



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventieth session
19 February to 9 March 2007

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding Observations of the Committee on the
Elimination of Racial Discrimination**

ETHIOPIA

1. At its 1806th meeting (CERD/C/SR/1806), held on 2 March 2007, the Committee considered the situation in Ethiopia with respect to the implementation of the Convention. In the absence of a report from the State party and based, inter alia, on information from other United Nations bodies, it adopted, at its 1816th meeting (CERD/C/SR/1816), on 9 March 2007, the following concluding observations.

A. Introduction

2. The Committee wishes to draw the attention of the State party to the fact that reporting is an obligation under article 9 of the Convention and that non-compliance in this regard creates serious obstacles to the effective functioning of the system set up to monitor the implementation of the Convention at the national level.

3. The Committee regrets that the State party has not reported to the Committee since it submitted its sixth periodic report (CERD/C/156/Add.3_[CG1]), which was considered by the Committee at its 871st and 872nd meetings, held on 10 and 13 August 1990 (CERD/C/SR.871-872_[CG2]). The Committee recalls that the situation in Ethiopia was considered under its review procedure, i.e. in the absence of a report from the State party, at its fifty-first session, held in August 1997 (CERD/C/SR.1217) and was again scheduled for consideration at its sixty-eighth session held in March 2006.

4. After receipt of a request from the State party for the postponement of the consideration of its situation under the review procedure, the Committee decided at its sixty-eighth session to adopt and send to the State party a list of issues to assist it in the drafting and submission of its overdue report by 31 December 2006. In light of the non-receipt of the report, and noting with regret that the State party was not able to respond to an invitation to participate in its 1806th meeting and submit relevant information, the Committee considered the situation in the State party under its review procedure and decided to adopt the following concluding observations.

B. Factors and difficulties impeding the implementation of the Convention

5. The Committee notes that the State party has faced, in addition to internal unrest, conflicts with neighbouring States in the past years, which have resulted, inter alia, in very large numbers of internally displaced persons and refugees.

6. The Committee also notes that the State party has suffered serious economic hardship in recent years, including famine, and that a significant part of its population suffers from extreme poverty due, inter alia, to adverse climatic conditions.

C. Positive aspects

7. The Committee notes with satisfaction the adoption of the constitution in 1994, which includes provisions on fundamental rights and freedoms enshrining, inter alia, the principle of equality and non-discrimination on grounds of race, nationality, social origin, colour, sex, language, religion, political or other opinion, property, birth or other status.

8. The Committee expresses its appreciation for the recognition, under the constitution, that every nation, nationality and people of Ethiopia has the right to speak and to develop its own language, as well as for the policy promoting these various languages as working languages, in several instances at the national level.

9. The Committee also notes with satisfaction the establishment of the Ethiopian Human Rights Commission and the Office of the Ombudsman in 2000, as provided under article 55 of the constitution, as well as the appointment of the Human Rights Commissioner and the Chief Ombudsman in 2004.

10. The Committee welcomes the adoption of refugee proclamation No. 409/2004 which affirms the principle of family unity and includes explicit provisions on the protection of the most vulnerable categories of refugees.

D. General concerns

11. According to information before the Committee, both from within the UN system and Ethiopian civil society, as well as from international non-governmental organizations, very

serious violations of human rights along ethnic and racial lines have recently occurred in the State party.

12. In the above context, the Committee is alarmed by well-documented reports of grave incidents of racial discrimination and is deeply concerned that inter-ethnic conflicts could escalate to a much larger scale in the near future, fuelled by political tensions and violations of basic economic, social and cultural rights, and exacerbated by competition over natural resources, provision of food, access to clean water and agricultural land, thereby putting many ethnic groups at serious risk in the State party.

E. Specific concerns and recommendations

13. While acknowledging the complex federal structure of the State party, based on the nations, nationalities and peoples of Ethiopia, the Committee is concerned that, in the absence of disaggregated information on the ethnic composition and geographical location of the population of the State party, a clear vision of the diversity of Ethiopian society cannot be obtained, nor an accurate assessment made of the enjoyment of the rights provided for in the Convention by all the different nationalities and peoples of the State party (article 1).

The Committee recommends that the State party include, in its overdue report, disaggregated data on the ethnic composition, geographical location and languages of its population, at the federal and regional levels, and, in this connection, draws the attention of the State party to its general recommendation No. 24 (1999) on reporting of persons belonging to different races, national/ethnic groups, or indigenous peoples and to paragraph 8 of its general guidelines (CERD/C/70/Rev.5) of 5 December 2000.

14. The Committee notes that, according to information received, disputes are often resolved at the district or local level (woreda or kebele) by religious or customary courts, in accordance with religious or customary laws, which might have discriminatory consequences for members of some ethnic groups (article 2 of the Convention).

The Committee recommends that the State party provide, in its overdue report, information on the status of religious and customary laws, including vis-à-vis the federal legislation, and on the measures undertaken by the State party to ensure that public authorities and officials, including those at the level of local religious and customary courts, act in conformity with article 2 (1) of the Convention.

15. While noting that article 13 of the constitution provides “that fundamental rights and freedoms specified [in the constitution] shall be interpreted in a manner conforming to the principles of [...] international instruments adopted by Ethiopia”, the Committee lacks information about the status of the Convention in the domestic legal order, the possibility of invoking directly the Convention before national courts and on any legislation implementing the provisions of the Convention (articles 2 and 6 of the Convention).

The Committee recommends that the State party provide, in its overdue report, information on the status of the Convention in domestic law, the possibility of invoking its provisions directly before national courts and on the existence of specific legislation implementing the provisions of the Convention.

16. The Committee is concerned that the decentralized system of ethnic federalism adopted by the State party through its constitution could lead to the displacement of persons, as well as increase tensions between ethnic groups in regions where ethnic coexistence is a demographic feature (articles 3 and 7 of the Convention).

The Committee recommends that the State party ensure that the system of ethnic federalism serves to protect the rights of all ethnic groups and promote peaceful coexistence amongst them. The Committee further recommends that the State party provide information on the measures taken to combat racial prejudices and intolerance between ethnic groups.

17. While noting article 486 (b) of the new Criminal Code^[CG3] on inciting the public through false rumours, the Committee remains concerned over the lack of information on specific penal provisions implementing article 4 of the Convention in the domestic legislation of the State party.

The Committee recommends that the State party adopt legislation, in the light of its general recommendation No. 15 (1993) on organized violence based on ethnic origin, to ensure the full and adequate implementation of article 4 of the Convention in its domestic legal system and provide, in its periodic report, any relevant information on other measures giving effect to this article.

18. According to information before the Committee, there are between 100,000 and 280,000 internally displaced persons in the State party, most of them due to ethnic conflict. The Committee is concerned about the lack of recognition of the status of some internally displaced persons by State party authorities and about the ongoing discrimination faced by these persons, including limited access to the rights provided in the Convention (article 5 of the Convention).

In light of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), the Committee recommends that the State party adopt adequate measures in order to ensure the enjoyment by internally displaced persons of their rights under article 5 of the Convention, especially their right to security and their economic, social and cultural rights.

19. The Committee is alarmed at information according to which military and police forces have been systematically targeting certain ethnic groups, in particular the Anuak and the Oromo peoples, and reports of summary executions, rape of women and girls, arbitrary detention, torture, humiliations and destruction of property and crops of members of those communities (articles 5 (b), (d), (e) and (f) and 6 of the Convention).

The Committee urges the State party to put an end to human rights violations perpetrated by military and police forces, especially racially motivated violence targeting the Anuak and Oromo, and recommends that it provide, in its

overdue report, information on the measures taken to ensure the right to security for members of all ethnic groups.

In the light of its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee further recommends that the State party provide detailed information on investigations, prosecutions and convictions for human rights violations, in particular for racially motivated violence perpetrated by the military and police forces (including in the Gambella region in 2003 and 2004), as well as on the reparations provided to the victims of such acts.

20. The Committee is concerned at the programme of voluntary resettlements of rural communities to fertile agricultural lands, in particular when not done in an intraregional context, and at the measures taken to ensure the equal enjoyment of economic, social and cultural rights by those who participate in such programmes (article 5 (b) and (e) of the Convention).

The Committee recommends that the State party adopt all necessary measures to ensure that resettlements occur on a genuinely voluntary basis and that, especially when in a different region, the resettled population is guaranteed non-discriminatory enjoyment of economic, social and cultural rights, in particular regarding adequate infrastructure for an effective improvement in their living conditions.

The Committee further recommends that the State party provide information, in its overdue report, on any initiatives undertaken to resolve disputes concerning land and resource distribution between ethnic groups and the support offered to civil society organizations involved in the peaceful mediation of such conflicts.

21. Notwithstanding the provisions of the constitution and the revised Family Code, the Committee remains concerned at the discrimination faced by women based on gender on the one hand, and on race, colour, descent, and national and ethnic origin on the other, in particular in relation to inheritance and control over resources, including land, as well as at the persistence of the practice of female genital mutilation (article 5 (b), (c), (d) and (e) of the Convention).

In the light of its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party adopt all necessary measures to implement the legal provisions on equality, ensuring that women are not discriminated against on the grounds of their gender and ethnic origin, and provide information in this regard in its overdue report, including on female genital mutilation and on the measures adopted to eradicate this persistent practice.

22. While acknowledging the provisions of article 40 (5) of the constitution, the Committee remains concerned about the consequences for indigenous groups of the establishment of national parks in the State party and their ability to pursue their traditional way of life in such parks (article 5 (c), (d) and (e) of the Convention).

In the light of its general recommendation No. 23 (1997) on the rights of indigenous peoples, the Committee recommends that the State party provide, in its overdue report, information on the effective participation of indigenous communities in the decisions directly relating to their rights and interests, including their informed consent in the establishment of national parks, and as to how the effective management of those parks is carried out.

The Committee also recommends that the State adopt all measures to guarantee that national parks established on ancestral lands of indigenous communities allow for sustainable economic and social development compatible with the cultural characteristics and living conditions of those indigenous communities.

23. The Committee is concerned about the situation of children of parents of Eritrean origin, who were deprived of their Ethiopian citizenship in the period 1998-2000, and who have not benefited from the January 2004 directive issued to determine the status of Eritreans living in Ethiopia (article 5 (d) and (e) of the Convention).

The Committee recommends that the State party provide, in its overdue report, detailed information on the situation of those Eritreans who do not benefit from the provisions of the January 2004 directive on the status of Eritreans living in Ethiopia.

24. Bearing in mind that the State party hosts around 100,000 refugees, almost half of whom are children, the Committee is concerned about the enjoyment of their right to education (article 5 (e) of the Convention).

In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State adopt adequate measures ensuring the right of equal access to education and training of the above-mentioned children.

25. The Committee is concerned about the lack of information from the State party on the level of representation of minority ethnic groups in the federal and national parliaments and governments, in the judiciary and in the military and police forces (articles 2 (2) and 5 (c) of the Convention).

The Committee recommends that the State party ensure that ethnic minorities are adequately represented in State institutions and the public administration, including any special measures aimed at achieving such representation in the military and police forces.

26. While noting the existence of a Sustainable Development and Poverty Reduction Programme in the State party, the Committee is concerned about the extreme poverty of a large part of the population, including their access to food and water, in particular by minority ethnic groups living in remote areas (article 2 (2) and 5 (e) of the Convention).

The Committee recommends that the State party enhance its efforts to reduce poverty and stimulate economic growth and development, and provide information in its overdue report on the results of such efforts, especially regarding minority ethnic groups.

27. The Committee is concerned at the lack of information on adequate measures and programmes to disseminate information about the Convention to the public at large, including schools, as well as on training for members of the judiciary, law enforcement officials, military personnel, teachers, social workers and other public officials on the provisions of the Convention and their application (article 7 of the Convention).

The Committee recommends that the State party provide, in its overdue report, information on the human rights programmes in school curricula as well as on the specific training programmes and courses for members of the judiciary, teachers, social workers and other public officials on the provisions of the Convention and their application. In particular, the Committee recommends that, in the light of its general recommendation No. 13 (1993) on the training of law enforcement officials in the protection of human rights, the State party provide specific training to military and law enforcement officials, to ensure that they respect and protect the human rights of all persons without any discrimination in the performance of their duties.

28. The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

29. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention, in particular in respect of articles 2 to 7 of the Convention. It further recommends that it include in its periodic report information on measures taken to implement the Durban Declaration and Programme of Action at the national level.

30. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention and recommends it consider doing so.

31. The Committee urges the State party to resume its dialogue with the Committee and to provide urgently and no later than 1 July 2007, information regarding the concerns mentioned in paragraphs 11 and 12, as well as on the recommendations included in paragraphs 16 and 19 of the present concluding observations.

32. Furthermore, the Committee urges the State party to submit its overdue seventh to fifteenth periodic reports, in a single report, as soon as possible and no later than 31 December 2007.

33. The Committee also recommends that the State party submit a core document in accordance with the harmonized guidelines on reporting (HRI/MC/2006/3 and Corr.1).

34. The Committee, acknowledging the central role that the African Union plays in addressing the challenges of the continent, recommends that the State party cooperate with

the appropriate mechanisms of the African Union, in particular the African Commission on Human and Peoples' Rights, with a view to furthering the common purposes of the Convention and the African human rights instruments towards a resolution of the human rights situation in Ethiopia.

35. The Committee recommends that the State party consult with organizations of civil society, as well as with the Ethiopian Human Rights Commission and the Office of the Ombudsman, in connection with the preparation of the overdue report.

36. The Committee requests the State party to give wide publicity to the Convention, both in English and translated into the national languages of the State party.

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