exercised their right to establish institutes of religious education, and published and disseminated religious books, newspapers and magazines. In strict conformity with the constitutional principle of separation of state and religion, all religions in Ethiopia are able to elect their leaders using their own internal regulations. Furthermore, the followers of any religion can, and do, observe and celebrate their religious holidays either within their religious institutions or in public. On such occasions, the Government, in consultation with the concerned religious institution, provides the necessary arrangements for peace and security.

The government has also addressed administrative grievances submitted by the followers of different religions and resolved issues peacefully. For instance, the Ministry of Federal Affairs facilitated consultations in 2010 among the leaders of Christians and Muslims after exploring the conflict between the followers of both religions in *Jimma* area.

In Ethiopia, religious groups cohabit peacefully. In general, religious questions have been resolved satisfactorily over time. Religious issues among the followers of a particular religion are managed

and resolved according to the teachings of each religion and through peaceful and orderly fashion. Recently, some individuals and groups have attempted to incite and create violence, under the cover of religion or belief, which might lead conflict among citizens or inter-religions confrontations. The Government takes strict corrective measures to ensure the supremacy of the law when such actions involve criminal activity.

Peoples with different religions lived in harmony for a very long time. Government media transmits religious celebrations to advance and recognize the values, giving due focus on its cultural significance and the mutual respect. Traditional religious practices are also respected. Freedom of religion and the right to worship freely are practices that have been promoted by the government and the society at large. Any attempt to tamper with this freedom entails criminal prosecution.

Judicial Measures

Recently the Federal Supreme Court passed decision on case *W/o Manyahleshal Abera Vs. Saint Michael Church* (file Number 85979) regarding a claim which was presented on the basis of Article 11, and 27 of Constitution that deals with the freedom of religion.²⁶

ACCESS TO INFORMATION AND FREEDOM OF EXPRESSION (Article 9)

Constitutional Guarantee

The FDRE Constitution provides that everyone has the right to hold opinions and the right to freedom of expression without any interference. The later right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in form of art, or through any media of one's choice. Freedom of the press and other mass media and freedom of artistic creativity are also guaranteed in the constitution. Freedom of the press specifically includes prohibition of any form of censorship and full access to information of public interest. The FDRE Constitution further states that in the interest of the free flow of information, ideas and opinions which are essential to the functioning of the democratic public order, the press shall, as an institution, enjoy legal protection to ensure its operational independence and its capacity to entertain diverse opinions.

²⁶ See details which is available at <http://www.fsc.gov.et>

Policy Measures

The Democratic System Building policy (2002) constitutes the key framework that seeks to promote citizens' Right of Access to Information and Freedom of Expression.

Legislative Measures

The Legislative measures taken to protect citizens' right of Access to information and Freedom of expression are found in: Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of FDRE (Proclamation No. 691/2010), Broadcasting Service Proclamation (Proclamation No.533/2007), Freedom of the Mass Media and Access to Information Proclamation (Proclamation No 590/2008), A Proclamation to Consolidate the House of the Federation of the Federal Democratic of Ethiopia and to Define its Powers and Responsibilities (Proclamation No. 251/2001), Criminal Law (Proclamation No. 414/2004), Civil Code (Proclamation No. 1/1961), Advertisement Proclamation (Proclamation No. 759/2012), the Commercial Radio Broadcasting Services, the Community Radio Broadcasting Service, the Broadcasting Service Grievance Handling and Subscription Broadcasting Service Directives.

According to this proclamation, the Agency shall refuse to register a Charity or Society where; the rules of the proposed Charity or Society do not comply with the necessary conditions set by this Proclamation, the proposed Charity or Society is likely to be used for unlawful purposes or for purposes prejudicial to public peace, welfare or good order in Ethiopia, the application for registration does not comply with the provisions of this law or any regulations made hereunder, the name under which the proposed Charity or Society to be registered resembles the name of another Charity or Society or any other institution or is contrary to public morality or is illegal, where the nomenclature of the Charity or Society is country wide and the composition of its members or place of business do not show the representation of at least five regional states, and the license of any Charity or Society shall be canceled where; its registration has been procured by fraud or misrepresentation, it has been used for unlawful purposes or for purposes prejudicial to public peace, welfare or security, it fails to rectify the causes for suspension within the time limit set by the Agency, it fails to renew its license, or it commits a crime by violating the provisions of the criminal code or that of this Proclamation.

Concerning registration and regulation of charities and societies, regional states have enacted and enforced their own regulations and handled this through their respective Agencies. The Agency itself has set up an appeal system under which the Charities and Societies Board receives and adjudicates complaints of violation of its rights by any aggrieved charity or society. The Agency's Board consists of seven members, two of whom are representatives of the charities and societies, an arrangement which provides better bargaining power for the societies and further ensures their constitutional rights are respected. The Agency has enacted and applied diverse and detailed regulations and directives to facilitate the activities of Charities and Societies. Additionally, in connection with resolving common problems and challenges of the charities and societies, there has been established Civil Society Working Group inclusive of: the Government, charities, societies and development partners.

Institutional Measures

Ethiopian Broadcast Authority and Office of Government Communication Affairs has been given the task of ensuring citizens' right of Access to Information and Freedom of Information.

Administrative Measures

The Government fully recognizes the indispensable role to be played by a free, independent and diverse mass media with high ethical standards and professional competence in the national endeavor to build a fully democratic order. It has issued the Freedom of Mass Media and Access to Information Proclamation (Proclamation No. 590/2008). This proclamation provides that citizens have the right to create and establish mass media services which creates enabling conditions for the nurture of a free and independent mass media. It also dictates that any person or entity who exercises direct or indirect effective control over a company possessing a nation-wide broadcasting license may not exercise direct or indirect effective control over another company holding such a license and servicing the same or an overlapping market. This legislative measure is taken with the view to ensuring diversity and pluralism of opinion in the overall mass media platform.

With the conviction that the nation needs to diversify its broadcasting infrastructure, the Government has allocated a significant budget to launch 12 additional TV channels so that citizens will be able to enjoy the availability of diverse broadcasting productions. In addition to these, community-based radio stations that broadcast programs in local languages have also started to

provide broadcasting services. Within same time period sixteen public and private newspapers and twenty-six more magazines have joined the mass media market and started publication.

With regards to the public's right to access government information, Proclamation No. 590/2008 provides that all persons have the right to seek, obtain and communicate any information held by public bodies, except as expressly provided for by the Proclamation. With a view of implementing the Freedom of Mass Media and Access to Information Proclamation, the government has established a national task force comprised of all government offices engaged in the task of provision of access to information spearheaded by the Ombudsman. The task force is engaged in the preparation of subsidiary legislations, the provision of training and organizing campaigns aimed at raising the awareness of the public with regard to the access to information law. With the objective of creating a complete legal regime for access to information, various draft legislations are being prepared and are in course of submission to the relevant government organs for endorsement. These include the draft Protected Disclosure Proclamation, and the Classified Information Protection Proclamation and Regulation to provide for fees to access information.

The Government created an enabling environment for the media. The Proclamation on Freedom of Mass Media and Access to Information had brought about important developments. The public interest disclosure draft legislation for the protection of whistle-blowers would be submitted for public deliberation which will encourage unrestricted popular participation in combating corruption. A public record policy, legislation and regulations were being finalized with a view to facilitating the speedy implementation of the Proclamation.

The Government of Ethiopia recently organized stakeholder consultative forums to assist in identifying structural and institutional shortcomings in the media sector. The problems included inadequate media professionalism, pluralism, competition and self-regulatory mechanisms, an underdeveloped advertising market, poor media management capacity and a lack of governmental subsidies. The Government has been encouraging the media community to establish an independent media council to regulate misconduct. Higher professional training institutions were being established in more than 18 universities.

The Ombudsman's office organized training for government officials, public relation officers and journalists. More than 4399 individuals have participated in these courses. Any person who seeks to obtain information shall present his request to the concerned public relations officer in writing, or

via an electronic device, clearly identifying the information he/she seeks, and upon such request the public relation officer has the duty provide the information. In order to facilitate this process, federal public relations officers have received training on these directives. Furthermore, a mechanism for notification procedures for the media has been developed with the aim to make information equally available to the media. Another important step taken in relation to implementing the proclamation is the launching of awareness raising campaigns to create awareness on the right of access to information law. With this purpose, TV spots and programs, radio programs and news paper advertisements were launched and have brought about major changes in attitude. A baseline survey on the current status of the provision of information by the government was conducted in cooperation with the Justice and Legal Systems Research Institute.

FREEDOM OF ASSOCIATION (Article 10) AND FREEDOM OF ASSEMBLY (Article 11)

Constitutional Guarantee

The FDRE Constitution provides that every person has the right to freedom of association for any cause or purpose, except in organizations formed in violation of appropriate laws, or to illegally subvert the constitutional order, or which promote activities that are prohibited. It also provides that everyone has the right to assemble and to demonstrate together with others peacefully and unarmed, and to petition. Appropriate regulations may be made in the interest of public convenience relating to the location of open-air meetings and the route of movement of demonstrators or, for the protection of democratic rights, public morality and peace during such a meeting or demonstration. It is, however, important to remember that this does not exempt organizers from liability under laws enacted to protect the well-being of youth or the honor and reputation of individuals, and laws prohibiting propaganda.

Policy Measures

The Democratic System Building Policy and the Rural and Agricultural Development Policy and Strategy (2001) constitute the key policy framework documents that seek to promote citizens right of freedom of association and assembly.

Legislative Measures

The Legislative measures taken to protect citizens Freedom of Association and Assembly can be found in the following: Charities and Societies Proclamation (Proclamation No. 621/2009), Political Parties Registration Proclamation (Proclamation No. 573/2008), Labor Proclamation (Proclamation No. 377/2003), Proclamation for the Establishment of Cooperatives Commission (Proclamation No. 274/2002), Cooperative Societies Proclamation (Proclamation No. 147/1998) and Cooperative Societies Proclamation/ Amendment/ No. 402/2004, Proclamation to provide for the definition of powers and duties of the executive organs of FDRE(Proclamation No. 691/2010), Trade Registration and Licensing Proclamation (Proclamation No. 686/2002), Micro-finance Proclamation (Proclamation No. 626/2001), Criminal Code (Proclamation No. 414/2004), Civil Code (Proclamation No. 1/1960), and Commercial Code (Proclamation No. 166/1960).

Institutional Measures

The Federal Charities and Societies Agency, Federal and City Administration Cooperative Societies Agency/Bureaus, Micro and Small-scale Enterprises Development Agency/Commission, Ministry and Bureaus of Trade, the National Electoral Board and Ministry of Federal Affairs have been given the task of ensuring citizens right of freedom of association.

Administrative Measures

In conformity with the constitutional provision that every person has the freedom of association for any legal purpose; the country's various policies, strategies and related detailed laws have internalized reference and adherence to this right. Thus, citizens, in strict adherence to the law, and on the base of politics, gender, age, profession, trade, development, charity, special needs or other diverse matters, have formed associations of their choice. These include: political organizations; micro and small-scale development enterprises; mass-based and cooperative associations such as farmers' cooperatives, housing associations, consumers, savings and credit cooperatives; trade unions, women's associations, youth associations, elders' associations, association of persons with disability; children's parliaments, professional associations; and others groups both at Federal and Regional as well as City Administration Levels.

Making full use of this freedom, various political parties have also been formed, and by 2011 E.C. the number had reached 77. The Political Parties' Registration Proclamation (Proclamation No. 573/2008) provides simple criteria to enable citizens to organize lawfully and establish political

parties. Financial support is provided by the government to parties for election campaigns. Furthermore, the parties have also instituted Joint Consultation Councils both in Federal and Regional election areas in order to resolve complaints, irregularities and other issues of common interest.

In addition to this, on February 2009, following public discussion involving non-governmental organizations and relevant stakeholders, the Government of Ethiopia issued the Charities & Societies Proclamation, which aims to facilitate and strengthen the role of non-governmental organizations in the socio-economic development of the country. Incorporating new development realities in the country, the Proclamation adopted best practices from other nations. The Proclamation had two main objectives: first, to ensure the realization of citizens' right to association as enshrined in the Constitution of the Federal Democratic Republic of Ethiopia and second, to support and facilitate the role of charities and societies, and that of NGOs, in the overall development of the Ethiopian peoples. An average of 332 NGOs have sought registration each year since the Proclamation was adopted; and currently the number of NGOs operating in Ethiopia has reached more than 3000. The Proclamation, in addition to its impact in speeding up the processes of registration and encouraging new NGOs to register is also providing for a legal and conducive working environment for non-governmental organizations under which they come discharge their duties in an efficient and transparent manner.

Micro and small-scale enterprises can be considered productive examples of citizens' application of their constitutional right of freedom of association. These enterprises form bases for industrial development and create wide income generation and job opportunities; they play fundamental roles in the country's socio-economic development. It is in light of this fact that the government designed and implemented the development strategy and policy for micro and small-scale enterprises. It now provides these micro and small-scale enterprises with credit facility, training, production and market facilities, information services, technology and other support.

For the attainment of sustainable social and economic development and the realization of democracy and good governance in the country, public participation has a decisive role. Obviously, public participation is more productive if conducted in an organized manner, and the government recognizes that cooperative societies are important developmental instruments. As a result, over and above the acknowledgement of their role, the Government has established Federal, Regional State and City Administration Cooperative Agencies/Bureaus, and has organized and expanded the scope

of cooperative societies, reinforced and built their capacity and conducted consecutive audits of their accounts.

FREEDOM OF MOVEMENT, RIGHT OF ASYLUM, AND PROHIBITION OF MASS EXPULSION (Article 12)

Constitutional Guarantee

Freedom of movement and the right to choose one's residence is guaranteed under the Constitution and subsidiary legislation. The Constitution (Article 32) stipulates that any Ethiopian or foreign national lawfully in Ethiopia has, within the national territory, the freedom of movement and freedom to choose his residence, as well as the freedom to leave the country at any time he wishes to. This is a clear departure from previous laws which demanded Ethiopians to obtain an exit visa from the government when leaving the country. All Ethiopian nationals have the constitutional right to leave the country and to return back. A person may only be prevented from leaving the country by an explicit court order given in accordance with the law. Special laws such as refugee and immigration laws have been enacted for the full enjoyment and implementation of this right.

With regard to minors, the law states that the guardian shall fix the place where a minor is to reside. The minor may not abandon such place without the authorization of the guardian, if he does so, the guardian may compel him to return.

Policy measures

The Policy on Democratic System Building and the other Policies and Strategies provide the basis to promote freedom of movement and right of refugees to seek asylum and protection from mass deportation.

Legislative Measures

The Nationality law of Ethiopia Proclamation No. 378/2003, Immigration Proclamation No. 354/2003, the Council of Ministers Regulations on Immigration 114/2004 The Criminal Law Proclamation No. 414/2004, the Employer and Employee Service Agency Proclamation

(Proclamation No. 632/2001), National Refugee law (Proclamation 409/2004) form part of the domestic legislations on freedom of movement and the right of abode in Ethiopia.

In pursuance of the freedom movement, all Ethiopians can obtain ordinary passport up on request. Moreover, the government issues visas to all foreigners in accordance with the Regulation, the non-existence of conditions warranting refusal as provided under the law. Ethiopian Embassies and Consular Posts abroad issue visas in accordance with the provisions of this Regulation and directives issued by the Ministry of Foreign Affairs. Any foreigner who wants to enter into Ethiopia shall possess: - a valid travel document; a valid entry visa or a valid permanent residence permit or an identity card issued by the Ministry under the applicable laws. An entry visa may be denied or canceled if the applicant or the holder: - has no visible means of support or is likely to become a public burden; is found to be a notorious criminal; has been declared to be a drug addict; has been suspected of suffering from a dangerous contagious disease; has been found to be a threat to the security of Ethiopia; has furnished fraudulent information; or has violated the applicable law.

The Civil Code provides that every person is free to establish his residence wherever it is suitable for him and to change the place of such residence. The Criminal Code provides that whoever, not being authorized by law so to do, prevents another from moving freely within the territory of Ethiopia shall be punished with simple imprisonment or a fine. A person commits a fault where, without due legal authority, he interferes with the liberty of another person, even for a short time, and prevents him from moving about as he/she is entitled to. In such a case, a fault shall be deemed to have been committed notwithstanding that no injury is done to the plaintiff. It shall be sufficient for the plaintiff to have been compelled to behave in a certain manner by the threat of a danger of which he could not be aware.

The Revised Family Law stipulates that spouses should jointly decide their common residence. The law empowers women to decide on the common residence with their spouse. The spouses may agree to live separately for a definite or indefinite period of time.

Administrative Measures

The immigration and nationality affairs department issues passport to all Ethiopians. The department is tasked with the administration and management of immigration matters. The Department ascertains that foreign nationals, before entering to Ethiopia, possess a valid travel document, properly issued visa or permanent resident permit, an internationally valid health

certificate as may be necessary (depending on the country of origin) and other documents specified by the Ministry of Foreign Affairs. Foreign nationals of Ethiopian origin who have secured the Ethiopian Origin Identity Card do not need an entry visa or/and residence permit to enter into or/and live in Ethiopia.

Foreigners residing in Ethiopia shall be registered by the National Intelligence and Security Service with the exception of diplomats and international civil servants and members of their families residing in Ethiopia and foreigners who are recognized as refugees by the Government of Ethiopia and the UNHCR. A foreigner who is registered with the Immigration and Nationality Main Department will be issued with a temporary or permanent residence permit.

The Departments issues permanent residence permit for foreigners who enter into the country with an immigrant visa, have a domicile in Ethiopia and lived in Ethiopia for at least three years preceding the submission of his application, is married to an Ethiopian national, is engaged in investment or humanitarian activities in Ethiopia or has made or is expected to make outstanding contributions in the interest of Ethiopia. A temporary residence permit is valid for one year and is issued for a person registered with the Immigration and Nationality Main Department and who is not entitled to a permanent resident permit.

Refugees and asylum seekers would not be required to obtain entry visa or residence permit to enter into the country. Upon recognition of their refugee status, an identification card showing their refugee status is issued to them; pending their application they are issued with an identity card attesting their asylum-seeker status. Nor do they need to possess valid travel documents and an international health certificate to enter the country. A valid travel document is issued to them for the purpose of travelling outside of Ethiopia; and it may be issued for exit only or for re-entry. A refugee who is a lawful resident in Ethiopia shall not be expelled except on the ground of national security and public order. The execution of any expulsion order may, if the concerned refugee requests, be delayed for a reasonable period to enable such refugee to seek admission to a country other than the country to which he is to be expelled. An order to expel can only be done by the head of the NISS and the concerned refugee is also allowed to present his/her case.

Under the Ethiopian legal system no person shall be refused entry to, expelled or returned from Ethiopia where, as a result of this act the person may be subject to prosecution or torture or on

account of his race, religion, nationality, membership of a particular social group or political opinion, his life, physical integrity or liberty would be threatened.

Expulsion or deportation of foreigners is conducted in accordance with the law and only under exceptional circumstances. The grounds for deportation are provided in the immigration proclamation and regulations. The Authority may issue a deportation order against a foreigner on serious grounds. The execution of a deportation order issued pursuant to the law shall also include the family members of the deportee other than those having Ethiopian nationality. The Authority may detain the foreigner against whom the deportation order is issued until he leaves the country. The order of deportation shall specify the reason for the deportation of the foreigner, the date of departure from Ethiopia and the port of exit. The Authority may at any time revoke the deportation order issued against the foreigner. Decisions of deportation are subject to appeal. A mass expulsion of non-nationals is prohibited. The foreigner against whom the deportation order is issued shall be deported to his country of origin or to any other country if such other country is willing to receive him.

THE RIGHT TO PARTICIPATE IN GOVERNMENT (Article 13)

Constitutional Guarantee

The constitution, which laid down the general framework upon which the Federal Democratic Republic of Ethiopia is founded, has guaranteed the equal enjoyment of rights and participation of all citizens in the government. The Constitution under Article 38, guaranteed an individual's right to participate in the government of the country, that is the right of citizens to vote and to be elected, whereby it reads: Every Ethiopian national, without any discrimination based on color, race, nation, nationality, sex, language, religion, political or other opinion or other status can; to take part in the conduct of public affairs, directly and through freely chosen representatives; and on the attainment of 18 years of age, to vote in accordance with law. The above stated manifestations of the political participation of a person are exhaustively guaranteed under the FDRE Constitution. It provides that “guided by democratic principles, the Government shall promote and support the People's self-rule at all levels.” Upon this foundation, many laws and directives have been passed to ensure the citizens' rights to equally participate in the government of the state.

Policy Measures

The Policy on Democratic System Building and the other relevant Policies and Strategies provide basis to promote the rights and participation of all citizens in the government. This policy document outlines the various measures to be taken to encourage public participation in the political affairs.

Legislative Measures

- A Proclamation to Amend the Electoral Law of Ethiopia (Proclamation No.532/2007)-
- A Proclamation to Provide for Freedom of the Mass Media and Access to Information (Proc. No. 590/2008)

These laws regulate the conditions under which citizens using their freedom of association in accordance with the Constitution for participating in peaceful and lawful political activities to assume political power. Moreover, it provides the right and duty of citizens when forming political parties and acting as members of political parties, and also by providing basic principles to be followed by political parties to enable the political parties to act upon having legal personality.

Administrative Measures

The political participation of a person can be demonstrated in different activities which includes but is not limited to participation in elections as the process of formal politics either by voting or by standing for election, holding offices at the executive or administrative branch of the government at the local, regional or national and even at the international level, joining and forming unions, associations or political parties, gaining access to public services on an equal basis without any discrimination, exercising freedom of expression and actively participating in public assemblies, peaceful demonstrations and referenda, and participating in policy and decision making processes and similar activities.

Measures were taken over the last three years of the Growth and Transformation Plan to promote effective public participation in all development and governance programs at all levels of government. A central element of these initiatives has been the formation and strengthening of developmental change agents or groups. The public has been encouraged to participate in an organized way in policy formulation and service delivery through various developmental change groups. Manuals have been prepared defining the roles and responsibilities of the developmental change groups, their organization and working systems, as well as providing a monitoring and

evaluation system for public participation. Accordingly, organized and effective public participation have been promoted at all levels over the last three years. The system is still in its earliest stages particularly at federal level, and there are plans to strengthen and enhance the capacity of the development change agents to further promote active participation of citizens in the development and governance process of the country.²⁷

Institutional Measures

The National Election Board has prepared a Civic Education and Citizen's Rights manual in different languages and given civic and democratic rights education for citizens to exercise their rights effectively. This has now been disseminated in every region down to *Kebele* levels. This aims:

- To enable the voters and the citizens effectively to exercise their rights and to have full awareness of the system and meaningfully participate in the government of the Country;
- To create awareness and awaken the understanding of citizens of their rights, discharge their obligations, and understand the essence of elections and how they are conducted as well as develop their roles in the decision making process.

Free political participation is a power which enables a person to make informed choices and freedom to take action. This right is guaranteed to all citizens without any distinction on any grounds. The Disable Persons Federation, in cooperation with the National Election Board, had therefore given civic and citizen's education through various broadcasting channels and in person.²⁸

²⁷ GTP report 2012/13 p.77

²⁸Pg 11, Election board

PART II

ECONOMIC SOCIAL AND CULTURAL RIGHTS

RIGHT TO PROPERTY: - Article 14

Constitutional Guarantee

The right to property is guaranteed in the Constitution and under other enabling laws. Article 40 of the FDRE constitution guarantees the right to property. It states clearly that every Ethiopian citizen has the right to the ownership of private property. Unless prescribed otherwise by law on account of public interest, this right shall include the right to acquire, to use and, in a manner compatible with the rights of other citizens, to dispose of such property by sale or bequest or to transfer it otherwise.

Ethiopian peasants have right to obtain land without payment and have protection against eviction from their possession. In the same way Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands. The legal framework for rural land acquisition, transfer, redistribution, removal of a holding right, administration and security is set out in the 1995 Constitution and Proclamation No. 456/2005. These documents state that every citizen from 18 years of age who wants to make a living from agriculture should be accorded free access to land. The implementation of this federal proclamation rests with the regional states. Thus, any regional-level proclamations, regulations and directives are part of the legal framework.²⁹

The FDRE Constitution art 41/4/ declares that the state has the obligation to allocate ever increasing resources to provide social services. The constitution states that to the extent the country's resources permit, policies shall aim to provide all Ethiopians with access to public health and education, clean water, housing, food and social security.

Policy Measures

The government adopted

- The Urban Development Policy/2005/ and the Rural development policy
- The Capacity Building Strategies and Programs

²⁹ Federal rural land proclamation

Legislative Measures

The House of Peoples' Representatives has adopted:

- Condominiums Proclamation No. 370/2003
- Expropriation of Land Holdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005.
- Urban Lands Lease Holding Proclamation No. 721/2011.
- Ethiopian Building Proclamation No.624/2009
- Appropriation of Land For Government Works and Payment of Compensation for Property, proclamation No. 401/2004
- Federal rural land administration and land use Proclamation No. 456/2005.
- Regional Proclamation on Ownership of Condominiums.

According to these proclamations every Ethiopian shall have the full right to the immovable property he builds and to any permanent improvements he brings about on the land by his labour or capital. This right shall include the right to alienate, to bequeath, and, where the right of use expires, to remove his property, transfer his title, or claim compensation for it. Without prejudice to the right to private property, the government may expropriate private property for public purposes subject to payment in advance of compensation commensurate to the value of the property. Proclamation No. 401/2004 provides for appropriation of land for government works and payment of compensation for property that may be sited on it.³⁰ In order to ensure that compensation for public acquisition of property fairly balances the rights of the individual and the wider interests of society this proclamation states that a possessor who vacates land shall be paid compensation for the property he produced on the land by his finance, labour or creative work and for permanent improvement he made to such land.³¹ Beyond this, it is stated that an individual, who permanently loses his possession of land, if there is a crop or plants on the land, shall in addition also, be paid compensation equivalent to an average income of a person holding similar land.³²

³⁰Proclamation No. 401/2004.”

³¹ Art 9(1) of Proclamation No. 401/2004

³² Art 10 (1) Proclamation No. 401/2004

Institutional Measures

In order to respect, protection and progressively realize the fulfillment of right to adequate housing Ministry and Regional Bureaus of Urban Development and Construction; Offices of Housing Development and Government Houses Agency have been established.³³

Administrative Measures

In order to ensure equitable and non-discriminatory access, acquisition, ownership, inheritance and control of land and housing, especially by women and members of low income groups, different steps have been taken. Federal and rural land laws provide that priority has to be given to peasant farmers/semi pastoralists and pastoralists.³⁴ Peasant farmers/pastoralists engaged in agriculture for a living shall be given rural land free of charge; any citizen of the country who is 18 years of age or above and wants to engage in agriculture for a living shall have the right to use rural land; children who lost their mothers and fathers due to death or other situation shall have the right to use rural land through legal guardians until they attain 18 years of age; women who want to engage in agriculture shall have the right to get and use rural land.³⁵ In order to protect the rural land holder rights from infringement any person granted rural land shall be given the land holding certificate in which the details of the land is registered by the Authority prepared by his name and his photograph fixed thereon. The holding certification is a legal certificate of the holder.³⁶ Land certificates have been issued for 1.18 million households and this has increased the number of households who own land certificates to 2.96 million. In addition, about 110 thousand households have been given land ownership certificate.³⁷

The government of Ethiopia works towards ensuring that suitable and adequate shelter is provided for all citizens especially in urban areas where the problem of homelessness is most evident. In addition to providing plots of land to narrow the imbalance between supply and demand for housing, the Government has issued Condominium Proclamation³⁸ and the Urban Lands Lease Holding Proclamation No. 721/2011. The GTP defines the strategic guideline: to construct houses that are affordable for urban dwellers who lack means but wish to be house-owners; sell them to the public on a long-term credit basis; and to replace old houses and renovate surrounding areas.

³³ Ethiopian national human right action plan

³⁴ Article 5(4), Proclamation 456/2005

³⁵ Article 5(1) and (2), Proclamation 456/2005

³⁶ See Amhara National Regional State Zikre Hig-No.18 May 29, 2006

³⁷ GTP report 2012/13 p. 36

³⁸ Proclamation No. 370/2003

Considering the shortage of housing in urban areas and the need to replace or renew the stock of old and derelict houses, the government prepared and has been in process of implementing its Integrated Housing Development Project since 2006. The project's main objective is to enable urban dwellers, unable to build their own houses, to join together in savings' cooperatives and become house owners. With this aim in view, the Ministry of Urban Development and Construction has prepared a 5-year Sectoral Economic Growth and Transformation Plan /2010/11-2014/15/. The plan, with the intent to guarantee citizens' right to adequate housing, emphasizes that integrated housing developments should continue to be reinforced and efforts made to resolve the problems the policy had originally.³⁹

Judicial Measures

In the FDRE Supreme Court cassation no 52496, a case concerning the *Ethiopian Road Authority Vs Ato Kedire Haileginso* and other 12 individuals, the court clearly stipulated that when the government expropriates land in the interest of the public, the landholder needs to be given compensation based on the value of the property expropriated which should be proportionate to the amount of money required to reimburse the property. Similarly in a case involving *Addis Ababa City Administration Agricultural Bureau and Ato Abebe Abay* and other 9 individuals, the Federal Supreme Court clearly stated that the property right of the individual should be respected fully and he/she should get compensation payment in advance commensurate with the value of the property.

THE RIGHT TO WORK UNDER EQUITABLE AND SATISFACTORY CONDITIONS: - ARTICLE 15

Constitutional Guarantee

The Constitution of the Federal Democratic Republic of Ethiopia under article 41 states that: every Ethiopian has the right to engage freely in economic activity and to pursue a livelihood of his choice anywhere within the national territory; every Ethiopian has the right to choose his or her means of livelihood, occupation and profession; that the State shall pursue policies which aim to expand job opportunities for the unemployed and the poor and shall accordingly undertake programs and public

³⁹Ethiopian national human right action plan

works projects, and all measures necessary to increase opportunities for citizens to find gainful employment.

Article 42 of the constitution provides particularly for the right of labour of citizens. On the basis of this provision, factory and service workers, farmers, farm laborers, other rural workers and government employees whose work compatibility allows for this, and who are below a certain level of responsibility, have the right of association to improve conditions of employment and economic well-being. This right includes the right to form trade unions and other associations to bargain collectively with employers and other organizations that affect their interests. Furthermore, the categories of persons referred to above and government employees who enjoy these rights by law, have the right to express grievances, including the right to strike. In addition, workers have the right to reasonable limitation of working hours, to rest, to leisure, to periodic leave with pay, to remuneration for public holidays as well as a healthy and safe work environment. Women workers also have the right to equal pay for equal work.

Policy Measures

Various policies for the achievement of steady economic and social development and full productive employment have been formulated to safeguard the fundamental political and economic freedom of individuals. Prominent in this regard are rural development policies, strategies and programs, the Industrial Development Strategy, the Revised Developmental Social Welfare Policy, National Employment Policy and Strategy and the Urban Development Policy. Of all the administrative measures taken by the government to protect, respect and fulfill citizens' right to work, the 5-year Growth and Transformation Plan /2010/11-2014/15/ is the most important.

Legislative Measures

Legislation for effective implementation of these rights has been promulgated: the Labour Proclamation No. 377/2003 and its amendments, the Public Servants Pension Proclamation no. 714/2011, the Private Organization Employees' Pension Proclamation no. 715/2011, a Proclamation to Provide for Social Health Insurance No. 690/2010 and a number of other proclamations.

Institutional Measures

With the objective of protecting, ensuring respect and fulfilling the right of citizens to work as provided in FDRE Constitution and international agreements, and further assuring industrial peace, the protection of health and safety of the workers, improvement in work environments and expanding employment opportunities, and in particular, equal opportunities for, and enhanced participation of, women and persons with disability, the Government has established the Ministry of Labour and Social Affairs at the federal level, agencies and bureaus of Labour and Social Affairs in all the Regional States and City Administrations, as well as a federal Ministry and Regional and City Administration Bureaus of the Civil Service. Furthermore, the government has instituted a Labour Relations Advisory Board, a Labour Relations Board, a Public Servants Social Security Agency, and a Private Organizations Employees Social Security Agency. In addition, Civil Servants' Administrative Tribunals and Labour Benches of regular courts have been established to handle labour litigation.⁴⁰

Administrative Measures

Another important factor in ensuring respect and protection of the right to work is the steady expansion of employment services. Of particular relevance in this respect is the assurance of equal opportunity and full participation for persons with disability. To this end, the government has issued certain implementation directives, including the proclamations of the Right to Employment of Persons with Disability; and of Employment Exchange Services.

During the past three years of the GTP, the expansion of investments by micro and small enterprise as well as by medium and large scale industries has resulted in the creation of significant number of job opportunities. In 2012/13 alone, micro and small scale enterprises created employment opportunities for over 1.2 million individuals (0.5 million temporary and 0.72 million permanent). In addition large scale public projects have created employment opportunities to over 797,995 individuals. Private investments in medium and large manufacturing enterprises, hotels and restaurants, real estate and housing and other areas are also expected to have created significant additional job opportunities during the fiscal year under review. The recent rapid economic growth has, in fact been accompanied by job creation, and as a result, the 2011/12 urban unemployment

⁴⁰Ethiopian national human right action plan

rate fall to 17.5 percent, down from 18.9 in 2009/10. Equally, unemployment and underemployment remain critical challenges in Ethiopia.⁴¹

The civil service law provides that all positions of equal value deserves an equal base salary. The labour law also follows this principle. Women workers have a constitutional guarantee of equal pay for equal work. The Labour Law and the Civil Service Law have provisions for ensuring occupational safety and health. The preventive measures required from employers are enumerated together with the employee's obligations. Employer liability for occupational injury (either occupational accident or occupational disease), irrespective of fault, has been established.

THE RIGHT TO HEALTH (Article 16)

Constitutional Guarantee

The FDRE Constitution under article 90 imposes an obligation on the state that, to the extent the country's resources permit, policies shall aim to provide all Ethiopians access to public health. Article 41/4/ also states that the government has the obligation to allocate ever-increasing resources to provide for public health services. The Government gives priority to the right to health in accordance with its vision of healthy, productive, and effective citizens.

Policy Measures

The government has adopted the National Health Policy/1993/ and other policies such as:-

- National HIV/AIDS Policy/1998/ and National HIV/AIDS Medical Supply and Application Policy/2002/
- National Women Policy/1993/
- National Health Science and Technology Policy/1994/
- Environmental Protection Policy/1989 E.C./
- Capacity Building Strategies and Program/1994 E.C/

Legislative Measures

The range of different legislations including:-

- National HIV/AIDS Prevention and Control Council and HIV/AIDS Prevention and Control Office Establishment Proclamation No. 276/2002
- Drug Fund and Pharmaceuticals Supply Agency Establishment Proclamation No. 553/2007

⁴¹ GTP 2012/13 report p.6

- Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009
 - Solid Waste Management Proclamation No. 513/2007
 - Social Health Insurance Proclamation No. 690/2010
 - Regional State Health Service Provision, Administration and Management Proclamations,
- provide the legal basis for the promotion of the right to health. These laws have implementation mechanisms.

Institutional Measures

In order to assure progressive realization of the right to health, a number of institutions directly related to the health sector have been established. The Ministry of Health; Federal HIV/AIDS Prevention and Control Council and Office of Prevention and Control of HIV/AIDS; Medicine Fund and Medicine Supply Agency; Centre of Public Health Education; National Health Research Institute, Ethiopian Food, Medicine, Health Service Administration and Control Authority; Environments Protection Authority; as well as Regional and City administration Bureau of Health.

Administrative Measures

The Government began the development of a 20-year rolling Health Sector Development Program (HSDP) in 1997/98 (1990 EFY), laying down the long-term goals for the health sector, and the means to attain them through a series of phases.

The HSDP aims to develop a health system, to provide comprehensive and integrated primary care services, primarily based on community level health facilities. It focuses on communicable and non-communicable disease prevention and control, common nutritional disorders, environmental health and hygiene, reproductive health care, maternal and child health, immunization and the treatment and control of basic infectious diseases like upper respiratory tract infections. It also focuses on health care administrative issues such as establishing quality health care, human resource management and financial resource mobilization. Organized community participation has been encouraged to effectively implement the health extension program and so expand access and improve the quality of basic health services. To achieve these objectives, procedures have been

developed to organize and mobilize “a critical mass” in health sector development, and consensus has also been reached over the development of an integrated plan and its implementation.⁴²

The first, second and third phases of HSDP were completed in 2001, 2005 and 2010 (G.C.) respectively. Currently, the fourth phase of HSDP covering the period of 2010/11 - 2014/15 (G.C.), is in its fourth year of implementation. It is focused on prevention and mitigation of health problems such as HIV/AIDS, tuberculosis, malaria, diarrheal diseases and common childhood and maternal illnesses. There has been a marked expansion of comprehensive HIV/AIDS services through decentralization and task shifting. Currently, there are 2,997, 1,901 and 8,67 health facilities providing HIV testing and counseling (HTC), Prevent of Mother-to-Child Transmission (PMTCT) and Anti-Retroviral Treatment (ART) services respectively. In 2009/10 and 2010/11 the number of health posts were 14,192 and 15,095, and during 2011/12 the cumulative number increased to 15,668. A total of 1476 health posts were constructed during the first two years of the GTP period alone.⁴³ In the course of these years, the program has been continually reviewed through joint exercises Mid-Term Reviews (MTRs), Final Evaluations and Annual Review Meetings (ARMs) and other joint exercises.⁴⁴

Important steps have also been taken in the decentralization of the health care system. Decision making processes in the development and implementation of the health system are shared between the Federal Ministry of Health (MoH), the Regional Health Bureaus (RHBs) and the Woreda Health Offices. As a result of recent policy measures taken by the Government, the MoH and the RHBs have concentrated more on policy matters and technical support, while the woreda health offices have been shifted to the pivotal role of managing and coordinating the operation of the primary health care services.⁴⁵

In prior years, remarkable achievements have been realized in the expansion and construction of health facilities and improvement of the quality of health service provision. The Health Extension Program is an innovative health service delivery program that aims at universal coverage of primary health care. The program is based on expanding physical health infrastructure and developing Health Extension Workers who can provide basic preventive and curative health services in the rural

⁴² GTP report 2011/12, p.68

⁴³ Ethiopian UPR report

⁴⁴ Available at <http://www.moh.gov.et/>

⁴⁵ <http://www.moh.gov.et/English/>

community.⁴⁶ Considerable progress has been made to improve the provision of health services during the past two decades. With regard to mobilizing communities for the provision of the health extension package, the primary focus has been directed towards women groups. As part of the initiative to assign two health extension workers (HEW) per rural Kebele, a total of 34,604 health extension workers were deployed across the country in 2011/12. In the effort to scaling up the implementation of the health extension package, a “Health Development Army” composed mainly women of was established to work together with Health extension workers. These community-level volunteers are trained by the health extension workers to focus more intensively on increasing local behavior changes. *Pentavalent 3* vaccine coverage has increased from 82% in 2009/10 to 84.7% in 2010/11 and full immunization infant coverage has been increased from 72.3% in 2009/10 to 74.5% in 2010/11.⁴⁷

To date, there has been a linear increase in Health Posts (HP) and Health Centers (HC). During 2010-2012/13 the number of health posts constructed was 903; 573; and 380, respectively; providing a total of 1856 for the three years. This brought the total number of health posts to 16,048 in 2012/13. This performance has improved HP/population ratio to 1:5352. The target for 2014/15 is 1:5,000. Expansion of HC also plays a pivotal role for the achievement of universal primary health coverage. Through the joint efforts of Federal government and the Regions in this period, the number of HCs constructed was 518; 339 and 101 respectively-a total of 958 for the three years. This has brought the total number of functional health centers to 3,100 in 2012/13. One health center currently (2012/13) provides services to a population of 27,706, down from 1:37,299 in 2009/10. Full coverage of basic health services requires a total of 3,300 HCs at the end of the GTP. HC to population ratio is targeted to fall to 1:25,000 by 2014/15. These advances have meant that primary health coverage increased from 92.1 percent in 2010/11 to 92.9 percent in 2011/12 and to 93.4 percent in 2012/13. Progress has also been made in increasing the number of hospitals from 122 in 2010/11, to 125 in 2011/12 and to 127 in 2012/13.⁴⁸

In order to reduce the maternal and child mortality rates, the government devised various strategies, packages and action plans that have helped to ensure the achievement of the MDGs for the reduction of child and maternal mortality rates. In this regard the antenatal care provided for mothers has increased from 31% in 2009/10 to 97.4% in 2012/13. The post-natal service coverage

⁴⁶ The GTP report Page 91

⁴⁷ Ministry of Health Report

⁴⁸ GTP report 2012/13 report p. 73 and 75

for mothers increased from 34% in 2009/10 to 50.5% in 2012/13, and the percentage of births attended by skilled health personal increased from 15.7% in 2009/10 to 23.1 in 2012/13. By the end of 2012, 812 Ambulances had been distributed to all regions, and the government had allocated more than 681 million birr for purchasing and distributing contraceptive drugs and medical equipment.⁴⁹

In 1990, the country's under-five mortality rate (UMR) was one of the highest in Africa, at 211 deaths per 1000 live births. However, UMR has steadily declined, falling to 88 deaths per 1000 live births in 2010. The Infant mortality rate (IMR) also declined from 97 in 2000/01 to 59 per 1000 live births in 2010/11. In order to improve child health services, significant efforts have also been made to increase pentavalent and measles vaccination coverage⁵⁰

The Government has maintained a continuous focus on utilizing financial mechanisms to improve access to and quality of healthcare in the country for nearly two decades. In particular, the FMOH has developed and implemented a comprehensive Healthcare Financing Strategy that has emphasized the importance of strong coordination and harmonization between development partners and the government. In close collaboration with development partners, the Federal Ministry of Health has made significant progress toward realizing the goal of "One plan, one budget, and one report." During the course of the years the MDG priority pooled fund has increased from 17 million USD in 2009/2010 to 110.7 million USD in 2013/14, a significant increase, and one which has had a significant impact on the health care delivery in Ethiopia.

Efforts have been made to address the challenge of malaria. In 2011/12 a total of 6.6 million bed nets and 957,100 kg of *Deltametrin* chemical were distributed and 4.4 million houses were sprayed. The Government of Ethiopia has partnered with various countries and international organizations in this effort. For example, Ethiopia and the United States of America agreed to a five-year Partnership Framework through the U.S. President's Emergency Plan for AIDS Relief (PEPFAR). This outlines a five-year joint strategic framework in line with the objectives of Ethiopia's Health Sector Development Plan IV and the Strategic Plan for Intensifying Multi-Sectoral HIV/AIDS Response in Ethiopia 2010-2014.⁵¹

⁴⁹Ethiopia's UPR report

⁵⁰Ethiopia's UPR report

⁵¹Ethiopian UPR report

Efforts have been made to fulfill recruitment and deployment of human resources in the health system in line with the standards put out by WHO. With regard to the training of integrated emergency surgery and obstetrics officers to date, professionals have been trained and deployed in work, and another 400 students are in training. With reference to accelerated midwifery training, 1558 and 1791 professionals were trained and deployed in 2011/12 and 2012/13 respectively. Currently 1,746 and 1,190 midwives are taking courses in second and third round training. This has meant that midwives to population ratio has improved from 1:39,758 in 2009/10 to 1:14,838 in 2012/13. The total number of nurses has increased from 26,423 in 2009/10 to 37,218 in 2012/13. The physician to population ratio has also improved from 1:37,996 in 2009/10 to 1:26,943 in 2012/13. Nevertheless more work must be done to reach 1:10,000 standard of WHO for developing countries. Currently there are 10,232 physicians enrolled in university medical training programs in 2012/13.⁵²

The government is also making efforts to implement universal health insurance. This is with the view to ensure that every Ethiopian has access to good health care services, to protect families from the financial hardship of huge medical bills, and ensure equitable distribution of health care costs among different income groups. Ethiopia's Social Health Scheme will include all family health services and the curative care that is part of the Essential Health Package in Ethiopia. Curative services will include in-patient and out-patient services delivered through accredited public and private health facilities. Coverage will be mandatory for everyone working in the formal sector. The social health insurance is to be financed through payroll/pension contributions made by employers and employees. Contribution will be based on a member's level of income and will be a fixed percentage of their salary. Employee contributions will be matched by an employer contribution of equal amount.⁵³

⁵²GTP 2012/13 report, p.vii

⁵³<http://healthmarketinnovations.org/program/ethiopia-social-health-insurance>

THE RIGHT TO EDUCATION AND TO THE FREEDOM OF CULTURAL LIFE (Article 17)

THE RIGHT TO EDUCATION

Constitutional Guarantee

The FDRE Constitution establishes a universal right to education and emphasizes the need to allocate resources to provide education for all. It also lays down policies to provide for all Ethiopians to have access to education to the extent that the country's resources permit. The Constitution provides for state education to be free of any religious influences, political partisanship or cultural prejudices.⁵⁴

Policy Measures

The education policy aims at ensuring equitable and fair distribution of educational opportunities across regions, religion, gender, social class and any other considerations. The policy is based on:

- Capacity Building Strategy and Programs (2002)
- Education and Training Policy(1994)
- Education Sector Policy and Strategy on HIV and AIDS (2009)

These policies put in place the practical mechanisms to enhance the capacity of the government to develop the education system. These policies have served as a basis for the promotion of the right to education.

Legislative Measures

The legislations adopted by the HPR in this regard includes:-

- Higher Education Proclamation No. 650/2009
- Revised Family Code Proclamation No. 213/2000
- Technical and Vocational Education and Training Proclamation No. 391/2004
- Registration of Vital Events and National Identity Card Proclamation No.760/2012.

⁵⁴ Article 90(1)and (2) of the FDRE constitution

Institutional Measures

The Ministry of Education established in order to respect, protect and to progressively fulfill the right to education for citizens, is invested with the authority to ensure the accessibility, relevance, equity and high standards of national education. The education bureaus of the regional states and city councils are given similar responsibilities.

In addition, the Government has instituted, in order to discharge its obligations regarding the right to education, the following organizations: The National Educational Assessment and Examination Agency which prepares and administrates national examinations; a Higher Education Strategy Centre; and the Higher Education Relevance and Quality Agency, as well as an Information Communication and Technology/ICT/ Centre.

Administrative Measures

The 2010/11-2015 Growth and Transformation Plan has set guidelines for assurance of respect of citizens' right to education and the achievement of millennium development goals in the education sector. On this basis, the government has wide-ranging plans to develop equitable and accessible education.

Ethiopia has made significant progress in education. Access at all levels of the education system has increased at a rapid rate in line with a sharp increase in the number of teachers, schools and institutions. There have been important improvements in the availability of trained teachers and other inputs indispensable for a high quality education system. Disparities decreased through more than average improvement of the situation of disadvantaged and deprived groups and of emerging regions. Efforts were made to make the content and the organization of education more relevant to the diversified needs of the population, for instance through the introduction of alternative basic education and the development of innovative models including mobile schools. Woreda education offices and communities have strengthened their involvement in education planning, management and delivery. Increased attention was given to the need to strengthen science and technology education. The university system experienced substantial expansion. Strategies were developed for Alternative Basic Education (ABE), Early Childhood Care and Education (ECCE) and Functional

Adult Literacy (FAL). New school health and nutrition initiatives were launched.⁵⁵ The key priority of the education sector development program has been to improve and ensure the quality and efficiency of education at all levels. To develop the education system of the country the Government has already started implementing a strategic General Education Quality Improvement Package. This encompasses six programs: Teacher Development Program, Curriculum Aligned to Student Assessment and Examinations, Ethics Program, Management and Administration Program (MAP), Information Communication Technology, and Program Coordination and Monitoring Evaluation.

The Government has given high priority to education for which it is allocating ever-increasing resources to the sector with the view to realizing the right to education. The primary strategic direction of the education sector is to ensure equitable access to quality education at all levels. Primary education is free to all citizens, and all children of school age are strongly encouraged to attend school. In 2011, primary education was provided in more than 25 local languages. Parents and guardians are at liberty to establish and choose schools for their children, other than those established by the public authorities, so long as these schools conform to minimum educational standards laid down by the State.

The number of primary schools (Grades 1-8) increased from 26,951 in 2009/10 to 28,349 in 2010/11. The number further increased to 29,507 in 2011/12 and to 30,495 in 2012/13. In other words, a total of 3,544 primary schools were constructed during the last three years. The net enrolment rate increased from 82.1 percent in 2009/10 to 85.9 percent in 2012/13. During the same period, the gender parity index in primary schools, the ratio of girls to boys reached 0.94:1 in 2012/13. The number of students in primary schools increased from 15.8 million in 2009/10 to 16.7 million in 2010/11, 17 million in 2011/12 and to 17.4 million in 2012/13. This indicates that Ethiopia is getting closer to achieving the MDG target of universal access to primary education.⁵⁶ In the early 1990s, the Gross Enrolment Rate in primary schools was only 32%. The figure rose to 96.4% by 2010/11. This progress demonstrates that a sustained Government-led effort to reduce poverty and expand a public education system equitably, backed by sufficient resources and improved service delivery, can dramatically increase school enrolment.⁵⁷

⁵⁵The Federal Democratic Republic of Ethiopia, Education Sector Development Program IV (ESDP IV) 2010/2011 – 2014/2015, Program Action Plan, 2010 P.8

⁵⁶GTP report Ethiopia 2012/13

⁵⁷Ethiopian UPR report

The Government has also increased access to secondary schools, with the building of new schools and equipping them with necessary inputs both in urban and rural areas. The number of secondary schools increased from 1335 in 2009/10 to 1517 in 2010/11, 1710 in 2011/12 and to 1912 in 2012/13. A total of 577 secondary schools have been constructed during the first three GTP years.⁵⁸

The Government has also introduced Technical and Vocational Education (TVET) which can play a vital role in producing and meeting the demand for middle level skills of different industries and support the expansion of micro and small enterprises in the country. In 2009/10 and 2010/11 the number of trainees attending TVET programs were 353,420 and 371,347, respectively.

The number of undergraduates participating in tertiary level education increased from 420,387 in 2009/10 to 491,871 in 2011/12 further expanding participation in higher education.⁵⁹

To improve the literacy rate for girls and women, the Government has been implementing programs, including non-formal and adult education. In 2011/12 the number of participants in the adult functional education program was 2.1 million persons (1.3 million male and 810 thousand female). There has been progress in addressing gender disparity at all levels of the educational system. The gender disparities in primary and secondary schools have continued to decline steadily, reaching 0.93 and 0.79 respectively in 2011. Gender parity at the tertiary education level has improved from 0.22 in 1991 to 0.36 in 2010; it is even lower at 0.1 in graduate school. The Government has implemented an affirmative action program and reduced the entrance requirements for women to institutions of higher learning, with 30 % quotas reserved for girls in each field of study. As a result, girl's participation has increased from 24 % in 2002/03 to 25.6% in 2010/11. The Government also provides tutorial classes, life skill trainings and financial supports for the students who are in need of such support. Beyond this there is also affirmative action for students with disability and students from emerging regions.⁶⁰ The entrance requirement is lessened for students coming from less-developed regions of the country, including the Benishangul, Gambela, Afar and Somali Regional States, and for those coming from pastoralist and semi-pastoralist areas of the Southern Nations Nationalities and Peoples' and Oromia Regional States. This, in turn, has resulted in an increase in enrollment from these regions.

⁵⁸ GTP report Ethiopia 2012/13 P. VI

⁵⁹ Ethiopian UPR report

⁶⁰ UPR report

Other efforts have been taken up by publicly and privately owned institutions with the vision of ensuring continuing education for those who have not had the chance to attend regular programs offered by these institutions. Academic freedom and institutional autonomy are fully maintained in all institutions of higher education throughout the country.

THE RIGHT TO CULTURE

Constitutional Guarantee

Every individual has the right to culture. Under the Constitution, equality of languages and preservation of historical and cultural legacies are guaranteed. Under Article 39 of the Constitution which provides for the rights of nationalities, states that “Every Nation, Nationalities and Peoples of Ethiopia have the constitutional right to speak, write and develop their own language; to express, to develop their culture and to preserve their history.” Significant efforts have been undertaken to preserve heritage and cultural sites in many parts of the country.

The constitution provides that the Government shall have the duty to support, on the basis of equality, the growth and enrichment of all cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and the ideals and provisions of the Constitution. Article 91 of the Constitution, gives the Government the duty, to the extent its resources permit, to support the development of the arts, science and technology. It further provides that the Government and all Ethiopian citizens have the duty to protect the country’s natural endowments, historical sites and objects.

The Constitution in article 34, which discusses marital, personal and family rights; gives recognition to marriage concluded under systems of religious or customary laws. The Constitution does not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute.

Policy Measures

The following policies may be mentioned in this regard:-

- The Cultural Policy/ and the Sport Policy
- Education and Training Policy

Policy Legislative Measures

The legislation in this regard includes:-

- Research and Conservation of Cultural Heritage Proclamation No. 209/2000.
- Ethiopia National Archives and Library Proclamation No. 179/1999.

Institutional Measures

The Ministry of Culture and Tourism has been established with the powers and duties to provide for the study and preservation of the history, cultural heritage and values of the nations, nationalities and peoples of Ethiopia; to support the study of the languages of the nations, nationalities and peoples of Ethiopia and the advancement and promotion of their literatures; to undertake activities to bring about changes in those cultural attitudes, beliefs and practices that hinder social progress; to promote the contribution of culture to development; to expand cultural institutions; to institutionalize public participation in the development of culture and to promote creativity in artistic works and fine arts. With the objective of collecting, systematically organizing, preserving, and making the information resources of the country available for study and research purposes, the Ethiopian National Archives and Library Agency has been established. In addition, to assist in these aims the National Theatre of Ethiopia, the Institute of Ethiopian Languages, the Convention Center have also been established.

Administrative Measures

The Government has undertaken specific activities to strengthen intercultural/religious dialogue, to foster mutual understanding of the country's heritage and the sharing of common values with a view of contributing towards social progress and social cohesion. It has been implementing policies and providing legal frameworks for the protection and safeguarding of Ethiopia's natural resources and its tangible and intangible cultural heritage. All the nations, nationalities and peoples of Ethiopia have the right to express, develop and promote their culture and preserve their own history.

The Government is involved in numerous actions and measures to respect, protect and promote cultural rights and to enrich national culture at both federal and regional state levels. The five-year GTP /2010/11-2014/15/has set out in its "multi-sectoral" section, a framework and guiding principles to formulate and implement a cohesive development strategy, with in which the

development and enrichment of the country's traditional and natural heritage and values will contribute to its growth as well as to play a prominent role in the building of democratic order and good governance. Of particular relevance to the development of the sector is the participation and benefit of women and youth, and their full-fledged contribution to the exploitation of traditional heritage and natural attractions to help build a truly remarkable image of the country.

The nations, nationalities and peoples day is an annual event during which the various peoples of the country exhibit their specific cultural heritage and traditional endowments. It is a day of celebration and a genuine exchange of customs and traditions. In addition to this annual occasion, these are also celebrated in cultural festivals; literary discussions; in painting, photography and sculpture exhibitions and competitions; traditional sports festivals; musical group competitions and demonstrations; and in religious and cultural "carnivals" in various cities and regions throughout the country.

Diverse cultural centers', theaters, cinemas, libraries and museums and other development and enrichment centers have been built. In particular, in consideration of the needs of the young, large numbers of youth centers have been built county-wide. These allow youngsters to serve the dual purpose of using their free time in a moral and physically clean and healthy environment; and of enriching knowledge and social experience. These youth centers have libraries, sports areas and other multi-purpose and pro-active facilities.

A significant number of studies have been made on the cultures of the nations, nationalities and peoples, with the aim of educating and popularizing inter-people cultures. The collection, collation and classification of diverse histories, folklore, grammars, parables, folk musical instruments and songs, and cuisines are being carried out. Dictionaries and lexicons of a number of the languages have been prepared, and short and long term training at different levels has been provided for the protection and preservation of heritage and other allied subjects as well as for awareness development and for reinforcement schemes and systems.⁶¹

The Government has also been undertaking activities in collaboration with different stake-holders to protect the culture, language and history of minority ethnic groups. Beyond this, the government is working on the promotion and protection of morals and the traditional values recognized by these communities. While the government has taken measures in collaboration with stakeholders to

⁶¹ The FDRE National Human Rights Action Plan, 2013- 15, pg 126

eliminate harmful social and cultural practices, it has also encouraged positive measures to encourage and protect cultural art and traditional knowledge systems.

The broadcasting service, which is overseen by the Ethiopian Broadcasting Authority, contributes to development and promotion of the cultures and artistic values of the public. Community broadcasting, which among other aspects can promote and develop language, culture and the artistic values of the community is encouraged for those interested in the promotion of cultures. Broadcasting directives require that 50% of musical programs have to be allotted to the cultures and musical programs of nations and nationalities. In addition to the Proclamation, the Ethiopian Broadcasting Agency has endorsed a directive to guide broadcasting service programs and methods of operation. According to the directive any broadcasting program should promote the culture of all nations, nationalities and peoples and tolerance among them. Furthermore any program should be free from partiality and the language used should not offend any culture, nor should it offend public morality.⁶²

PROTECTION OF THE FAMILY AND THE RIGHTS OF WOMEN, CHILDREN, AGED, AND THE DISABLED (Article 18)

Constitutional Measures

The constitution under Article 34 (3) emphasized the weight it gives to the importance of the family. It states that “family is the natural and fundamental unit of the society and is entitled to protection by society and state.”

Policy and Legislative Measures

The family, being the natural basis of society, have been given protection the state, and that one of the means of protection is effected by regulating and governing family relation by law. In line with the Constitutional provision is the Government adopted the Federal Family law. Various government organs work together with Associations and communities work on the promotion of family life.

There are grass root community organizations and Civil Societies encouraging marriages and the formation of family while advancing child spacing through the use of family planning. The various measure adopted by public institutions are aimed at helping parents to work toward the cohesion of the family and community. Orphanages are assisted by the governmental institutions to ensure that children who would obtain necessary care until they get adoptive families. Religious communities established orphanages and they teach children to respect their parents and elders at all times and help them when necessary.

MEASURES TAKEN TO PROTECT THE RIGHTS OF CHILDREN

Children are one of the primary areas of intervention by the government. The government of Ethiopia is committed to improve the welfare of children and to protect and respect their rights. The government has adopted a national plan of action for intervention in fulfillment of the rights of children and to combat any discrimination of any sort against children. To eliminate discrimination against children, the Government has established 1486 CRC committees at federal, regional and zonal levels. The government gives appropriate support to the committees to enable them achieve their duties of supervising the implementation of the convention on the rights of the Child.⁶³

Children's mock parliaments have been established at *woreda* levels and the government supports them in their duty to protect the rights of children. As a result, discrimination against children has decreased dramatically. The Government is also taking action to prevent the violence and exploitation of child labour. It has enacted laws, adopted policies and implemented them in cooperation with various stakeholders. A Children Rights Action Plan (2003- 2010 EC) was launched and is being implemented.⁶⁴ The Ministry of Labour and Social Affairs adopted a National Action Plan (2011-2017) to prevent child labour exploitation, and that is also being implemented. It also enacted a directive to implement the Labour Proclamation to protect the rights and welfare of the child. A national steering committee has been established to give directions, strategies and recommendations on child sexual violence, child labour exploitation and the rehabilitation of victims of sexual violence and labour exploitation. The educational policy providing free primary education

⁶³ Ministry of Women, Children and Youth PP 2

⁶⁴ Ministry of Women, Children and Youth PP 4

also considerably helped reduce child labour by relieving parents from school payments. To combat sexual abuse and labour exploitation of children, the Institution of Ombudsman, the Human Rights Commission, the Ministry of Labour And Social Affairs, the Ministry of Justice, the Ministry Of Women, Children And Youth Affairs, and the Police and the courts work in coordination.

The Revised Criminal Code includes provisions regarding all forms of violence, labour exploitation and abduction. The Federal Supreme Court has issued directive no. 2/2006 which raises the level and rank of criminal punishments committed against children.⁶⁵ The celebration of international anti-violence day (White Ribbon Day) has helped to create awareness of the social, physical, psychological and economic effects of abduction, sexual and domestic violence against children.

Prevention and rehabilitation projects are implemented in each regions capital city in collaboration with the UN and international and domestic NGOs to assist and rehabilitate victims of sexual violence and child labour exploitation. The Ministry of Justice and the Ministry of Women, Children and Youth Affairs in collaboration with UNICEF has established children's violence, investigation and prosecution centers. The two ministries give psychological and legal advice to victims before they appear before a court of law.⁶⁶

In cooperation with Addis Ababa University, St. Paul's hospital has established a child care centre to provide medical and psychiatric services for victims of sexual violence. Child protection unites are established in Addis Ababa, Dire Dawa, Adama, Dessie, Awassa, Mekele and Gonder to combat violence against children.⁶⁷ The Gandhi Hospital child care center also gives health care, psychological services and free legal aid for victims of violence in cooperation with the Ministry of Justice and the Addis Ababa Health Bureau. In Dira Dawa, a similar center has been established and the Government is committed to open similar centers in all regional states.

Different measures are taken with regard to the prosecution of offenders. Victim Friendly Benches (for children to give testimony without fear and panic) have been established in Addis Ababa, Adama, and Awassa. Four Federal and twenty three Regional Federal Supreme Court juvenile justice offices have been established to give free legal aid service and psychiatric service for victims.⁶⁸ Child justice and rehabilitation centres are also being established and coming into operation. A national coordinating body for judicial administration organs is being established and is being provided with

⁶⁵ Ministry of Women, Children and Youth PP 16&20

⁶⁶ Ministry of Women, Children and Youth PP 21

⁶⁷ Ministry of Women, Children and Youth PP 16

⁶⁸ Ministry of Women, Children and Youth PP 17

continuous training, and to the members of the House of People's Representatives and to community members regarding violence against children, the legal regime and its effects. These coordinated activities are already helping to reduce violence against minors and children.

Judicial Measures

In the case of *Betezata Children's Home Association et. al* (Cassation File Number 52691) which was litigated to the level of the Supreme Court, the applicants requested the court to cancel the adoption agreement previously concluded on the ground that such cancellation is in the best interest of the child. After the conclusion of the agreement, the adoptive family discovered that the adopted child suffers from mental disorders. Then the applicants requested the cancellation of the agreement on the ground that they would not be able to take care of the child for financial reasons. The court decided that the best interest of the child should be the guiding principle as per the Constitution and the international human rights treaties Ethiopia has signed. Accordingly, the adoption agreement was cancelled.

In the case of *W/zo Tsedale Demmissie and Kifle Demmissie* (Cassation File Number 23632) was taken to the level of the Supreme Court, the Court held that the right of parents to become guardians and tutors for their children was conditioned on their ability to work for the well being and safety of the child. The Court applied Article 36(2) of the Constitution which requires the primary consideration of the best interests of the child in all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies.

Measures taken to Prevent Child Trafficking

The FDRE constitution prohibits all forms of slavery and slave trade under Art.18 (2) and the Revised Criminal Code provides 5-20 years of imprisonment and fines for those engaged in child trafficking.

A national task force, coordinated by the Prime Minister Office, has been established to combat illegal human trafficking, and especially trafficking in women and children. The national task force has coordinated a campaign against illegal human trafficking at all levels. It has held a number of panel and public discussions on the effects of illegal human trafficking. A National Council, led by the Prime Minister was established in 2004 EC to combat human trafficking. The Council includes

the presidents of the employee's federations, religious leaders and representatives of other concerned ministries as members. The council has established structures in the regions, zones and districts throughout the country and helped reach 4 million people to discuss human trafficking awareness creation.⁶⁹ Illegal human trafficking control centers are established have been set up in bus stations in Amhara, and the Southern Nation Nationalities and People's Regional States and in some parts of Addis Ababa where the problem is prevalent. An illegal women and child trafficking control directorate has been set up in the Ministry of Foreign Affairs and dealing with the issue is one of the duties of Ethiopian embassies abroad.⁷⁰

An action plan on illegal human trafficking has been adopted in cooperation with IOM, the Ministry of Labour and Social Affairs and the Ministry of Education and is under implementation.⁷¹ The Government is implementing a strategy to combat the selling and exploitation of children. The national coordinating body is working in collaboration with NGOs and other stakeholders to combat the problem.⁷² Creating a network with international and domestic organizations which work on illegal human trafficking to strengthen the efforts to prevent it has been undertaken.

Training on illegal child trafficking has been given to 120 male and 30 female security workers who work around the borders. Training on the effects and legal responsibility of child trafficking is also given to legal professionals, police, drivers and those who work in bus stations. A control mechanism for transport services is in place to check whether the children travelling on public transport are with their parents or guardians.

A special prosecutors group has been established in Addis Ababa to cover the issue of violence and exploitation of children. Social workers are employed to work with the prosecutors group to provide psychological advice for victims. The group works in close cooperation with the police. The group also gives free legal aid service in civil cases for victims of sexual abuse and exploitation who cannot afford to pay for proper legal service. A reception centre has been set up in *Millie* to give aid for returnee victims of trafficking and to help them re-integrate with their families. The federal police are conducting a study to establish reception centers in other areas.⁷³ A special bench has been established to try trafficking cases without delay.⁷⁴ Child trafficking offenders face 5-15 years

⁶⁹ Report from the Ministry of Labour and Social Affairs pp 3

⁷⁰ Ministry of Women, Children and Youth Report P. 19

⁷¹ Ministry of Women, Children and Youth Report P. 18

⁷² Ministry of Women, Children and Youth Report P. 19

⁷³ Report of the Ministry of Labour and Social Affairs p. 4

⁷⁴ Report of the Ministry of labour and social affairs pp 5

imprisonment.⁷⁵ Manuals on the danger of selling children for prostitution and sexual violence are prepared and distributed to the regions to encourage awareness of the problem.

It is relevant to note that a Justice Sector Reform Program aiming at building an effective and efficient justice sector capable of ensuring the rule of law is also being implemented. The program is designed to build the efficiency of law makers, Courts of Law and Law enforcement agencies through training and formulation and implementation of new working strategies. Part of the program relating to Courts of Law is led by the Federal Supreme Court while that concerning other justice organs is overseen by the Ministry of Justice.

The Federal Supreme Court has been managing the Children's Justice Project, which aims to ensure respect for the rights of the child guaranteed by the Constitution and create a justice system adapted children's needs. In this respect, the Project Office has carried out numerous research studies on the justice system and children in the past ten years. The project office has also provided training courses on the treatment of the children entering the justice system to judges, prosecutors, police and prison administration officers from across the nation.

MEASURE TAKEN TO REHABILITATE STREET CHILDREN

The Government in collaboration with NGOs is also implementing a program of reintegration and assimilation of street children with their families. Government bodies, NGOs, and community organizations are working to prevent children from dropping out of their families and become street children. The government of Ethiopia is working on building up the psychology of street children, providing them with life skill trainings and re-integrating them with society.

PROTECTION OF PERSONS WITH DISABILITIES

The State has an obligation, under Article 41 of the Constitution, to allocate resources for the rehabilitation and assistance of the physically and mentally disabled. Disability is also a prohibited ground of discrimination under Article 25 that guarantees to all people's equality before the law and entitles all to the equal protection of the law.

The Ministry of Labour and Social Affairs has been given the responsibility of ensuring that citizens with physical and mental disabilities enjoy their rights to equality and participation. Other ministries

⁷⁵ Report of the Ministry of Labour and Social Affairs pp 3

have also been made responsible, in the discharge of their responsibilities to ensure the participation and benefit of the physically and mentally disabled. Similar structures have been created in regional bureaus of labour and social affairs to address issues of persons with disabilities.

On a societal level a number of organizations are working to enforce the rights and benefits of disabled persons. These include: The Ethiopian National Association of the Visually Impaired, Ethiopian National Association of Women with Disabilities'; Ethiopian National Association of Persons with Hearing and Speaking Disabilities; The National Association of Disabled Persons; National Association of Persons Afflicted with Leprosy. These have formed a National Federation of the Associations of Persons Living with Disability. Capacity building support has been given by the government for these associations and their Federation. In some regional states, such as the Afar, Harari and Somali states councils of disabilities have been established to organize the integration of the issues of persons with disabilities in the activities of the State.

In accordance with the directives set out in the GTP with regard to persons with disabilities, programs were designed with the focus on the prevention of disabilities, training and empowering persons with disabilities; and for rehabilitation and provision of equal opportunity and participation. Furthermore, changing for the wrong perceptions and attitudes of society towards persons with disability by communicating appropriate information about disabilities are also a central element in the Plan.

In order to standardize rehabilitation services for the disabled National Action Plan for the Rehabilitation of the Disabled was designed and implemented in the year 2000. The action plan set out organizational structures for: prevention of disability, rehabilitation services to be provided for the disabled and the assurance of equal opportunity and full participation of persons with disabilities. Taking into consideration, the socio-economic changes that have taken place since the implementation of that action plan, a new 10-year action plan for the period 2012-2022 was prepared.

Under the goals set out in this second Plan, in addition to formulating a national strategy for physical rehabilitation to reduce the constraints and obstacles for activities of the disabled, comprehensive support is to be given, including the supply of necessary machinery and equipment for Federal and Regional prosthetics workshops to increase production of artificial limbs. Thirteen prosthetics production plants have been built across the country, and groups of orthopedic and

physiotherapy experts and technicians from each region have been trained, to improve the resources available in production centers.

With regard to national elections, the election law stipulates that voters with disabilities should be given support to reach voting stations and, in cases where voters cannot cast their ballots in ballot boxes, persons of their choice will assist them as needed. This process has been implemented in all the elections held so far.

The government has prepared and is implementing a special needs education program. The rehabilitation action plan stipulates that, in order to create extensive employment opportunities for citizens with disabilities to participate, to the extent of their abilities, preferences and capacity, special needs education coverage should be enlarged and necessary support should be given to increase their enrollment. In order to eliminate any form of discrimination against persons with disabilities and prevent them exercising their socio-economic rights, the government issued a directive to implement the Right to Employment of Persons with Disability Proclamation No 568/2007. The directive prohibits employers discriminating with others due to his/her physical disabilities, or discriminating at the time of recruitment. In order to encourage applicants with physical disabilities, the directive says that should they fulfill the required minimum qualifications, those with disabilities can proceed directly to examination without undergoing preliminary screening process. It adds that priority should be given to an applicant with physical disability if other differences amount to no more than 3%.

In order to reduce the impact of the wrong perceptions of society about persons with disability, especially after the accession to the International Convention on the Rights of Persons with Disabilities, the government has worked to develop public awareness, and delivered training on its implementation. The convention has been translated into different national languages and distributed. A National Council is also established to oversee the implementation of the Convention. The most recent celebration of the International Day of Disabled Persons and the International Day of People with Leprosy were held country-wide and the opportunity was taken to raise citizen's awareness.⁷⁶

⁷⁶ NHRAP

PROTECTION OF THE ELDERLY

FDRE Constitution provides that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. Although the constitution's provision does not mention specific discrimination on the basis of age, the phrasing "by race, nationality, ..., or other status." is inclusive of physical disability as well as age. Further, in Article 41/5 of the constitution, provision is made that the State shall, within available means, allocate resources to provide for rehabilitation and assistance to the physically and mentally disabled, the elderly, and others.

The government has set up several institutions to respect, protect, promote and fulfill, as far as conditions allow, the right of elderly citizens. The institutions charged with the responsibility for this are the Ministry of Labor and Social Affairs, and the relevant regional bureaus.

The GTP lays down that program for older members of society should respect their dignity, freedom and independence and their established relationships and association with society. The thrust of such programs should be towards providing care and support from immediate social formations and neighborhood communities rather than via formalized institutions. Creating and developing societal and communal awareness activities should be reinforced along these lines. The Government has been supported and encouraged the many charities and associations established to aid and care for the old.

The social development and welfare policy, which gives special attention to the care and welfare of this section of society, is in the course of implementation as part of the National Action Plan, and an operational manual is being prepared for this purpose.

The National Action Plan identified thirteen specific areas of problem and need for the elderly in Ethiopia among which are:- social security; poverty reduction; HIV/AIDS; education and training; employment; income generation; health and welfare; family and community care; housing and living environment; gender issues, food and nutrition; and protection of life and property. The Action Plan and the operational manual include indication of the roles that relevant Federal and Regional Stakeholders ought to play and the functional integration methods they should apply. These documents, having analyzed the key problems and challenges of the sector, emphasize that effective

and inclusive responses can be attained, not just by specific government organs, but also through the integrated actions of other government agencies and stakeholders. The documents further indicate, the methodology of integrating the respect, protection and fulfillment of the right of the old, by including in their plans and programs their capacity to operate within their functional authority, responsibility, organization and resources.

To recapitulate, elders' and pensioners' associations have been established at various stages in the country to follow up performance of their rights. The National Elders Association is the organization instituted as the national body to coordinate the work of individual associations. The International Day of Elders is remembered every year and the opportunity is always taken to build and raise awareness and educate society about the rights of this section of the society.⁷⁷

MEASURES TAKEN TO PREVENT HARMFUL TRADITIONAL PRACTICES (HTPS), FEMALE GENITAL MUTILATION (FGM), ABDUCTION AND EARLY MARRIAGE

Harmful traditional practices, such as female circumcision, child marriage and abduction that have negatively impacted conditions of Ethiopian women have also been reduced through criminalization and awareness creation measures. On the issues of violence against women and children and child justice, a National Steering Committee, consisting of representatives of the judiciary and of other relevant government bodies, has been established to provide multi-sectoral response to the problem. The steering committee has designed and is currently implementing an all inclusive and comprehensive strategy and action plan, structured for each level and sector, to prevent, respect and eradicate violence against women and children and to enable and ensure administration of child justice. As part of this measure, a legal and care centre has been established to provide multi-sectoral and integrated services to women and children that are victims of sexual violence.

The House of Peoples' Representatives has allocated an independent budget to Women Affairs. The Government has established a Universal Forum⁷⁸ composed of the Ministry of Justice, Police and Courts to deal with harmful traditional practices and sexual violence. A National Strategy and Action Plan on Elimination of Harmful Traditional Practices and Female Genital Mutilation been adopted

⁷⁷ The FDRE National Human Rights Action Plan, 2013- 15

⁷⁸ Ministry of Women, Children and Youth Report P 13

and has been distributed to regional states and federal sub cities.⁷⁹ The government has arranged experience-sharing programs, under which for examples, the Somali region has been able to take lessons from the experiences of the Afar region which has a good record in combating female genital mutilation. A series of training workshops and awareness creation activities has been held in communities in which female genital mutilation is more prevalent together with judicial bodies (Public Prosecutors, Police and Judges).⁸⁰

A number of TV and radio programs have been broadcasted on the psychological, social and physical effects of female genital mutilation. Public discussions and the media have played an important role in combating harmful traditional practices in general and female genital mutilation in particular. A national campaign on harmful traditional practices on International FGM Day and on Children's Day has also helped the effort.⁸¹

Early Marriage

There are interventions by the government to protect the rights of women by implementing laws concerning a minimum marital age. The government has taken measures to enforce laws on minimum marriageable age, on forced and arranged marriages. The Federal Revised Family Code stipulates marriageable age to be 18⁸² and the regional states uniformly enacted family laws to give the same age limit with the exception of the Somali and Afar Regional States.

It should be noted, however, that the Revised Criminal Code provides 3-7 years of imprisonment for those found engaging in such practice.⁸³ A National Committee on Elimination of Harmful Traditional Practices has been established and is implementing a national action plan to eliminate forced marriage, arranged marriage and early marriage. A project to benefit 200,000 children and adults and to eliminate early marriage is under implementation in the *Ambara* Regional State where early marriage is most prevalent.⁸⁴ Awareness creation activities on actions to benefit and promote the welfare of women and children are being undertaken. TV and radio programs on the negative effects of early and forced marriage are broadcast regularly.

⁷⁹ Ministry of Women, Children and Youth Report p13

⁸⁰ Ministry of Women, Children and Youth Report P 14

⁸¹ Ministry of Women, Children and Youth Report p 14.

⁸² The Federal Family code, 2000 Article 7(1)

⁸³ Ministry of Women, Children and Youth Report p 20

⁸⁴ Ministry of Women, Children and Youth Report p 14

The law enforcement approach employs both the formal legal system and the informal/traditional system of justice administration. In terms of the justice administration system, various approaches have been used in the country. These include: legal literacy and awareness about the illegality of FGM/C, punishing perpetrators, increasing accessibility of law enforcement bodies, accelerating the legal process whereby the police acts as a prosecutor and investigator at the same time and establishing circuit courts that move into the rural areas. The introduction of a system known as “Community Policing” and the establishment of “Women and Child Protection Units” in all Regional States at grassroots level, contributed much in the prevention and reporting of violence against women and children. Furthermore, The Federal Supreme Court issued sentencing guideline in 2010 & revised in 2012 which is the first of its kind so as to ensure and control the correctness and uniformity of sentencing that cover wide range of crimes including violence against women and harmful traditional practices.

Measures taken to Prevent Gender Based Violence (GBV)

Awareness creation and mobilization has been held during national events on the social, economic, physical and psychological impact of gender based violence. Religious leaders have also spoken out in public against GBV. A National Assessment was conducted at country level to assess the extent of violence and this has helped in the issuance of programs, strategies and in taking appropriate measures. Capacity building workshops have also been held to inform judicial bodies concerning GBV and ensure appropriate measures are taken⁸⁵. A Special manual was prepared and special team was set up to follow up the investigation and prosecution of crimes of sexual violence. Special Prosecutors have been appointed in every prosecution office to deal exclusively with the affairs of women and children on a ration of 1/4. Victim friendly benches were introduced and *pro-bono services* were being provided. In addition, a One Stop Crisis Center for victims is now set up at *Ghandi* Hospital, where survivors of sexual violence are provided with physical, psychological and legal support in one center. The National Action Plan was adopted and National Coordination body drawn from 19 different offices has been cooperating on all aspects to combat any form of violence against women. Other measures taken to reduce violence against women include enactment of protective legislation and a Revised Penal Code has been adopted which contains strong measures in

⁸⁵ Ministry of Women, Children and Youth Affair report, pg 13

support of women's rights and curbing GBV⁸⁶. In addition, the Women's Association is closely working with the Government and other concerned to ensure appropriate measures are taken.

The Ministry of Justice through the pre-established 11 especial prosecution and investigation units and by working together with the police in the police station tried to effectively implement the criminal law. As a result of the establishment of special prosecution unit in the Ministry of Justice at different level of structures, the quality of investigation and prosecution mechanisms (works) increased and cases are speedily brought before the Court and decided; accordingly conviction rate is increased. For instance, in 2011 the conviction rate was 45% while it was increased to 88.77% in 2013. The pre-established special benches within the Federal First Instance Court to handle cases of VAW, particularly sexual violence cases have shown good achievement in implementing gender sensitive proceedings in the prosecution of VAW perpetrators. This bench is now established in Dire Dawa and efforts are under way to replicate the same in all regions. The establishment of women and child protection units in police stations as part of the overall measure initiated women and child sensitive reporting, investigation and prosecution of cases, which also handle cases of women survivors.

The Ministry of Justice has provided mandatory training on strict application of relevant provisions of the Criminal code of Ethiopia for more than 150 prosecutors particularly, on sexual, physical and domestic violence against women and children and how to protect them by implementing the criminal Code. Similarly, The Ministry of Women, Children and Youth Affairs in collaboration with European Union and other development partners has provided training on HTP, Legal Aid skills and relevant provisions of the Federal Democratic Republic of Ethiopia Constitution, Criminal Code, Revised Family Code and International and Regional legal instruments to 2733 Judges, prosecutors, courts presidents, police officers, and representatives of civil societies and other pertinent bodies. These trainings enabled the legal actors and the implementing bodies to enhance their skill and effectively implement the relevant provisions of the law.

The Ministry of Justice prepared the investigation and prosecution manual for crimes against women and Children especially for sexual and Physical violence. Based on this manual, awareness creation and sensitization workshops have been conducted for different segments of the public. In addition to this, skill trainings have been provided for the Prosecutor, Police and Medical Personnel on how

⁸⁶ Ethiopia MDGs Report, 2010, pg 18

to handle victim Women and Children. Moreover, different awareness raising programs and education disseminated through radio and television for more than 20 million people about how, where and when victim Women and Children could report their cases for the competent authority.

For the purpose of encouraging women and girls to report the act of violence, the Ministry of Women, Children and Youth Affairs has prepared and distributed national girls' forum guideline to Regional Women, Children and Youth Affairs Bureaus. This guideline incorporates information on how to organize the forum and defend their rights, and how, when, where and for whom to report the acts of sexual violence committed.

The Ethiopian Human Right Commission (EHRC) in partnership with universities and civil society organizations has been providing free legal aid services to members of the society. Moreover, in 2012/2013, 102 Legal Aid Centres have been opened and different organizations are working in collaboration with the Commission and the Legal Aid Centres. Civil Societies and Women Associations have been also providing free legal aid service and shelter to victim women and girls.

The Ministry of Justice has held regular meeting of the National Coordinating body which is established for the purpose of combating violence against Women and Children so as to expedite the adaption and implementation of the draft national strategic plan of VAW/C. The 3 years strategic plan and the 5 year action plan which stands for prevention of violence against women and children and accessible service delivery provision for the survivors have been endorsed and the memorandum of understanding between the members was signed and become operational.

Measures taken to Prevent Illegal Trafficking of Persons

The illegal trafficking of persons has increased at an alarming rate and has been having an impact on the economy and on the social wellbeing of the people. To overcome the problem in a sustainable fashion and alleviate its impact it has had on the social, economic and physical wellbeing of people, a series of different measures have been introduced and incorporated in different laws and inserted into different sectoral objectives.

A National Council has been established constituting high ranking federal and regional government officials, to prevent human trafficking. The Council adopted a National Action Plan on Human Trafficking and Illegal Migration. To this end, the relevant Ministries are currently engaged in the implementation of the Action Plan on Human Trafficking and took actions to curb the illicit acts of

the traffickers. The Federal Police, with the Ministry of Justice and Federal courts have prepared training manuals on the prevention and investigation of human traffickers. They also give intensive training to members of security forces in regions where the crime is widespread.

Measures taken to Prevent Illegal Trafficking of Women

Apart from prohibiting illegal trafficking of women by law, the Government has carried out many activities to combat illegal trafficking of women. It has held consultations with Micro and Small Business Enterprises and other financial bodies to empower developments that benefit women. It has held meetings on awareness creation and mobilizing women and other stake holders. The government has underlined its concern over the issue with the setting up of the National Council, headed by the Deputy Prime Minister, which established committees from the federal level down to the level of *kebeles* and co-operates with different stakeholders to combat illegal trafficking.

PROTECTION OF INTERNALLY DISPLACED PERSONS

Ethiopia is a signatory to the Kampala Convention⁸⁷, and the memorandum on the ratification of the Kampala convention has already been submitted to respective Ministries for comments before it is submitted to the Council.

The government has followed a new approach to disaster risk management (DRM), anchored in reducing multi-hazard disaster risks, vulnerabilities and the impact of potential disaster which enabled the governmental organs to deal the root causes of internal displacement. The DRM approach is community focused and establishes clear organizational roles at all levels from the community to federal administration. The government is in the process of finalizing a DRM policy and strategy framework comprising six components; prevention, mitigation and preparedness, disaster response and early recovery and rehabilitation. The system will build up the resilience of communities and will in turn to a substantial reduction in disaster losses whether of lives or of social, economic and environmental assets, thus enable continued sustainable development.⁸⁸

⁸⁷African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) , Adopted in Kampala, Uganda, on 23 October 20 & entered into force 6 December 2012

⁸⁸ Ethiopia UN Development Assistance Framework, UN Country Team, 2011

The primary cause of internal displacement in Ethiopia at times has been associated mainly with drought. The displaced people from the Somali, Afar and Amhara Regional States were given assistance to resettle in their homes. Under this, over a four year period, from 2009- 2013, 3007 families benefitted from a reintegration program and returned to their homes.⁸⁹ In addition, food and financial aid has been given to affected peoples, and the federal government also intervened in other regions to mediate conflicts. In addition, the government is working to ensure equitable development in support of deserving regions by providing technical and material support.

PROTECTION OF THE REFUGEES

The government is committed to protect the rights of refugees and make sure they are treated humanely during their stay at refugee camps and to voluntarily return them to their countries whenever possible in cooperation with the UNHCR, governmental organizations and NGOs.

The National Refugees Law was adopted in 2011/12 and is implemented to protect the rights of refugees and asylum seekers, with due regard given to the international law instruments. The Ethiopian National Intelligence and Security Service has issued a manual detailing procedures for different services and needs for refugees and asylum seekers. In addition, a Refugee Rehabilitation and Protection Committee was set up to protect the rights of refugees and facilitate the procedures for receiving refugees and asylum seekers on the basis of Standard Operating Procedure. Ethiopia currently hosts 435, 581 refugees from neighboring countries (Somalia, Eritrea, Sudan, South Sudan and Kenya) plus, 2,556 refugees from other countries. There are a total of 18 refugee camps.⁹⁰

In cooperation with WFP, food rations are distributed monthly to the refugee camps. The government also encourages refugees to engage in different income generating activities as part of policy of encouraging rehabilitation for refugees. Following the implementation of an out of camp policy, 3,810 Eritreans are now living in Addis Ababa and other regional cities, and the government has facilitated a policy for some to join higher educational institutions. In 2010/11, 1,284 students took a first degree and 45 others MAs and 1 a PhD in 2012/13, 77 students took their BAs and 12 other MAs. They are now engaged in different areas of work connected with the refugee camps,

⁸⁹ Ministry of Agriculture Report pg 8

⁹⁰ Administration for Refugees-Returnee Affairs , Report, pg 1

benefiting fellow refugees and themselves. The government is also undertaking efforts to return 2,300 Kenyan refugees to their country other studies are underway to look into possibilities for the return of other refugees to their countries. A considerable number of refugees, 13,509 (from Eritrea, Sudan and Kenya) have been given the chance of resettlement in 3rd party countries.⁹¹

To strengthen protection for refugees, the government cooperate with international organizations mainly UN programs and in particular the UNHRC which allocated an annual budget of \$78,232,370 in 2012 and \$81,690,000 for 2013 to extend the refugee protection program.⁹² The government in cooperation with UNHCR and other stake holders has undertaken a series of activities to protect the rights of women and children in the refugee camps. These have included education against anti-female stereotypes, provision of alternative power sources in the camps to avoid the possible violence women face when gathering fuel; the creation of organizational structures for refugee women; awareness creation of the national and international laws against Gender Based Violence; Community Police units set up among the refugees in all the refugee camps to protect the rights of refugee society and ensure peace and security; social workers in every camp and gender clubs instituted in all the schools in the refugee camps. All this has helped the efforts to combat gender based violence.

In addition, the government, in its efforts to prevent sexual violence and protect victims prepared and implemented the Standard Operating Procedures, which laid down the powers and responsibilities of different stakeholders. Task forces were set up in every camp, zone and in Addis Ababa drawn from governmental organizations and NGOs. These hold monthly discussions on the challenges and possible solutions. The government also provides all kinds of support in the camps to victims of violence and takes appropriate measures against perpetrators. If there are indications that victims are at risk in the camps, the government has prepared temporary safe houses and transfers them until the problem has been properly dealt with.⁹³

⁹¹ Administration for Refugees-Returnee Affairs , Report, pg 2

⁹² Administration for Refugees-Returnee Affairs , Report, pg 3

⁹³ Administration for Refugees-Returnee Affairs , Report , pg 4

PART III

PROMOTION AND PROTECTION OF PEOPLES' RIGHTS

Rights of all Peoples to Equality, Existence and Self-Determination (Articles 19-20)

Constitutional Measures

Pursuant to Article 8 of the FDRE Constitution “all sovereign power resides in the Nations, Nationalities and Peoples of Ethiopia.” Moreover, the Constitution provides that “human and democratic rights of citizens and peoples shall be respected.” The Constitution also conferred the right to self-determination on these nations, nationalities and peoples. It granted them the right to speak in their own language, maintain their cultures, history, and identity and to create their own separate institutions.⁹⁴ Ethiopia is a multicultural, multi-ethnic, multilingual country with over 89 languages. It is indeed an admirable model where many nations, nationalities and peoples live in mutual respect and harmony. The creation of the Federal system and the adoption of the Constitution in 1995 laid down the foundations for the promotion of peoples’ rights. Article 39 of the FDRE Constitution, therefore expressly guarantees:

- The right of all nations, nationalities and people to unconditional right to self-determination, including the right to secession;
- The right to speak, to write and develop their own language, to develop and promote their own culture and;
- The right to self-government.

Articles 39 (3), 42, and 47 of the Constitution make it clear the right to secession is part of the right to self-determination of nations regardless of their numerical, historical political status. The only limitation to this right is that all regional or local organs should discharge their duties and exercise their rights within the framework of democratic principles, the rule of law and in accordance with the mandatory rules and spirit of the FDRE Constitution.

⁹⁴ Articles 39 and 52 of the FDRE Constitution

There are now nine Regional States and two City States, and the door is also open for every nation to establish its own regional state in the future. The preamble to the Constitution emphasizes that “the Nations, Nationalities and Peoples of Ethiopia” have expressed their strongly commitment to live together “in full and free exercise of our right to self-determination, to building a political community founded on the rule of law and capable of ensuring a lasting peace, guaranteeing a democratic order, and advancing our economic and social development.” It highlights further that the peoples of Ethiopia are “fully cognizant that their common destiny can best be served by rectifying historically unjust relationships and by further promoting the shared interests.”

Each nation of Ethiopia has the right to the full measure of self-government. This consists of the right to establish institutions of government in the territory they inhabit and to equitable representation at both federal and state government level.⁹⁵ The regional governments are guaranteed the right to determine their own working language, to preserve their own separate identity and to establish their own independent legislative, executive and judicial structures. As indicated in the preamble of the Constitution the people of Ethiopia are convinced that “to live as one economic community is necessary in order to create sustainable and mutually supportive conditions for ensuring respect for our rights and freedoms and for the collective promotion of our interests.”

The Government is under an obligation to respect the identity of Nations, Nationalities and Peoples since the people have shown their determination to consolidate the peace and the prospect of a democratic order which their struggles and sacrifices for freedom have brought about as a lasting legacy. Accordingly the Government has been required to strengthen ties of equality, unity and fraternity among the people. The Government therefore provides special assistance to the Nations, Nationalities, and Peoples least advantaged in economic and social development. It has the duty to hold, on behalf of the People, land and other natural resources and to deploy them for their common benefit and development. The Government also at all times promotes the participation of the People in the formulation of national development policies and programs; and has the duty to support the initiatives of the People in their development endeavors.

⁹⁵Article 39(3) & 47(2) of the FDRE Constitution

Administrative and Institutional Measures

At the Federal level there are two Federal Houses: the House of Peoples' Representatives and the House of Federation. The House of Peoples' Representatives (HPR) is the highest legislative organ of the State. The members of HPR are elected for a term of five years on the basis of universal suffrage and by direct, free and fair general elections held by secret ballot. The HPR has the power of legislation in all matters assigned by the Constitution to federal jurisdiction, as well as the power to investigate the Executive's conduct and discharge of its responsibilities. The House of Federation is composed of representatives of the nations, nationalities and peoples and its members are elected by the Regional State Councils or have representatives elected by the people directly. The House of Federation has the power: to interpret the Constitution; to decide, in accordance with the Constitution, on issues relating to the rights of nations, nationalities and peoples to self-determination; to work to find solution to disputes and misunderstandings that may arise between States; and to determine the distribution of revenues derived from joint Federal and State tax sources, and the subsidies that the Federal Government may provide to the States.

The highest executive powers of the federal government are vested in the Prime Minister and in the Council of Ministers and they are responsible to the House of Peoples' Representatives. Regarding the structure and powers of the courts, an independent judiciary is established by the Federal Constitution and highest Federal judicial authority is vested in the Federal Supreme Court.

In accordance with the FDRE constitution, the states have legislative, executive and judicial powers on matters falling under state jurisdiction. The State Council is the highest organ of State authority and is responsible to the people of the State who elect their representatives for a term of five years in the national and federal elections. All states have their own state constitution and can enact laws on issues falling within state jurisdiction. The States' executive authorities are responsible to implement the laws and policies of the State Councils as well as Federal laws. An independent judiciary is established in each state with the mandate to interpret laws.⁹⁶

⁹⁶ The FDRE National Human Rights Action Plan, 2013- 15, pg 13

Policy and Legislative Measures

The Democratic System Building Policy provides the policy basis and underlines the importance of peoples' rights. The Ministry of Federal Affairs is established under the Proclamation No. 256/2001 that defined the powers and duties of the reorganized executive organs of the FDRE. It was first organized into two main sectors, regional affairs and urban development sectors. It was again reorganized in 2005 under proclamation No. 471/2005 whereby urban development was excluded and other powers and duties assigned instead. The Ministry is responsible for resolution of disputes arising between regional states. Without prejudice to the provision of relevant laws, and upon the request of regional states, it devises and implements sustainable political solutions for disputes and conflicts that may arise within or between regional states. In order to provide assistance and support deserving regions, the Federal Board has been established through which various ministries and other bodies deliver overall support to the regions. The Ministry also coordinates the efforts of neighboring regions for support where relevant.

The Ministry was later entrusted with further powers under proclamation No. 691/ 2010, working through the Growth and Transformation Plan to achieve equitable development in support of deserving regions, resolving conflicts, strengthening the federal system, and upholding healthy regional relations throughout the country.

The Federal Special Support Board has been established to ensure the effectiveness of affirmative support provided by organs of the Federal Government, to provide the necessary assistance for regions in their implementation of sustainable development, in promoting good governance and democratization and to encourage close cooperation between the regions eligible for affirmative support and their neighbors regions. The Regional Equitable Development Office was established under the Ministry to bring about equitable development with four development directorates covering the Afar, Somali, Benishagul Gumuz and Gambela Regions.

The Federal Affairs Ministry, the main body entrusted with bringing constitutional objectives down to the practical level, also established an Office of Intergovernmental Relations at the level of a directorate general. This, among other matters, has the responsibilities of providing assistance and advice to encourage regional states to establish good relations with each other on the basis of

principle of mutual understanding and partnership and generally strengthening the federal system, through undertaking capacity building and other developments.

Capacity building training and support is given to ensure rapid and sustainable growth and harness the gap in development between regions. On this basis, an action plan was prepared in 2011/12 and developmental offices established to effect resettlement on the basis of free consent to ensure availability of public services for all areas and people. Consultations were held at various levels within the relevant areas of the four support deserving regions before the resettlement programs were launched. The government allocated a special budget for the regions to ensure the rights of the people to public services and all facilities were provided. These include:

- Water well constructions
- Health facilities
- Educational institutions
- Health centers
- Preparation and harvesting of farm land
- Resource provisions including human, material and technical assistance
- Construction of houses
- Agricultural sector assistance including veterinary services, skills training and infrastructure provision and Sanitation development

THE RIGHT OF PEOPLES' TO FREELY DISPOSE OF THEIR WEALTH AND NATURAL RESOURCES (ARTICLE 21)

Ownership and Possession of Wealth and Natural Resources

Constitutional Measures

As provided under Article 40 and 89 of the Constitution, the right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and the peoples of Ethiopia. The Government has the duty to hold, on behalf of the People, land and other natural resources and to deploy them for their common benefit and development. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and is not subject to sale or to other means of exchange. The Peoples of Ethiopia as a whole, and each Nation, Nationality and People in Ethiopia in particular, have the right to improved living standards and to sustainable development. According

to Article 41 (4) of the Constitution the Government has the obligation to allocate ever increasing resources to provide for public health, education and other social services. The Government is expected to provide special assistance to the Nations, Nationalities, and Peoples least advantaged in economic and social development. It works within the context of the ideals and objectives on which provisions are made in the Constitution. This allows for harnessing the resources of the nation, promoting national prosperity and an efficient, dynamic and self-reliant economy and controlling the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity. The Government therefore, undertakes various measures to ensure that the first beneficiary of natural resources is the society in which the resource is found. This is done through action by the Government such as forming cooperative associations to work on mining activities to explore gold, tantalum and other precious metals.

Administrative and Institutional Measures

The Government has designed the Commune Development Program (CDP) which is aimed at realizing the aspirations of historically disadvantaged communities for equitable and accelerated development in line with the development of others in the country. . The CDP is one of several approaches pursued to improve the livelihoods, expand basic services and build grassroots institutions among such communities. These communities are also given the opportunity to consider any other viable options and alternatives including continuation of their existing condition.

The CDP is designed to operate under the provisions of the Ethiopian constitution and key public policies and strategies as well as good practice guidelines. Key aspects of these provisions concern the voluntary movement and consent of peoples, community participation in the provision of information and in consultation in the decision-making processes of the CDP.

The program has thus been guided by these key principles. Participation in the commune program has been fully voluntary. Regional and local authorities started the process with rounds of consultation to inform people about the rationale and objectives of the program as well as its benefits and challenges. This constitutional provision has been strictly pursued. The decision is then left entirely to the households concerned. People who decide to move to new sites retain full rights

to return to their old places if they desire to do so. Those who chose not to participate in the commune development program face no discrimination in access to services or otherwise.

The government recognizes the challenges, particularly at the beginning of the program, in the delivery of infrastructure and services on time and to the required standard at some of the CDP sites. These arose mainly from circumstance of limited delivery capacity and access to infrastructure in these areas. The regional and local governments as well as the communities have learnt lessons from their experiences. In addition, as a result, the delivery capacities of local authorities and of the private sector have significantly improved.

The government is now in a better position to ensure better sequencing and delivery of basic services and infrastructure and ensure access and standard of services and infrastructure are satisfactory. The Government will continue to work to improve delivery in the CDP areas. Early indicators of the outcomes of the CDP show encouraging results. The program is strengthening organized local accountability systems and giving more voice to communities in the governance of their local affairs, as well as creating more fertile ground for direct community participation, strengthened rule of law, and a deepening of good governance and democratization processes. These improvements are of course in addition to the obvious gains in access to services, infrastructure, human development and local economic changes. These development dynamics have become triggering factors for subsequent improved quality of services and infrastructures.

The investment in basic services and facilities is significantly improving the welfare and productive employment of women. In addition, extension services of improved agricultural and livestock practices, market links and access to information are improving over time paving the way for sustainably improved standard of living in the communities. Peace and stability have been enhanced further in the CDP areas. These accrue to everybody but the most obvious beneficiaries are children and women. It should be added that the encouraging early outcome of the policy will not in any way divert the government's attention away from continuing with efforts to ensure the observance the constitutional provisions as well as key principles and objectives of various government policies and strategies in CDP.

The Ministry of Mining is also working with cooperative associations that are working on mining activities. Due to the establishment of a legal framework for artisanal mineral production and transactions, the number of organized artisans and their role in the market has significantly increased. In 2012/13 75 new Artisanal Miners' Cooperative Associations were established. This has increased the number of Cooperative Associations to 553. These include 38,618 male and 20,029 female and a total of 58,647 members. In effect, this enabled the community where resources are located to benefit from mining activities in that locality.

THE RIGHT TO ECONOMIC, SOCIAL AND CULTURAL DEVELOPMENT (ARTICLE 22)

Constitutional Guarantee

The FDRE Constitution clearly stipulates that all the Nations, Nationalities and Peoples of Ethiopia, have the right to improved living standards and to sustainable development. Beyond the Government's duty to hold, on behalf of the people, land and other natural resources and to deploy them for their common benefit and development, the Government is also required at all times to promote the participation of the people in the formulation of national development policies and implementation programs. It also has the duty to support the initiatives of the people in their development endeavors.

The right to development, which is recognized in the ACHPR, is also incorporated in the FDRE Constitution. In this context, the right to development is not merely about economic or social development; rather it is both an independent right and one that is intrinsically linked to the full enjoyment of the range of human rights with social, cultural, political and economic dimensions.

Administrative Measures

The Government has demonstrated its commitment to the realization of economic, social and cultural rights in Ethiopia by passing legislation, engaging in education campaigns and by forging partnerships with relevant stakeholders. The laws aimed at improving the social, economic and cultural rights of the people include the Public Servants' Pension Proclamation, the Private Organization Employees' Pension Proclamation and the Social Health Insurance Proclamation.

These proclamations protect the rights of civil servants and employees within the private sector to retirement /pension allowances and related benefits.

The basis of national economic development is the creation of accelerated and sustainable growth with the participation and benefit of all its citizens, ensuring equitable wealth distribution that builds a development-based democratic order. Maximum effort has been exerted to attain development goals to ensure the continuation of the achieved success by respecting, protecting and progressively fulfilling individual and group rights of citizens as an inseparable element of development. During the first two years of the GTP, GDP grew on average by about 10% per annum. The economic growth which has been registered since 2003/04 in the country has been rapid, broad-based and effective in accelerating social development and reducing poverty.

Citizens are consulted and able to decide on development projects affecting the areas they inhabit and in which they participate. Decentralization has been effectively established to enable citizens to develop themselves and their region and lead prosperous lives.

Through the implementation of agricultural-led industrial development policies, which center on the rural sector inhabited by 85% of the population, keeping government ownership of land and creating an all-inclusive and sustainable land utilization system, the Government has created conditions that benefit the majority of the people. Tremendous results have been achieved by allocating the majority of the government budget to sectors centered on infrastructural development and on pro-poor development.

The Government, guided by these principles, drew up and implemented its “Sustainable Development and Poverty Reduction Program” and the “Poverty Eradication and Accelerated Sustainable Development Plan” These succeeded in benefiting people largely at various levels; registering impressive economic growth and have been successful in bringing about extensive social development and good governance.⁹⁷ The Government is now implementing the GTP building on earlier sustainable development and poverty reduction programs. In the agricultural sector, training sessions for farmer and scientifically researched high yield technologies are being introduced yielding encouraging results. In 2010, 52,023 agricultural extension workers were deployed and 5.09 million

⁹⁷ The FDRE National Human Rights Action Plan 2013- 15, pg 165

households benefited from agricultural extension services. In 2011, 9.04 million households benefited from the program. There were 7,748,305 beneficiaries who participated in the Productive Safety Net Program in 2011, and 1.8 million food self-sufficient beneficiaries graduated from the Household Asset Building Program.⁹⁸

The economy has experienced strong and broad-based growth over the past decade; this growth resulted in positive trends reducing poverty in both urban and rural areas. The proportion of people living below the poverty line in Ethiopia has declined from 38.7% in 2004/05, to 27.8 % in 2011/12 and is still falling steadily. The poverty targeted growth oriented expenditure increased from 47.3 billion Birr in 2009/10 to 87.6 billion in 2011/12, and is now about 70.4% of total Government spending. The increment in spending on growth-oriented pro-poor sectors reflects the commitment to eradicate overall poverty. The per capita income has increased from USD 377 in 2009/10 to USD 550 in 2012/13.⁹⁹

The integrated development and micro and small-scale enterprise development programs have been used as a tool to fight unemployment in cities and urban centers. The Government was able to generate employment for 2,681,367 job seekers in the year 2010/11-2012/13 and out of these there were 1, 556,821 permanent and 1,124,546 temporary jobs. Large-scale projects undertaken by the Government also created jobs for another 1,283,254 people. 60.3% of the urban population in 2010/11, were economically active and this increased to 62.5% in 2011/12. Measures taken in urban areas have helped decrease the urban unemployment rate from 18% in 2010 to 17.5% in 2011 while youth unemployment declined from 23.7 to 23.3% in the same period.¹⁰⁰

Due to the focus on agriculture, the production of food crops, 119.1 million quintals in 2005, rose to 191.0 million quintals in 2012. In order to ensure the right to development by the farmer, systems of enabling the farmer to obtain credit without collateral and the possibility of training through agricultural extension programs were established. Veterinary services have been substantially enlarged and implementation of the food security program has made it possible to reduce significantly the number of farmers in need of food support. Farmers have formed cooperative associations of their own and have benefitted from direct access to the market.

Conducive conditions have also been created for participation of people in the trade and industry sectors. In the various sub-sectors of small scale enterprises, employment opportunities for over 1.5 million citizens have been created. Meaningful support in terms of availability of credit and provision of training as well as allocation of land for production plants and sales facilities have been provided.

Energy development has a significant place in the development agenda of the Government. Large scale energy development activities have been undertaken to fulfill the high energy demands of the country's development. The power generating capacity of the Country has risen to 2,718 MW from the 714 MW in 2005. The Government now has plans to generate more than 10,000 MW of energy by the end of the Growth and Transformation Plan. For this, the Government and the nation is devoting every effort to complete the Great Ethiopian Renaissance Dam, the Gibe III (1,870 MW) and Genale *Dawa* III (254 MW) dams as well as wind farms of 120 MW and 75 MW from *Aluto Langano*, and geothermal expansion projects now under construction.

The Government is undertaking construction of power transmitters and dispenser/distributor lines with high, medium and low voltage to expand the use of energy. Currently power transmission lines with a capacity of 400 kilovolt have reached 11,000 kilometers and the Government is undertaking efforts to increase this to 17,000 kilometers by the end of the Growth and Transformation Plan period. Likewise, the power distribution lines of 0.4, 15 and 33 kilo Volt have reached 140,000 kilometers and massive works are in progress to expand this to 258,000 kilometers. Overall, about 6000 cities and rural villages are now receiving electricity currently with supplies reaching about 50 percent of the country. When all the new projects are fully functional, there will also be power available for export on a substantial level.

In parallel with expanding main electricity services, in particular in areas where electric lines could not previously reach, activities are being encouraged to make use of alternate energy. To combat the use of forest products for energy, the government has been encouraging improved use of biogas technologies in particular in rural areas. More than 4.2 million families have been using alternate energy and plans are now to more than double this number. 25,000 solar panels have been distributed and further activities are being undertaken to generate power from sunlight and extend the numbers of users to 3 million. Small scale water energy generating constructions that benefit rural areas are another activity being encouraged, and around 10 million power saving bulbs have

been distributed. Fuel from a mixture of ethanol and benzene is being produced; this allows a reduction of 5 percent of total benzene imports.

All these energy developments are part and parcel of the Government's initiative to build a 'Green' economy and it is a strategy that will put the overall development activity of the country on a secure and sustainable foundation. Considerable work has been done in road construction, the provision of drinking water, irrigation development, and expansion of the telecommunication services as well as in electric power generation. Satisfying results have been achieved. In construction and urban development, education and health sectors, citizens have participated and benefited greatly from these developments. The national road coverage has grown from 26,550 km in 1997/8 to 52,042 km in 2010/11. In 1991/92 the number of citizens enrolled for education was 2.7 million. By 2010/11 the number had risen to 20 million at all levels of education, 43.5% of whom were women. Similarly remarkable achievements, which mean Ethiopia will achieve the relevant Millennium Development Goals, have been reached in the health sector.

In continuation of the development plans that brought about this accelerated economic growth and achieved these encouraging results in meeting the Millennium Development Goals, the Government prepared and embarked on the Growth and Transformation Plan for the 5 years period, 2010-2015). The overall aim was to help achieve the country's vision to eradicate poverty and become a middle income country by raising the per capita income of citizens to the level of middle income nations by 2025. As indicated above, the GTP was prepared with popular participation and is being implemented with the active engagement of the general public. The Plan will improve the living standard of all citizens and ensure accelerated, sustainable and equitable growth. All regional states, executive organs and sectors have taken full advantage of their right to development by drawing up and implementing their own growth and transformation plans to achieve the goals and targets set out in the GTP.

As a result of the measures taken so far the per capita income of the citizens, which was 146 USD in 2004/05 rose to 392 USD in 2010/11 (and then to USD550 in 2012/13). The perceived income (consumption) gap in among citizens, according to the Gini coefficient, was reduced from 3.0 in 2004/5 to 0.29 in 2010/11. The national food security index was reduced to 33.6% in 2010/11 from the 38% it was in 2004/5. Head count poverty rate was reduced from 38.7% in 2004/5 to

29.6% in 2010/11. There is an improvement in the life expectancy of citizens from 50.9 for women and 53.5 for men in 1993/4 to 60.4 for women and 58.4 for men in 2010/11.

The Government has been able to record an above 11% average annual economic growth over the past eight years, through designing and implementing development policies and strategies that were able to create accelerated and sustainable growth centered on agriculture and rural development. This growth is the result of the joint endeavors and participation of Government, citizens and investors, and has benefited society at all levels.

To combat corruption which prevents citizens from benefiting from development and the government from attaining its vision as well as challenging good administration, the Government established Anti-Corruption and Ethics Commissions at Federal and State levels. These Commissions have been striving to accomplish their mission by expanding ethics education, preventing corruption, investigating and prosecuting cases, and working to create transparency and accountability within the government system.¹⁰¹ They have had some success.

RIGHTS OF ALL PEOPLES TO NATIONAL AND INTERNATIONAL PEACE AND SECURITY (ARTICLE 23)

Constitutional Guarantee

One of the principles of Ethiopia's external relation is to promote peaceful solutions to regional and international disputes. The Constitution under Article 86 sets out the principles of foreign relations which include the promotion of relations based on the protection of national interests and respect for the sovereignty of the country; to promote mutual respect for national sovereignty and equality of states and non-interference in the internal affairs of other states. In line with the Constitution, Ethiopia's foreign relations are based on mutual interests and equality of states as well as those international agreements ratified by the State. Having ratified the African Union (AU) Constitutive Act, the Protocol on the Establishment of the Peace and Security Council of the African Union and the AU Common Defense Pact, Ethiopia has

¹⁰¹ The FDRE National Human Rights Action Plan, 2013- 15, pg 169

been championed the principles and objectives of the AU towards peace, stability, prosperity and development of the continent. These principles are aimed at forging and promoting ever growing economic union and the fraternal relationships of peoples with Ethiopia's neighbors and other African countries.

Policy Measures

The Government firmly believes in the foundation of peace and security for sustainable growth and development. The Democratic System Building Policy underlines that the democratization of the country is a precondition for lasting peace in the country. In this regard the government is endeavoring to build a democratic system in which the people have a direct say in the administration of the affairs of the State. The Foreign Affairs and National Security Policy of the country stresses the importance of the peace of the Horn of Africa for the overall development of the countries in the region. Ethiopia's role in the peace and security affairs of the Horn of Africa is also an effort to ensure national and international peace and security. The House of Peoples' Representatives has ratified the African Common Defense and Non-Aggression Pact to promote the country's involvement in peace and security issues in the continent. Ethiopian forces have joined UN AMISOM to further facilitate the transition of Somalia to peace, and make up the UN force in the dispute area of Abyei between South Sudan and the Sudan. The government is also actively engaged in the peace process in South Sudan, an effort exerted both at the level of IGAD and at a national level.

Administrative Measures

Ethiopia has been actively involved in maintaining peace and security both in the sub-region and at the continental levels. Ethiopia has contributed its part in promoting the peaceful settlement of disputes in the IGAD region especially in Somalia, the South Sudan and Sudan. The government has devised the necessary strategies and proper legislations to protect the public from such horrendous crimes as terrorism, religious extremism and human trafficking which are antithesis to the peace of the nation. Awareness-raising works, aimed at informing the public of the dangers of these activities, have also been carried out to encourage the public to cooperate with the government in fighting these crimes.

PEOPLES' RIGHT TO SATISFACTORY ENVIRONMENT (ARTICLE 24)

Constitutional Guarantee

Ethiopia is one of the few countries that provides for environmental rights in the constitution. The FDRE constitution in Article 43 and 44 (1) notes that all persons have the right to a clean and healthy environment. It also states that all persons who have been displaced or whose livelihoods have been adversely affected as a result of state programs have the right to commensurate monetary or alternative means of compensation, including relocation with adequate state assistance.

Policy Measures

The following policies and strategies may be mentioned in this regard:-

- Environmental Policy 1997)
- Green economy strategy (2010)

Legislative Measures

Among the different legislations issued by the government in this regard are:

- Environmental Impact Assessment Proclamation 299/2002
- Pollution Control Proclamation No.300/2002
- Dry Waste Management Proclamation No. 513/2006
- Criminal code , Proclamation No. 414/2005
- Environmental Protection Organs Establishment Proclamation 295/2002
- Public Health proclamation No. 200/2000
- Bio-Protection Proclamation No 655/2009

Institutional Measures

Various institutions have been established with responsibilities for protection, control and monitoring of the environment at Federal and Regional State levels. The Ministry of Environment and Forests and the Environmental Protection Authority are primarily mandated to draw up and implement policies, strategies, laws and standards, aimed at making social and economic development sustainable and follow-up implementation. There is also an Environmental Council, which monitors the Authority's report, and evaluates and provides pertinent advice and comment on

policies, laws and strategies. In addition, the work of establishing units for environmental issues in sectoral institutions has now commenced.¹⁰²

Administrative Measures

The Government is committed to ensure that all citizens live in a clean and healthy environment. It has to make sure that the design and implementation of programs and projects for development do not damage or destroy the environment. In short, the Government and citizens, jointly, have the duty to protect the environment. With regard to issues of the environmental and climate change, the GTP's focus of attention is on building a green economy which will respond to climate change and provide for a system of control of emissions of pollutant gasses. In order to achieve this objective the plan lays down that action plans, strategies and laws should be designed and implemented to avoid the negative consequences of climate change or reduce its effects. In this connection, a Green Economy Strategy, a unique step in Ethiopia, has been prepared and is being executed. The strategy includes action plans that aim to achieve the building of an economy that can withstand the impact of climate change and create the environmental conditions necessary for the attainment of the goals of GTP. A Climate resilient green economy facility is being established in order to look for financial resources from domestic and foreign sources to achieve the objective of this strategy in line with international standards.

Ethiopia has made significant progress in integrating the principle of sustainable development into the country's development policies and programs. In order to upgrade land and water resources, the Government has engaged in watershed management activities and environmental protection and rehabilitation programs, aimed at enhancing the country's water resources and at safeguarding these resources from pollution. Farmers voluntarily spent on average some 40 to 50 days working on soil and water conservation programs in 2011/12, covering approximately 8.5 million hectares of land throughout the country.¹⁰³

In order to improve access to safe drinking water, the Government has undertaken several measures to increase national safe water coverage in the country from 52.12% in 2010/11 to 68.4% in 2012/13. During the same period, rural and urban water supply coverage increased from 48.85% to

¹⁰² Ethiopian national human right action plan P.160

¹⁰³report

66.5% and 74.64% to 81.3% respectively. During the period 2011-2013 about 50,750 rural and 128 urban water supply projects were implemented; and some 9,409 schools and 4,565 health institutions were provided with access to safe water supply.¹⁰⁴

A total of 7,397 kms of roads were constructed in 2010/11 and 2011/12 to connect Addis Ababa, regional states and various administrative zones. The federal and regional road network increased from 48,793 km in 2009/10 to 56,190 km in 2011/12. Moreover, the all-weather road network at *woreda* level increased from 845 km in 2010/11 to 10,219 km in 2011/12. The average time required to reach to an all-weather road decreased from 3.5 hours in 2010/11 to 2.9 hours in 2011/12.¹⁰⁵

INDIVIDUAL DUTIES TO FAMILY, SOCIETY AND STATE AND OTHER ISSUES

DUTIES OF INDIVIDUALS (Article 27 - 29)

Constitutional Provisions

In line with Article 27 of the African Charter which stress that the rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest, the Constitution of the FDRE guarantees individual rights and also stipulates that regard should be paid to public morality in the enjoyment of these rights, as well as to the rights of fellow individuals and security of the state.¹⁰⁶ Article 9 (2) of the Constitution provides that “All citizens, organs of state, political organizations, other associations as well as their officials have the duty to ensure observance of the Constitution and to obey it.” In this context, each and every person must carry the burden of serving the society and making contributions to the development of the community. This sets the proper limits of conduct by individuals including state officials. In practice, the duties imposed on citizens helps to fortify ties among the various peoples and enhance social cohesiveness with the objective of sharing a common vision.

As provided under the Constitution and other relevant proclamations every citizen is under a duty to abide by the FDRE Constitution, to adhere to the rule of law, to obey the legitimate authorities

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¹⁰⁶ Articles 26 (3) of the FDRE Constitution and other relevant Articles provide for those rules.

and institutions, and to respect the FDRE Flag and Emblem. Article 17 of the Proclamation 654 / 2009 provides that Ethiopian nationals have the duty to pay due honor to the Flag of the Federal Democratic Republic of Ethiopia.

The duties of the individual in light of the conception of the African Charter offer a new perspective of the personal responsibility towards fellow citizens, the community, and the state. In this light, the principles enshrined in the FDRE Constitution, enables the government to instil a national consciousness to help cement and unite individuals and different nations within the state. Citizens are also under a duty to declare their income truthfully to the appropriate agencies and pay tax promptly in accordance with Proclamation 286/2002 and other relevant laws. All citizens are under a duty to respect the dignity of other citizens and the rights and legitimate interests of others to live in peace, unity and harmony and in the spirit of common brotherhood; to contribute to the development and well-being of the community and cooperate with the appropriate organs in the maintenance of law and order. As provided under Article 92 (4) of the Constitution, citizens also have the duty to protect the environment.

Article 28 of the African Charter states that: “every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.” In this regard, the preamble to the FDRE Constitution highlights that the peoples of Ethiopia are “firmly convinced that the fulfilment of the common objectives requires full respect of individual and people's fundamental freedoms and rights to live together on the basis of equality and without any sexual, religious or cultural discrimination; and by continuing to live with our rich, and proud cultural legacies in territories we have long inhabited, have, through continuous interaction on various levels and forms of life, built up common interests and have also contributed to the emergence of a common outlook.” This is the consciousness that the state has undertaken and has been able to foster, working hard to shift the allegiance of the community to the state.

Duties for the Family

Article 27 of the African Charter provides that “every individual shall have a duty towards his family and society, the state and other legally recognized communities and the international community. The Revised Family Code stipulates the duty of spouses to each other, and under Article 49, it

stipulates that they owe each other the duty to respect, support and assist each other, and under Article 50(2) it stipulates the duty to cooperate, to protect the security and interest of the family to bring up and ensure the good behavior and education of their children in order to make them responsible citizens.

Obligation to Supply Maintenance

The Revised Family Code further lays down the obligation to supply maintenance when in need. The Code states under Article 198(1) that this obligation exists between ascendants and descendants and between persons related by affinity in the direct line and between collaterals.

Human Rights Education and Awareness Creation [Article 25]

As noted above, a wide range of efforts has been undertaken by the Government to ensure full awareness of human rights among members of the police, the prosecutors, prison administrators and members of the military. Training has been provided to prosecutors and members of police force on the manner of handling investigations without infringing the human rights of suspects. Special attention has been given to creating awareness of the human rights of women, children and persons with disabilities. The prosecutor's office has also undertaken a series of training programs on basic human rights protection. Different media instruments have been effectively utilized for this purpose. The Government has included human rights legal education in projects relating to women and children's issues.¹⁰⁷

A series of awareness-creation campaigns have also been held on citizens' Constitutional rights, on the ways and procedures of lodging complaints in cases of violations of rights and on the functions and powers of the Institution of the Ombudsman. Additional capacity-building training has been organized for law enforcement authorities, and for the heads of grievance-hearing committees in different Government institutions. The training has focused on good governance, the limits of powers and functions of institutions, and the handling of grievances. Volunteers have also been engaged in further entrenching awareness-creation at different levels of government and society.¹⁰⁸

CONCLUDING REMARKS

This report highlights the fact that human rights issues are placed at the centre of policies and laws which reflects the commitment of the government to ensure good governance and eradicate poverty in Ethiopia. The Government firmly believes in the virtues of the African Human Rights System. The major African Human Rights Treaties have been ratified by Ethiopia to become part of the national legal framework.

The Government also believes that a lot remains to be done and will continue to devote adequate resources to the education and health sectors. The level of poverty and related challenges still require additional effort. It must be underlined that the major achievements recorded in some critical areas have been the results of the joint activity of the people, the government and the partners. The House of Peoples' Representatives has adopted legislation to give effect to the African Charter on Human Peoples' Rights. Ethiopia has adopted laws that guarantee the right to fair trial and the proper and dignified treatment of prisoners. Ethiopian laws provide the basis for exercise of the right of access to information and freedom of expression, freedom of religion and the right to worship freely.

The right to participate in the Government has been realized at various levels. Freedom of Movement has been guaranteed to all citizens. The pillars of economic rights - the right to property, the right to work, the right to education and to health - have been consistently promoted. The Government has embarked on a series of major development projects whose impact will trickle down to the benefit of all citizens. The rapid economic growth had also enabled Ethiopia to undertake massive public investments in social and infrastructure sectors. These investments include the expansion of primary, secondary and tertiary education and the provision of health services to all citizens. In this regard, the provision of the necessary resources for life - the health facilities and education services, availability of safe drinking water and housing projects - are clear indicators of the achievements.

Ethiopia believes that a concerted effort by member states the regional and international is needed in order to realize the human and peoples' rights enshrined in various instruments. Human rights institutions, both at national and regional levels, also need to be further strengthened. The effective

implementation of their mandate presupposes the availability of proper funding to establish regional offices as well as the ability to widely engage in human rights education and awareness-raising activities. The Ethiopian Human Rights Commission (EHRC) has established regional bureaus in six of the regional states. The Government acknowledges the need to open bureaus in the remaining regions and the need to work in collaboration with the Commission to enable it to achieve its mandate.

Although successes have been registered so far in improving the human rights situation in the country, certain challenges do still remain. The primary challenge emanates from resource constraints and lack of capacity. Another challenge relates to the growing concern over the terrorist activities. Terrorist insurgents in neighboring countries have had a detrimental effect in destabilizing the region. Promoting human rights while protecting citizens from terrorism is a challenge and the government is committed to take appropriate measures to find the right balance.

The on-going implementation and evaluation of National Human Rights Action Plan, has been followed up by the inter Ministerial Steering Committee, where the EHRC played the pivotal role. Mechanisms were put in place where civil society could participate in its. The EHRC continues to provide capacity building training to officers in the police and in prisons. The legal and policy frameworks on the rights of persons to freedom of thought, conscience and religion, had been implemented. Religious groups had established an Inter-religious council to maintain and advance inter-religious tolerance

In conclusion, the Government of the Federal Democratic Republic of Ethiopia wishes to renew its commitment to work for the continued improvement of the African Human Rights System. Ethiopia remains committed to the promotion and protection of all human rights and looks forward to a productive and constructive dialogue with the Commission.