



## International Covenant on Civil and Political Rights

Distr.: General  
15 September 2010

Original: English

---

### Human Rights Committee

Ninety-ninth session

Geneva, 12-30 July 2010

### List of issues to be taken up in connection with the consideration of the initial report of Ethiopia (CCPR/C/ETH/1)

#### Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please indicate whether the State party intends to publish the Covenant in the Federal Negarit Gazette (common core document, paras. 121-122) and to effectively directly apply it or use it to interpret domestic law, in accordance with articles 9(4) and 13(2) of the State party's Constitution? (initial report, para. 16; common core document, paras. 168-169)
2. Please explain why since its inception, the Ethiopian Human Rights Commission has not commented on existing or proposed laws despite its mandate to do so (common core document, paras. 162, 194 (d), 219 and 221), has not published annual activity reports or submitted information to the treaty bodies or the Human Rights Council, and has rarely publicly denounced human rights violations. Please indicate any steps taken by the Commission to open regional offices (para. 224) and to apply for accreditation by the International Coordinating Committee of National Human Rights Institutions.
3. Please provide information on any concrete steps taken towards considering the ratification of the first Optional Protocol to the Covenant, in line with the voluntary pledge made by the State party during the universal periodic review of Ethiopia (see A/HRC/13/17/Add.1, para.3).

#### Counter-terrorism measures and respect of Covenant guarantees

4. Please explain the inconsistency between provisions of the Anti-Terrorism Proclamation (No. 652/2009) such as broad definitions of incitement to terrorism and of terrorist acts and related crimes (arts. 2 (6), 3(1), 5(1), 6, 7(1) and 11), failure to ensure judicial oversight (arts. 16, 21, 22 and 25), broad powers of the police to arrest suspects (art. 19), extended periods of detention (art. 20) and the use of evidence such as intelligence information, hearsay or indirect evidence and confessions (art. 23), as well as anonymous witnesses and secret in camera proceedings (art. 32(1)), and the obligations of the State party under articles 7, 9, 14 and 17 of the Covenant.

**Non-discrimination; discrimination and violence against women (arts. 2, para. 1; 3, 23 and 26)**

5. Please provide additional information on measures taken by the State party to ensure equal access for men and women to education, employment, property, land and credit. (common core document, paras. 205-206, 268 and 274-275). Please indicate whether the State party plans to adopt a Gender Equality Law and statutory quota for women's representation in federal as well as regional parliaments. (initial report, paras. 17-25 and 217; common core document, para. 78)
6. In light of article 3 of the Covenant, please indicate the measures taken to ensure equal rights of men and women in marriage. Please indicate whether the State party plans to abolish polygamy, including by revising regional legislation such as the Family Law of the Tigray Region, which allows polygamy if the practice is in line with religious and traditional customs, or the Family Law of the Oromia Region? (initial report, para. 225)
7. What measures are taken to ensure that all Federal Regions adopt and effectively enforce legislation criminalizing gender-based violence as well as harmful traditional practices such as female genital mutilation, early marriage and abduction of girls for marriage, in conformity with the revised Criminal Code (initial report, paras. 226-228; common core document, para. 273)? Are there any plans to amend the revised Criminal Code in order to criminalize marital rape, clearly define domestic violence and sexual harassment, and limit the discretion conferred on courts to reduce the sentences for perpetrators of harmful traditional practices (art. 563)?
8. Please indicate whether the State party has any plans to repeal article 629 of the revised Criminal Code criminalizing "homosexual and other indecent acts" in order to comply with its obligations under articles 2, 17, and 26 of the Covenant.
9. In light of the State party's recent signature of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, please indicate any progress achieved in adopting a comprehensive national policy on IDPs. Please also indicate which government department has been officially designated for the protection and assistance of IDPs?
10. What steps is the State party taking to ensure that refugees may legally take up employment and that refugee children have access to public schools.

**Right to life (art. 6)**

11. Please explain the State party's rejection of recommendations addressed to it during the universal periodic review of Ethiopia to undertake credible and independent investigations of alleged human rights violations in the Somali Region (see A/HRC/13/17, p. 24). What steps has the Ethiopian Human Rights Commission taken to establish a mechanism for monitoring human rights violations in the Somali Region, as agreed following the 2007 United Nations Humanitarian Assessment Mission to the Somali Region, which observed that the human rights and protection situation of the civilian population in the areas of military operation is alarming and requires urgent attention,?
12. Please provide information on the investigation, as well as on the prosecution and sentencing of perpetrators, of the killing of some 424 members of the Anuak community in Gambella in December 2003. Please also indicate the measures taken to prevent the targeting of civilians by the military and to ensure its impartiality in the context of ethnic conflicts.

13. Please explain how the imposition of the death penalty by the Federal High Court on five officials of the former opposition party Coalition for Unity and Democracy (Andargachew Tsigie Berhanu, Nega, Mesfin Aman and Muluneh Iyoel Fage (all tried in absentia) and Melaku Teffera Tilahun), who were tried for “conspiring to undermine the constitution and violently overthrow the government” due to their alleged links to the so-called “Ginbot 7” movement, can be reconciled with the requirement that the death penalty may be imposed only for the most serious crimes (initial report, para. 34), as well as with article 14(3)(d) of the Covenant. (common core document, para. 86)

14. Please provide information on the measures taken to investigate the following events: The killings of (a) opposition candidate Aregawi Gebre-Yohannes of the Arena Tigray party, reportedly stabbed to death on 2 March 2010 at his home in the Northern Tigray Region; (b) opposition activist Biyansa Daba of the Oromo Federalist Congress, who died in hospital on 16 April 2010 reportedly after having been beaten with the butt of a gun on 7 April 2010; (c) Girma Kabe, reportedly shot dead while putting up posters for the Medrek opposition coalition; and (d) Itana Idossa, a ruling party candidate, who was fatally stabbed as he left a meeting in May.

15. Please provide information on any sentences imposed on members of the security forces for the use of lethal force during the post-election violence in 2005, when 193 civilians and six police officers were killed, according to the report of the independent inquiry commission established by Parliament. Was any compensation paid to the family members of the victims? Please comment on reports that the two judges chairing the inquiry commission fled the country shortly before the publication of the commission’s report because they disagreed with the conclusion that the force used by the security forces was proportionate.

**Prohibition of torture and cruel, inhuman or degrading treatment; liberty and security of the person; treatment of prisoners (arts. 7, 9 and 10)**

16. Please provide further information on the measures, including mandatory human rights training for the police and law enforcement officers, taken to prevent and punish arbitrary arrests, detention and torture or ill-treatment of opposition activists and suspected members of illegal armed groups, as well as the use of force against suspects during arrest and interrogation (initial report, paras. 55-57, 62-66 and 81; common core document, paras. 240-243), which reportedly occur frequently in the State party? (common core document, table 80) Please provide case examples where perpetrators of such acts were brought to justice.

17. What steps is the State party taking to implement Opinion No. 28/2009 of the United Nations Working Group on Arbitrary Detention finding that the detention of opposition leader Birtukan Mideksa, who was re-arrested and detained in December 2008 after a pardon granted to her in 2007 had been revoked, is arbitrary? What arrangements have been made to ensure that Ms. Mideksa, a single mother, may have regular contact with her five-year old daughter and her lawyer while detained in Kality prison in Addis Ababa?

18. Please provide additional information on measures taken to improve the reportedly alarming conditions in prisons and places of detention in the State party. In particular, indicate the measures taken to address: overcrowding; lack of sleeping space, food and water; the absence of adequate medical services and medicines, including for pregnant women, women with dependent infants and inmates with HIV/AIDS; the absence of specialized facilities for inmates with disabilities; poor hygienic and sanitary conditions; co-detention of juvenile and adult offenders and of convicted persons and persons awaiting

trial; inadequate protection of juvenile prisoners and children detained with their mothers from violence; inadequate access to education, vocational training and recreational activities, including for juvenile prisoners and children detained with their mothers; restricted contact with family members; and the remote location of prisons? (initial report, paras. 59-61, 87-90, 94, 99-101 and 104)

19. In light of reports on abuse of prisoners and detainees, what mechanisms are in place to monitor and complain about the conduct of prison and police officials (initial report, paras. 52-54, 85-86 and 91)? What is the mandate and role of the Ethiopian Human Rights Commission (common core document, para. 220) in monitoring places where persons are deprived of their liberty, including through unannounced visits?

### **Elimination of slavery and servitude (arts. 8 and 24)**

20. In light of reports that only few trafficking cases are reported and prosecuted and that sentences for traffickers are generally lenient, please indicate how the State party intends to collect reliable statistical data, strengthen the investigation and prosecution skills of police and immigration officers and review its sentencing policy in trafficking cases. Does the State party intend to adopt a comprehensive national plan of action to combat trafficking in human beings? (initial report, paras. 68, 71 and 74)

### **Right to a fair trial (art. 14)**

21. Please explain why a convicted person who has pleaded guilty and has been convicted on the basis of such plea may not appeal his conviction to a higher tribunal. (initial report, para. 148)

22. Please clarify whether decisions taken by Sharia courts can be reviewed by ordinary courts. What mechanisms are in place to ensure the free consent of parties, in particular women, to have their case adjudicated under Islamic law? (common core document; paras. 50 and 67(k))

23. In light of reports about inadequate legal aid services provided by the Public Defenders Office, please provide information on the impact of the funding restrictions of Proclamation No. 621/2009 for the Registration and Regulation of Charities and Societies on the capacity of civil society organizations (CSOs) to provide free legal aid to indigent defendants. What measures are being taken to strengthen the capacity and improve the quality of free legal aid provided by the Public Defenders Office (common core document, paras. 88 and 125), including at the pre-trial and investigation stages? (initial report, para. 134)

### **Freedom of expression and freedom of association (arts. 19 and 22)**

24. In light of reports on the closure of independent newspapers such as the “Addis Neger” and harassment of journalists and editors of private newspapers not affiliated to the ruling party, what measures are being taken to ensure free and independent media and plurality of opinions (initial report, paras. 191-193)? Please indicate whether the State party plans to review the severe penalties for criminal defamation (initial report, para. 171), in particular of government officials, prescribed in Proclamation No. 590/2008 on Freedom of the Mass Media and Access to Information (art. 41) and the revised Criminal Code (arts. 613-618), reportedly subjecting the press to self-censorship.

25. Please explain the inconsistency of the provisions of CSO Proclamation No. 621/2009 (initial report, para. 210) that bar foreign CSOs and those which receive more than 10 per cent of their funds from foreign sources from working on human rights, gender equality and the administration of justice (art. 14), and deny foreign and foreign-funded CSOs a judicial remedy against decisions of the Charities and Societies Agency (CSA) on their registration, suspension or dissolution, with the obligations of the State party under articles 2, paragraph (3), 22 and 26 of the Covenant. Please clarify whether the Board responsible for hearing appeals against decisions of the CSA has been established.

26. Please explain why the bank accounts of the Ethiopian Human Rights Council and the Ethiopian Women Lawyers Association have been frozen by the Charities and Societies Agency and why the Ethiopian Bar Association was unable to re-register under the same name. In light of the difficulties faced by those CSOs and given the fact that many CSO leaders left Ethiopia in 2009, please explain how the State party intends to ensure an enabling environment for local human rights CSOs.

### **Rights of the child (art. 24)**

27. What support structures are in place for orphans and vulnerable children (OVC), including street children and child-headed households (initial report, para. 237)? Please provide detailed information on measures taken to introduce an effective birth registration system and a court-controlled intracountry adoption system (initial report, paras. 238 and 241), and to protect children, including OVC, from exploitation and abuse (common core document, paras. 278, 280). Please indicate any plans to adopt a comprehensive OVC policy and to link it to the second Plan for Accelerated and Sustained Development to End Poverty (PASDEP-2; 2010/11-2015/16) and to the budget process.

28. Please indicate whether the State party intends to elevate the minimum age of criminal responsibility, currently starting at nine years, as well as the upper limit for applying the juvenile justice system, currently set at 15 years (initial report, paras. 142, 145 and 233). What measures are being taken beyond pilot projects to establish child-friendly benches in courts in all regions (initial report, paras. 105, 147 and 231) and to decriminalize vagrancy and behavioural problems of, in particular, street children?

### **Right to take part in the conduct of public affairs (art. 25)**

29. In light of reports of a discriminatory pre-election environment ahead of the 2010 legislative elections, please explain how the State party intends to prevent a further narrowing of the political space of citizens; strengthen public trust in the impartiality of the National Elections Board; effectively investigate complaints of campaign violations, harassment and intimidation of opposition candidates; and ensure adequate public financing of political parties, neutral media coverage as well as an enabling environment for civil society participation in future election campaigns.

### **Rights of persons belonging to minorities (art. 27)**

30. What mechanisms are in place to ensure the right of linguistic minorities in the Federal Regions in administrative, judicial and other official dealings to use their own language or the lingua franca Amharic rather than only the official language of the region (initial report, paras. 5 and 275)? Please indicate the opportunities for minority children to receive school instruction in their native language or to learn such language.

