



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

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

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

**Reports of States parties due in 2007\***

**ETHIOPIA \*\***

[1 October 2008]

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\* This document contains the seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth periodic reports of Ethiopia, due on 23 July 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005 and 2007 submitted in one document. For the sixth periodic report and the summary records of the meetings at which the Committee considered the report, see document CERD/C/156/Add.3, CERD/C/SR.871-872.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

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### Acronyms

ARRA	Administration of Refugees and Returnees Affairs
EHRC	Ethiopian Human Rights Commission
FDRE	Federal Democratic Republic of Ethiopia
HoF	House of Federation
HPR	House of Peoples' Representatives
ID	Identification card
MoFA	Ministry of Foreign Affairs
MoLSA	Ministry of Labour and Social Affairs
NEBE	National Electoral Board Ethiopia
NGOs	Non-governmental organizations
NISS	National Intelligence and Security Service
OAU	Organization of African Unity
SNNPRS	Southern Nations, Nationalities and Peoples Regional State
UNHCR	United Nations High Commissioner for Refugees
FAO	World Food Organization

## I. INTRODUCTION

1. Ethiopia is a multi-ethnic country, where diverse societies, cultures and languages co-exist. Despite this reality, accommodating diversity and protecting the rights of the different ethnic groups has been a daunting challenge for the country throughout its history. Both under the monarchies for hundreds of years and the military regime for over a decade and half, the country could not address the challenges of diversity. The International Convention on the Elimination of All Forms of Racial Discrimination has been made part of the country's body of laws for more than three decades now. However, it was not until 1991 when the Ethiopian Peoples Revolutionary Democratic Front (EPRDF) came to power by overthrowing the military regime that laws that protect and promote the equality of the different ethnic groups in the country were adopted, and various administrative, judicial and other measures have been taken to ensure the implementation of those laws.

2. The present report, prepared in accordance with article 9, paragraph 1 of the Convention, shows the different measures taken by Ethiopia to eliminate racial discrimination in the country particularly since the country's last report in 1991. Significant political and social changes have taken place since the State made its initial report under the Convention. The present report, which follows the latest -specific guidelines of the Committee (CERD/C/2007/1), must be considered together with the common core document which the State party has prepared on the basis of harmonized guidelines on reporting to treaty bodies (HRI/MC/2006/3) and submitted to the Secretary-General. The report also addresses the concerns the Committee expressed in its concluding observations. The preparation of the present report was carried out simultaneously with the common core document. It has thus passed through similar stages preparation and public consultation, which could be referred to in the common core document.

3. Despite the Government's commitment to report under the Convention and engage in constructive dialogue with the Committee, the State party's reports were overdue. That was an unfortunate situation, which understandably led the Committee to issue concluding observations without the benefit of the State party's reports and dialogue with its representatives. The Government regrets this situation and would like to assure the Committee and others of its commitment to the protection of human rights in general and the elimination of racial discrimination in particular. The Government would like to inform the Committee and all concerned that the reasons for the delay of the reports rested on constellation of factors which technical limitations were the major ones. These difficulties have now been resolved with the technical assistance of the Office of the United Nations High Commissioner for Human Rights East Africa Regional Office (OHCHR). In the project developed and being implemented with the Ethiopian Human Rights Commission and OHCHR-East Africa Regional Office, the Government has been able to prepare the over-due reports and allow the Committee to understand the extent of the Convention's implementation in the State. The State would also like to express its satisfaction in making this report and hope for constructive dialogue with the Committee.

## II. INFORMATION RELATING TO THE ARTICLES OF THE CONVENTION

### Article 1

4. The foundation of the State's constitutional system is equality among nations, nationalities and peoples of Ethiopia. As stated in the preamble of the Constitution, the very purposes of the Constitution are to ensure "full and free exercise of self-determination", "to live together on the basis of equality", and "to rectify the historically unjust relationships" that were characterized by discrimination. As such the diversity of nations, nationalities and peoples is the hallmark of the fabrics of the State.

5. The domestic legal regime for the elimination of racial discrimination heavily draws on the fundamental constitutional principle of the right to equality. The definition of "racial discrimination" envisaged in the Convention has been incorporated into the Ethiopian legal system through the supreme law of the land, the FDRE Constitution, and other legislation. All components of racial discrimination pursuant to the Convention, i.e., discrimination based on race, colour, descent, national or ethnic origin, are embodied in the FDRE Constitution as it prohibits any form of discrimination on the basis of race, nation, nationality or other social origin and colour. Prohibition of discrimination based on social origin is so comprehensive as to include prohibition of discrimination based on descent. All constitutions of the regional states also prohibit any form of discrimination on the basis of race, nation, nationality or other social origin and colour.

6. The meaning and scope of racial discrimination stated in the Convention fully constitute an integral part of the definition of racial discrimination in the country since the Convention has become part of the body of domestic laws upon ratification.

7. The Federal Constitution prohibits any form of discrimination. As a result, the scope of prohibition of racial discrimination encompasses direct or indirect forms of discrimination. To deal with indirect forms of racial discrimination, the Constitution has given an assurance that acts that seem non-discriminatory will be prohibited if they are proven to be discriminatory in anyway.

8. In addition, the Constitutional provision is formulated in a broad manner warranting its application in all areas of public life including political - for instance, in respect of holding public office; economic - for example, in respect of the right to work and engage in business activities; social - for instance, in respect of participation in various social aspects of life including membership in "*Idir*" or "*Iqub*"<sup>1</sup>, cultural and religious life. Reading the aspiration of Article 10 of the Constitution that "human and democratic rights of the citizens and peoples shall be respected" one understands that the obligation to ensure the realization of the rights is incumbent upon *anyone*, citizen, public authorities of the executive, the legislative or the

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<sup>1</sup> "*Idir*" and "*Iqub*" are the most widely used social gatherings for cooperation in times of mourning and for purpose of saving, respectively.

judiciary, a private organization of business nature or otherwise, an association of any kind - be it a non-governmental organization, a trade union, a self-help association, or a cooperative society, a foreign national, a refugee, nation, nationality or people.

9. The prohibition of racial discrimination is the corner stone of the democratic system in Ethiopia. The Constitution prohibits its derogation during a state of emergency as well. The non-existence of racial discrimination in measures taken during a state of emergency is legally ensured in conformity with the obligations laid down under the International Covenant on Civil and Political Rights.

10. Ethnicity in the Ethiopian legal system is conceived from the notion of nation, nationality or people. "Nation, nationality or people" is described under the Constitution as "a group of people who have or share a large measure of a common culture or similar customs, mutual intelligibility of language, belief in a common or related identities, a common psychological make-up, and who inhabit an identifiable, predominantly contiguous territory".

11. An individual's ethnicity is recognized on the self-identification of such person or his/her origin of birth. A person is entitled to identify himself as having mixed ethnicity or even not to identify himself as belonging to a particular ethnic group and identify himself as an Ethiopian. For example, the population census accommodates persons of various ethnic origins such persons as those with mixed ethnicity and people who do not wish to state their ethnicity.

12. Minority groups are recognized under the Constitution and seats in the parliament are allotted to them. However, a complete list of the minority groups in the country has not yet been provided.

13. More recently, due to natural calamities such as flooding and drought in some parts of the country, many people have been displaced from their homes. For instance, in summer and October 2006, 670,000 people were displaced from their home in Dire Dawa city, and the SNNPRS, Amhara and Somali Regional States. In addition, there have been people displaced from their home for temporary security reasons caused by internal conflicts. The internal displacement of people due to the conflict between the Agnuak and the Nuer peoples in 2003 and 2004 is one such instance. Internal displacements also occur occasionally due to conflicts over grazing lands between pastoralist communities.

### **Treatment of foreigners**

14. Foreigners enjoy most of the rights and privileges that Ethiopian nationals do. They are entitled to the fundamental civil, economic and social rights provided in the Constitution and other human rights instruments. Exceptions include the right to vote and the right to be elected, which are exercised by Ethiopians only. There are also restrictions with regard to employment of foreigners in the country's defence and security institutions, and other political establishments, as well as engagement in some economic sectors which are restricted to Ethiopian nationals only. The enjoyment of some social, economic and administrative services by foreigners may also be subject to conditions.

15. Under immigration law, foreign nationals are required to possess valid travel documents, visa or permanent resident permits issued by the appropriate authority. Internationally valid health certificates may be necessary (depending on the country of origin) and other documents as specified by the Ministry of Foreign Affairs to enter the country.

16. All foreigners residing in Ethiopia must be registered by the Immigration and Nationality Main Department. Some foreigners including diplomats and international civil servants and members of their families residing in Ethiopia or a foreigner who is recognized as a refugee by the Government of Ethiopia and UNHCR are not required to be registered. A foreigner who is registered with the Main Department will be issued with a temporary or permanent residence permit. A permanent residence permit is issued for a foreigner who enters into the country with an immigrant visa, has a domicile in Ethiopia and lived in Ethiopia for at least three years preceding the submission of his/her application, is married to an Ethiopian national, is engaged in investment or humanitarian activities in Ethiopia or who 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 NISS and who is not entitled to a permanent residence permit.

17. Refugees, however, do not need entry visa or residence permit to enter and live in the country. Upon recognition of their refugee status, an identification card showing their status is issued. Pending their application, they are issued with identification card attesting their asylum-seeker status. They are not required to possess valid travel documents and international health certificate to enter the country. Valid travel documents are issued to them for the purpose of travelling outside Ethiopia. They may be issued for exit only or for exit and re-entry.

18. Foreigners are not eligible to be civil servants. However, a foreigner may be appointed on temporary basis, where it is proved that it is impossible to fill a vacant position that requires high level professional expertise by an Ethiopian through promotion, transfer or recruitment. However, foreigners are not covered in the government pension scheme unless bilateral or multilateral agreements provide otherwise.

19. Any foreigner may be engaged in any other type of work in Ethiopia where he possesses a work permit given to him by the Ministry of Labour and Social Affairs (MoLSA). A work permit, which has to be renewed every year, is given for employment in a specific type of work for three years. However, MoLSA may vary the three years limit as required. Where MoLSA ascertains that the foreigner is not required for the work, the work permit may be cancelled.

20. The ownership of immovable property is reserved for Ethiopian nationals only. However, foreigners may own immovable property in the country with special permission from the head of the Government (art. 390 of the 1960 Civil Code). Furthermore, if a foreigner wants to engage in investment activities, he/she is entitled to own immovable property such as a dwelling house and other immovable property necessary for the investment. Foreigners can invest in Ethiopia either with the status of a domestic investor (i.e., foreigners residing permanently in Ethiopia who prefer to be treated as domestic investors) or as foreign investors. Foreigners can invest in areas not exclusively reserved for the Government or for Ethiopian nationals.

21. Foreigners of Ethiopian origin enjoy most of the rights Ethiopian nationals do. A law has been issued with the objective to identify foreign nationals of Ethiopian origin with a view to

enabling them to enjoy certain rights and privileges by easing some of the legal constraints imposed on them by virtue of being foreign nationals. The other objective of the law is to enable them to contribute their part to the development and well-being of their country with a spirit of patriotism in a responsible manner. Accordingly, a foreign national of Ethiopian origin is issued with an identification card attesting such status. The holder of this identification card enjoys most of the rights and privileges Ethiopian nationals exercise except the right to vote or be elected to any office at any level of government.

## **Article 2**

22. The Constitution prohibits racial discrimination. All the policies and laws of the country are formulated in line with this fundamental prohibition, and institutions functioning within the legal framework of the country are governed by this constitutional principle (refer to the core document on equality and non-discrimination).

23. The Government has taken a number of measures to discharge its obligations with regard to the prohibition of racial discrimination. These include legislative measures taken to incorporate the principle of non-discrimination into different laws including the Constitution and the establishment proclamations of government organs. The measures are taken to ensure that the Government does not engage in any act or practice of racial discrimination, to ensure that all public authorities and public institutions act in conformity with the principle of non-discrimination and that individuals as well as any group of persons or people do not perpetrate any act of racial discrimination against others.

24. The Constitution provides that all federal and state legislative, executive and judicial organs at all levels of government have the obligation to respect and enforce the fundamental rights and freedoms enshrined in it, including the right to equality provided under article 25. Accordingly, all public authorities and institutions are prohibited from engaging in any act of discrimination violating the right of equality guaranteed in the Constitution.

25. The principle of non-discrimination has also been included in various specific laws governing different public institutions. For instance, the Federal Prison Administration is an organ of the federal Government vested with the responsibility of administering prisons within the jurisdiction of the federal Government. According to its Establishment Proclamation (No. 365/2003), discrimination or any adverse distinction among prisoners on the grounds of gender, religion, political opinion, nation, nationality, or social origin is prohibited. Furthermore, every prison warden is vested with the responsibility to perform his/her duties by fully respecting the human rights and democratic rights enshrined in the Constitution and international human rights instruments adopted by Ethiopia.

26. Pursuant to the code of conduct of the National Defence Forces (No.001/2007), any member of the Defence Forces is prohibited from discriminating among peoples on any ground in the provision of service or his/her socialization with the people.

27. The code of conduct for judges, which was issued by the Federal Judges Administration Council, requires judges to be impartial in discharging their duties. The code of conduct states that a judge should treat all litigants impartially and enforce rights equally among them. Moreover, a judge shouldn't let his/her religion, ethnic background, political opinion or social



relation influence the judgment. According to the code of conduct of advocates, an advocate cannot refuse to render advocacy service on the basis, among others, of the client's social standing.

28. According to the Establishment Proclamation of the Federal Judicial Administration Commission (No. 24/1996), the meaning attributed to a "breach of discipline" by a judge includes the act of practicing favouritism on account of race, religion, sex and political outlook. Any person may lodge a complaint with the Council against a federal judge who has breached this disciplinary rule. Various disciplinary measures, including removal from office, may be taken against a judge who has breached the code of conduct.

29. The Federal Civil Servants Proclamation (No. 515/2007) prohibits discrimination among job seekers or civil servants on the basis of their ethnic origin, sex, religion political outlook, disability and other grounds.

30. The non-discrimination principle is also adopted in the Refugee Proclamation (No. 409/2004). Accordingly, the law is applicable to all refugees equally; and it prohibits any distinction among refugees on the basis of their race, religion, nationality, their membership of a particular social group, or political opinion.

31. The Government has also taken different measures in order to prohibit the act of racial discrimination by any persons, groups or organizations. Legislative and administrative measures stated below indicate some of the instances of the measures taken.

32. The Amended Electoral Law of Ethiopia (Proclamation No. 532/2007) prohibits discrimination by any political organization or candidate based on ethnicity, nationality, race, gender, language, colour, religion, social background, wealth, origin or any other status during elections or in any political activity. Moreover, this Law states that a candidate cannot use, for election purposes, an identifying symbol that would offend any nationality, race or religion or cause animosity and conflict among different peoples.

33. The Labour Proclamation (No. 377/2003) prohibits discrimination by employers among workers on the basis of nationality, sex, religion, political outlook or any other similar condition. Furthermore, the Proclamation prohibits the termination of an employment contract on the basis of workers' nationality, sex, religion, political outlook, race, colour, descent or lineage.

34. The Ministry of Justice has endorsed a code of conduct that governs the ethical conduct of associations (Code of Conduct of Association 1996). Accordingly, every association, in performing its work in society shall be governed by the principle of non-discrimination. The code of conduct obliges associations to ensure that every individual benefits from their work without any discrimination on the basis of ethnic origin, race, sex, religion or any kind of opinion. In addition, every association is expected to make sure that the tasks it performs are free from discrimination. Non-observance of these rules results in the revocation of license in addition to any civil and criminal liability the association might be liable to.

35. The Broadcasting Service Proclamation (No. 533/2007) enacted to regulate radio and television broadcasting specifies that any programme intended for transmission should not

violate the dignity and personal liberty of individuals or maliciously accuse or defame individuals, nations, nationalities, or peoples. Moreover, no transmission should have a tendency of causing dissension among nationalities or instigate dissension among peoples.

36. The Ethiopian Broadcasting Agency has endorsed a directive to regulate and guide broadcasting programmes (Broadcasting Service Program and Operation Directive No. 3/2006). According to the directive, any broadcasting programme should promote the culture of all nations, nationalities and peoples, tolerance among them and support the economic development endeavors of the country. Furthermore, any programme should be free from partiality and the language used should not offend any culture or be opposed to public morality.

37. The right to equality has been guaranteed in the FDRE Constitution. Since the Constitution is the supreme law of the land, any other subsidiary legislations including proclamations, regulations, directives or any decision or any practices of an organ of the State that contradict the Constitutional principle of equality have no effect. Regional states' constitutions also guarantee equality.

38. The Government has taken measures to review any polices, laws, and practices that might have discriminatory effect. In this regard, measures that have been taken with regard to the working language of regional governments and the educational policy are notable. With regard to language, all the languages in Ethiopia have equal State recognition as per the Constitution. The working language of regional states is determined by the regions themselves. The educational curriculum has been formulated in a way that has made mother tongue a medium of instruction, in line with the equal constitutional recognition of the languages of the nations, nationalities and peoples of Ethiopia.

39. The EHRC is vested with the power to ensure that laws, regulations and directives as well as government decisions and orders do not contravene the human rights of citizens guaranteed by the Constitution. Accordingly, the Commission is conducting research to examine the conformity of existing polices and laws with the rights guaranteed by the Constitution and other international human rights instruments ratified by the country. Since the right to equality and the principle of non-discrimination are enshrined in the Constitution and various human rights instruments, the Commission looks into laws which are in violation of the same while conducting its task. And based on its research and findings, the Commission will transmit recommendations for amendments of laws and policies to relevant organs of the State.

40. The House of Federation (HoF) is the primary organ mandated to promote equality and unity among peoples and in so doing combats discrimination. The Proclamation for the Consolidation of the House of Federation and Definition of its Powers and Responsibilities (No. 251/2001) stipulates the detailed activities to be carried out by the HoF while performing its mandate. The HoF is entrusted with the mandate to prepare various programmes and forums to enhance the peoples' democratic culture; follow up whether the curricula of educational institutions incorporate academic subjects that promote unity and equality among peoples; study and sort out attitudes and trends that impede the peoples' unity and cooperation. In addition to the activities it undertakes to solve ethnic conflicts and promote understanding among nationalities, the HoF has prepared various programmes and forums with a view to changing negative attitudes towards specific cultures and developing tolerance among peoples.

41. Non-governmental organizations, equally with governmental organs, have been regarded as key players in the implementation of the cultural policy of the country. Hence, the Government encourages all non-governmental institutions to work to promote the culture of different nations, nationalities and peoples and has created conducive environment for the proper functioning of these institutions.

### **National human rights institutions in combating racial discrimination**

42. The EHRC and the Institution of the Ombudsman have been established to guarantee the respect for the fundamental rights and freedoms of individuals, nations, nationalities and peoples as a whole including the right of equality enshrined in the Constitution. One of the objectives of the Ethiopian Human Rights Commission is to promote awareness of human rights through education of the public, and see to it that human rights are protected, respected and fully enforced. Its task of promoting awareness includes raising awareness regarding fundamental rights and freedoms, including the right to equality, recognized under the Constitution and international human rights instruments ratified by the country. Moreover, the Commission has the mandate to entertain complaints of human rights violations, including complaints of racial discrimination.

43. Where the executive organs of the Government make decisions on discriminatory basis among citizens, a complaint may be lodged to the Institution of the Ombudsman, which has the mandate to investigate and recommend corrective measures to be taken by the organ which made the decision.

44. Attitudes of racial discrimination were deeply entrenched in the social, economic and political fabric of Ethiopian society. Ethnic domination in government was also part of the Ethiopian history. As a result, abolishing negative racial attitudes and views is an arduous task that requires huge resources and considerable time. Still both human rights institutions are taking steps towards the accomplishment of the objectives entrusted to them through different methods complimenting the government's effort to effectively combat racial discrimination in a sphere that falls outside its regulation.

### **Legal pluralism**

45. Formal legal pluralism under Ethiopia's constitutional order is confined to personal and family law. Regarding the adjudication of disputes relating to personal and family laws, the Constitution does not preclude the application of religious or customary laws and courts where the parties consent. The Constitutional provision that requires all officials to enforce and respect the rights enshrined in it including the right to equality, imposes obligations on customary and Sharia court judges.

46. Most legal matters are resolved by the legal institutions and frameworks established by the federal and regional constitutions, including customary and religious institutions. In a country like Ethiopia, where there exists a vast diversity of culture, it is hardly possible to ignore the existence and active role of customary mechanisms which the public has adopted for centuries.

47. In some ethnic groups like the Somali, the Amhara and the Gumuz, local customary law is applied to govern their day-to-day affairs. Moreover, most of the customary laws, for example the *Gedda system* in Oromia region, the *Abbo-gereb* in Tigray region, the *Xeer* in Somali, play

key roles in the maintenance of local peace and order, and above all sub-regional stability. The Oromia Regional Government is looking for a way to incorporate the rules of customary laws applied by the society in the region into the formal legal order. A project plan has been designed to carry out research on the customary systems operating in the region.

48. As the Constitution is the supreme law of the land, all citizens including community elders who take part in customary mechanisms of dispute resolution have the duty to obey it and ensure its observance. Moreover efforts are made to ensure participation of community elders in training covering issues of rule of law, human rights and other training necessary to promote human rights.

### **Article 3**

49. Ethiopia has consistently condemned racial segregation and apartheid, worked for their elimination and has been in the forefront of actions of the international community in this regard. Various laws, administrative and judicial decisions have been passed on the prohibition of all forms of racial segregation to prevent, prohibit and eradicate all practices of racial segregation. Ethiopia was a party to South West Africa case (ICJ) in which it opposed racial segregation in South Africa. Even though the case was rejected due to want of jurisdiction, Ethiopia had showed its commitment to abolish apartheid and racial segregation in South Africa.

### **Article 4**

50. The Ethiopian criminal law is comprehensive in declaring acts of racial discrimination, enumerated under article 4 of the Convention, as offences that entail punishments under the Criminal Code (2005), the Mass Media and Freedom of Information Proclamation, and the Broadcasting Service Proclamation.

51. Dissemination of ideas based upon racial superiority or hatred, incitement to racial discrimination against any person or group of persons: All such acts are offences under Ethiopian law. This act has been covered as an offence in various provisions that prescribe criminal acts. Article 486 (b) of the Criminal Code criminalizes the dissemination of racial hatred by any means, an act which would entail a punishment of simple imprisonment or fine, or, in serious cases, rigorous imprisonment not exceeding three years.

52. As per article 10 (2) (b) the of the Freedom of Press Proclamation No. 34/1992, the press shall have the duty to ensure any press products it issues or circulates is free from any accusation against nation, nationality or people. This provision includes accusations based on the grounds of ethnic or racial superiority or inferiority; or racial stereotype or hatred. The non- observance of this is punishable with imprisonment for not less than one year and not more than three years; or a fine of not less than Birr 10,000 or not more than 50,000, or with both. The perpetrator is also subject to liabilities and penalties under the Criminal Code.<sup>2</sup>

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<sup>2</sup> Although a new Mass Media and Freedom of Information Proclamation has been passed by the Parliament, it is not taken into account for this report since it has not yet been published.

53. Article 30 (4) (a) of Broadcasting Service Proclamation No. 533/2007 provides that any programme intended for transmission through broadcasting service may not “violate the dignity and personal liberty of mankind or the rules of good behaviour or undermine the belief of others.” Ideas based on ethnic superiority/ inferiority or hatred constitutes the violation of the dignity of persons who belong to the ethnic group which is a victim of the programme. Moreover, article 30 (4) (c) reiterates the prohibitions under the press law stated above. The liability of the perpetrator of this offence includes confiscation of the property used for the broadcasting in addition to the principal penalty.

54. All acts of violence or incitement to such acts against a person or a group of persons because of their race, colour, decent or national or ethnic origin: Such crimes related to racial violence are punishable under the Ethiopian Criminal Code. The crime of genocide is one of the serious criminal acts punishable under the Criminal Code. Article 269 of the Criminal Code provides that:

“Whoever, in time of war or in time of peace, with intent to destroy, in whole or in part, a nation, nationality, ethnical, racial, national, colour, religious or political group, organizes orders or engages in:

(a) Killing, bodily harm or serious injury to the physical or mental health of members of the group, in any way whatsoever or causing them to disappear; or

(b) Measures to prevent the propagation or continued survival of its members or their progeny; or

(c) The compulsory movement or dispersion of peoples or children or their placing, under living conditions calculated to result in their death or disappearance, is punishable with rigorous imprisonment from five years to twenty five years, or, in more serious cases, with life imprisonment or death.”

55. Moreover, article 274 of the Criminal Code provides that provoking and conspiring for the commission of genocide is punishable with rigorous imprisonment not exceeding five years. By providing this, the law has given a legal protection for nations, nationalities and peoples from acts of genocide.

56. Article 240 (1) (a) of the Criminal Code provides that instigating “civil war, by arming citizens or inhabitants or by inciting them to take up arms against one another” is an offence punishable with rigorous imprisonment ranging from ten years to twenty-five years. Acts of armed violence against a group of persons on the basis of ethnicity, race, colour or decent are thus made offences of serious nature.

57. The acts of violence noted above can be considered to threaten the unity of the peoples of Ethiopia and bring the destruction of the Federation. Thus article 241 of Criminal Code regards such acts as attacks on the political or territorial integrity of the State. The punishment for acts of violence falling under this provision is rigorous imprisonment ranging from ten years to twenty-five years or, in cases of exceptional gravity, life imprisonment or death. The punishments prescribed for these offences show that acts of racial violence are some of the gravest offences under the Ethiopian criminal law.

58. Indirect aid and encouragement, attempted incitement and assistance, material preparation of subversive acts, provocation and preparation of the commission of the crimes provided under articles 240 (1) (a) and 241 of the Criminal Code are also crimes which, under normal circumstances, entail prosecution for criminal participation and preparatory acts to commit a crime.

59. Acts of racial violence may violate various legally protected interests of an individual such as life, physical well-being, health and property whether committed individually or collectively. If the acts of violence against a certain person or group of persons protected under the Convention have resulted in death, the perpetrator(s) would be prosecuted for homicide. If the acts of violence cause physical injury only, the perpetrators may be punished under the chapter of the Criminal Code that is applicable to offences against the person and health of an individual which includes grave wilful injury, common wilful injury or assault.

60. Article 480 of the Criminal Code criminalizes the act of inciting people to commit acts of violence against the community or individuals by word of mouth, writing, image, gesture or otherwise. The “community” and “individuals” may refer to certain members of the community who may be members of certain nations, nationalities or peoples. Anyone who commits this offence is punishable with simple imprisonment or fine.

61. Article 486 (b) of the Criminal Code also provides that anyone who “by whatever accusation or any other means foments dissension, arouses hatred or stirs up acts of violence ... racial ... disturbances is punishable with simple imprisonment or fine, or, in serious cases, with rigorous imprisonment not exceeding three years”.

62. The law ensures that the press and the mass media are not employed for provoking dissension. To this end article 10 (2) (c) of the Press Proclamation prescribes that any press product shall not contain “any criminal instigation of one nationality against another or incitement of conflict between peoples.” Article 30 (4) (d) of the Broadcasting Service Proclamation also prescribes that any of the broadcasting programme “may not causes dissension among nationalities or instigate dissension among peoples.” Non-compliance with these provisions entails a liability prescribed above for the violation of article 10 (2) (b) of the press law and article 30 (a) or (c) of the broadcasting law.

63. The provision of any assistance to racist activities including financing is an offence under Ethiopian law. Under the Criminal Code, an accomplice to a criminal act, i.e., one who intentionally assists the principal criminal either before or during the carrying out of punishable racist activities, by providing information, advice, supply of means (finance) or material aid or assistance of any kind whatsoever in the commission of the crime is always liable to punishment provided the crime was at least attempted. A person who assists criminal activities based on racism is liable to the punishment for the crime he assists to be committed.

64. Ethiopian law prohibits organizations, as well as organized and all other propaganda activities, which promote and incite racial discrimination. The Constitution prohibits the formation of organizations which pursue illegal objectives. Organizations that promote and incite racial discrimination clearly violate the right to equality enshrined in the Constitution and, therefore, are illegal and prohibited organizations.

65. The provisions criminalizing the dissemination of ideas based on racial superiority or hatred apply to propaganda activities which promote and incite racial discrimination as well. Provocative activities of racial discrimination are prohibited under the acts of racial violence discussed above. Organized racial propaganda activities may also constitute criminal conspiracy for the commission of racially motivated crimes under article 38 of the Criminal Code. The provision of the Criminal Code on criminal participation also applies for aggravation of punishments imposed on perpetrators of such acts.

66. Participation in organizations or activities which promote and incite racial discrimination is an offence under Ethiopian law. Apart from provisions on criminal participation, article 482 of the Criminal Code prohibits the participation in forbidden societies, bands, meetings or assemblies. Whosoever commits this offence is punishable with a fine not exceeding one thousand Birr (equivalent to US\$100). Organizations or activities which promote and incite racial discrimination fall under article 482 of the Criminal Code.

67. Public authorities or public institutions, national or local, shall not promote or incite racial discrimination lest they incur criminal liability. The Constitution imposes legal obligation on all levels of government organs to respect and enforce fundamental human rights and freedoms which include the right to equality as per article 13 (1), which also is applicable with regard to nations, nationalities and peoples.. Thus, public institutions or public authorities promoting or inciting racial discrimination are violating Constitutional provisions. Public institutions do not have criminal responsibility under the law. However, a public official who promotes or incites racial discrimination is liable for failure “to carry out his/her duties in a proper manner and to the prejudice of State, public or private interest,” and is punishable with fine not exceeding one thousand Birr or simple imprisonment not exceeding six months under article 420 of the Criminal Code . This is without prejudice to the individual criminal liabilities mentioned above.

68. Racial motives are regarded as an aggravating circumstance under the Criminal Code in two ways. Under article 84 (1) (a) base motive of “hatred” serves as a general aggravating circumstance. Article 86 provides for aggravating circumstances not expressly provided in the Code. The courts have discretion to consider racial motives in a given crime as a general aggravating circumstance since such motives against the foundation of the Ethiopian polity - equality of nations, nationalities and peoples.

69. There is no specific legislation promulgated to give effect to article 4 of the Convention since the existing legal regime, as discussed above, is sufficient to criminalizing acts that the Convention proscribes as offences. The above discussions reflect the practice before courts in entertaining offences having elements of racial discrimination element and therefore can show how the State is implementing its obligation under the Convention.

70. There are decisions given by courts and other state institutions in particular the EHRC regarding acts of racial discrimination provided by article 4 of the Convention. Some of them are discussed under information provided for implementation of articles 5 and 6 of the Convention.

## Article 5

### **Elimination of racial discrimination with particular reference to specific human rights**

#### **Right to equal treatment before tribunals and other organs administering justice (art. 5 (a))**

71. The right to equal treatment before the tribunals and other organs administering justice is a constitutionally recognized right in Ethiopia. The FDRE Constitution provides, “Everyone has the right to bring a justiciable matter to, and to obtain a decision or judgment by a court of law or any other competent body with judicial power” (art. 37). It accordingly guarantees equality of everyone not only before courts but also before organs with judicial power. Similarly, under the Civil Procedure Code which regulates administration of justice in civil matters brought before ordinary courts and other tribunals, “any person” can bring a civil action (be a plaintiff) as long as she or he has a vested interest in the subject-matter. Furthermore, the Civil Procedure Code provides for paupership so that those who do not have sufficient means to bring a court action may do so without payment of court fees. (art. 467) This is intended to ensure that there are no prohibitive costs undermining access to a court. In criminal matters as well, the provisions of the Criminal Procedure Code, which provides rules for the administration of criminal justice, shall apply to all persons alike (art. 1). In both, no discrimination on the basis of race or nationality is allowed. Furthermore, the Ministry of Justice renders legal aid to persons who are victims of violations of human rights pursuant to the mandate given to it with a view to promote access to justice (Proc. 471/2005). By this power, the Ministry can initiate civil proceedings on behalf of persons that are not capable of arguing their cases before courts.

72. The Constitution preserves customary law systems which are instrumental in the resolution of disputes. However, article 9 provides that customary practices inconsistent with the Constitution shall be null and void. By so doing the Ethiopian Constitution ensures that customary law practices which are not in conformity with human rights standards do not militate against access to justice.

73. The right to counsel is one of the fundamental rights of the accused under the FDRE Constitution. Any person accused of a crime has the right to have a counsel of his/her choice. The State provides a counsel for accused persons in case they do not have sufficient means to pay for a counsel and the trial without a counsel would result in miscarriage of justice (art. 20.5). In practice, the State provides counsel for accused persons with no sufficient means to pay, where the crime they are accused of may entail 15 years’ imprisonment or more. For those accused persons not represented by a counsel, courts are vigilant to ensure that the accused are well informed of the charges, their rights to cross-examine witnesses, to dispute the evidence brought before them, and to present arguments in their defence. The Office of Public Defenders renders legal assistance for accused persons under the auspices of the Federal Supreme Court.

74. All accused persons have a constitutional right to request the assistance of an interpreter. Implementing these constitutional provisions, courts provide interpreters to those who do not understand their working language. At federal level, for instance, the working language is Amharic and courts are obliged to provide interpreters for those who do not understand Amharic.



Likewise in all regional states and in several zones and *woredas* where they have their own official languages, interpretation services are provided to those who do not speak the language used in those localities. Interpreters are appointed either on a permanent or ad hoc basis.

75. Persons protected by the Convention enjoy the right to be promptly brought before courts like any other suspected persons. No separate legislation on the matter is available regarding such people. Except for delay triggered by resource constraint, nobody is detained for long because he/she belonged to this or another group.

76. The State recognizes the right of detained foreigners to talk to their consular offices (or embassies) in the country. Immediately following their detention, their embassies are informed and the embassies as well as the detainees have free access to talk to one another.

77. There are 83,471 recognized refugees in Ethiopia, who are mostly from neighbouring States. (see table 1 below) They are stationed at centres established through collaboration among concerned government organs and international organizations such as the UNHCR. Since UNHCR has offices and employees at the centres for refugees, the refugees can freely contact the Office as well as its employees. The human rights of refugees in Ethiopia are thus recognized.

**Table 1**

**Recognized refugees in Ethiopia by origin**

Nationality	No.	No. of centres/camps
Eritrean	25 606	4
Somali	27 422	3
South Sudanese	26 303	2
Kenya	2 845	2
Others (urban refugees)	1 295	Addis Ababa
Total	83 471	

78. The FDRE Constitution outlaws any form of racial discrimination. Other subordinate laws also prohibit racial discrimination. For instance, the Prison Administration legislation states that “No distinction among prisoners should be made on grounds such as nation, nationality, or social origin”. Under the same legislation, all prisoners are entitled to minimum standards of care and support that would help for their rehabilitation and their eventual integration into society. The same standards are provided in the Treatment of Federal Prisoners Council of Ministers Regulations No. 138/2007, which took into account the Minimum Standard Rules for the Treatment of Prisoners, 1977. These standards provided in the Proclamation and the Regulations relate mainly to access to food, health services, accommodation, and the right to be visited by family and friends. All these are provided without discrimination on the basis of race to the extent resources permit (Prison Proc. 365/2003). Moreover, according to the national report issued by the EHRC that surveyed the situation of human rights in 35 prisons, no incidence of racial discrimination was reported.

79. In discharging their responsibilities, judges are required to abide by the Constitution and other laws, which among others, enshrine respect for diversity. Moreover, in the Code of Conduct for Judges, judges, in their judicial function, are required to observe the following:

- Implement the laws of the country
- Ensure equality of parties to a suit (judges shall not discriminate between or among the parties on the basis of their religion, nationality or race, political opinion or any others status)
- Respect for the dignity and rights of parties
- Ensure that documents, oral presentations, etc, unless required for administration of justice, are free from bad or unethical words or opinion; and
- Control over parties that show undesired behaviour or action

80. The country has extradition treaties with few countries. As per those treaties, there is a possibility of sending a convicted foreigner to his/her country to serve the prison term there. This is carried out on the basis of reciprocity.

### **Right to security and protection by the State (art. 5 (b))**

#### *Liberty and security of persons*

81. Article 16 of the FDRE Constitution entitled as the “right of the security of person” states that every one has the right to protection against bodily harm. All federal and state organs do also assume the duty to respect and enforce this right (art. 13). Article 18 (1) of the Constitution also provides that “Everyone shall have the right not to be subjected to cruel, inhuman or degrading treatment or punishment.” Furthermore, article 19 (3) of the Ethiopian Constitution provides that everyone shall have the right to be brought before a court of law within 48 hours after his/her arrest. He shall have the right to be specifically informed that there is sufficient cause for the arrest as soon as the person appears in court. The right of *habeas corpus* is also entrenched in article 19 (4) of the Constitution.

82. This right to security of person is principally protected in the Criminal Code that penalizes bodily harm against members of a group (exceptionally amounting to genocide, war crime or a crime against humanity) or against individuals (amounting to crimes against person and health).

#### *Right to protection by the State*

83. Regional states have the primary responsibility for ensuring for the maintenance of public order and security in their own jurisdiction. Accordingly, it is incumbent upon state authorities to ensure that every person enjoys the same protection regardless of race and other prohibited grounds of discrimination. HPR is also empowered to order (by joint decision with HoF) to intervene in regional states when state authorities are unable to arrest violations of human rights within their jurisdiction. HPR may also order intervention where a regional state endangers the constitutional order in violation of the constitution.

84. There have been a few cases where racially motivated violence has occurred in the country. Some of them are the conflict in Gambella (see paras. 101-105); between peoples living in Oromia and Benishangul Gumuz Regional States, and between ethnic groups living in Oromia Regional State and SNNPRS. The Government has been taking different measures to prevent their occurrence. One such measure is to bring those responsible for such violence to justice. Another important measure has been the campaigns carried out to educate the public about equality of peoples, respect for one another, and tolerance. Attempts have also been made to resolve ethnic conflicts through traditional methods. When necessary, the presence of the federal police and the military has been maintained upon the request of the concerned regional government, until it has been ascertained that the situation is safe and authorities in the area are able to handle the situation.

85. Regardless of their official status no impunity is available for perpetrators of racially motivated violence. Racially motivated violence is considered as an attack against the very foundation of the State and its constitutional system. Finding all the culprits and bringing them to justice may sometimes be difficult. Lack of witnesses and denial by those around such incidents can be cited among the difficulties encountered in combating impunity. But despite the difficulties every effort has been made to bring the culprits to justice.

86. The Constitution, the Federal Police Proclamation (No. 313/2003) and the Federal Police Commission Administration Regulation (No. 86/2003) all impose duties on the police to protect fundamental rights. To ensure the implementation of these duties, all police officers have to be trained in the principles of law enforcement contained in the different laws. The training emphasizes, among others, the rights of nations so that police officers will be conscious of ethnic diversity and always maintain the principle of non-discrimination. In connection with the use of force, there are requirements of proportionality and necessity the use of force in all circumstances including in urgent situations in which the police force is deployed in regional states to control a deteriorating human rights or security situation. Police regulations provide that any use of force by a police officer shall be reasonable, supported by law and on the basis of legal authorization. In cases of violations of such rules, measures ranging from disciplinary action to accusation for criminal responsibility may be taken against violators. Several police officers are dismissed or temporarily suspended from duty for participation in activities that favoured one or another nation or nationality in addition to their criminally liability.

### **Political rights (art. 5 (c))**

#### *The right to effective political participation*

87. Due to the diversity of its peoples and past problems in accommodating diversity Ethiopia has adopted a federal government system with a view to addressing the problems. However, federalism being a significant departure from the past centralized governance, its implementation has not been without challenges. Different efforts have been exerted to guarantee its proper functioning. These measures include those noted in the following paragraphs.

88. The first set of measures was related to the establishment and efficient and effective functioning of the institutions of federalism. The second set of measures was related to revision of all legislation to take into account diversity. The third related to a nation-wide campaign to

promote equality of, respect for, and tolerance among the different ethnic groups in the country. The fourth was the practical implementation of self-administration at the levels of zones and *woredas*.

89. Institutions such as the HPR, HoF, and Ministry of Federal Affairs play important roles in the implementation of federalism. The HPR is given a constitutional mandate to protect the security of the different ethnic groups through its power of intervention in cases of violations of human rights in regional states. Detailed procedures of intervention have been enacted to ensure timely and effective intervention thereby preventing human rights violations.

90. The HoF, exercising its mandate of protecting nations, nationalities, and peoples resolves disputes and misunderstandings relating to self-determination (mainly the issue of identity), border, resources and others, providing for peaceful solutions that in effect contributed to peaceful co-existence and development of nations and nationalities.

91. More specifically, the Ministry of Federal Affairs has been established and mandated with a crucial role of promoting peaceful co-existence among nations and nationalities and to that end it has been carrying out key activities. The Ministry of Federal Affairs, with the view to proper implementation of rules of federalism, is empowered, among others, to:

- Cooperate with concerned federal and regional state organs in maintaining public order
- Facilitate the resolution of misunderstandings arising between regional states
- Devise and implement, upon request of regional states, sustainable political solutions for misunderstandings and conflicts that may arise within regional states
- Coordinate the implementation of decisions authorizing the intervention of the federal Government in the affairs of regional states
- Provide assistance to regional states particularly emerging ones
- Serve as a focal point in creating good federal-regional relationships and cooperation based on mutual understanding and partnership and thereby strengthen the federal system; and
- Coordinate and integrate supports of other federal organs to the emerging regional states

92. Having these powers and responsibilities, the Ministry has devised departments such as the Inter-governmental Relations Coordination Department (with the aim of ensuring a better and clear institutionalization of relations between the federal Government and regional states and among regional states themselves), Conflict Prevention and Security Affairs Department (with the view to curbing conflicts that happen in regional states), and four Coordination departments for the four LDRS (to ensure the proper coordination of assistance to these regional states). The Ministry, by discharging its responsibilities, has carried out:

- Studies of inter and intra regional conflicts

- Facilitation of various peace and development forums by way of setting up joint-peace committees at various levels
- Provision of support in the process of decentralization
- Made efforts to create a stable government in Gambella in cooperation with pertinent bodies through consecutive studies of conflicts; and
- Assisted referendum of land claims along Oromia-Somali bordering villages

93. Since conflict prevention and resolution is a continuous process, the Ministry, in the next few years, plans to:

- Prepare a national conflict prevention strategy on the basis of the country's democratization and good governance policy
- Provide training for regional executive members, professionals and representatives of Civil Society Organizations on conflict, prevention and resolution manual
- Facilitate the resolution of conflicts, which arise between neighbouring regions in coordination with other federal organs
- Study inter and intra-ethnic conflicts that arise within regions
- In cooperation with the Federal Police, train and upgrade the capacity of regional police force
- Strengthen local traditional institutions (e.g. elders' councils) in a manner that provides support to ensure good governance and speed up development
- Conduct studies to prepare a legal framework on the federal-regional relationship
- Organize and facilitate local and international experience-sharing conferences and symposiums, which will help strengthen federal-regional relationships
- Organize short-term local and foreign training on federalism
- Facilitate local and foreign study tours on federalism and conflict resolution; and organize "best practice" for implementation

94. While the establishment of the comprehensive institutional mechanism of intergovernmental relationship is underway through the cooperation of all concerned, there are presently several forums and councils by which regional states and the federal Government meet and resolve mutual problems. These include a joint house speakers forum (for speakers of the federal houses and regional councils), an education professionals forum, the forums of dialogue between the House of Federation and each regional state, a prosecutors' joint forum, the council of judges, the five eastern adjoining regional states joint forum, the Oromia and Somali regional

states joint cooperation forum, Afar and Tigray, and Afar and Amhara cooperation forums, Amhara and Benishangul Gumuz joint cooperation forum, and the SNNPRS and Gambella joint forum.

95. Existing legislation has been reviewed to make it compatible with the federalism and rights of nations and nationalities and new legislation has been issued with a view to implementing federalism. Judicial, executive, and other organs of the states have been sensitized to be conscious of the diversity of the country.

96. According to the Constitution, every nation, nationality, and people has the right to self determination, including the right to secession. This right shall come in to effect when:

(a) A demand for secession has been approved by two-third majority of the members of the legislative council of the Nation, Nationality, or people;

(b) A federal government has organized a referendum which must take place with in three years from the time it received the concerned councils decision for secession;

(c) The demand for secession is supported by a majority vote in referendum;

(d) The federal Government will have transferred its powers to the council of Nation, Nationality or people; and

(e) A division of assets is effected in the manner prescribed by law.

97. HoF has recognized the right of self-determination in many of its decisions. For example, it recognized the right of the Silte ethnic group. The Silte ethnic group live in SNNPRS. This ethnic group used to be part of the Gurage ethnic group. The Silte people claimed that they were distinct ethnic group having their own culture, language, psychological make up and who inhabit an identifiable territory. Their claim to exercise the right to self-determination was finally reviewed by the HoF. Accordingly, the right to self-determination and self-identification of the *Silte* people were recognized through referendum.

98. Nations and nationalities are allowed to administer their own affairs to the maximum extent possible. While regional states have their own autonomy in the Constitution, zones, special zones and *woredas* have been established in all regional states to accommodate the right of self-administration of ethnic groups and peoples that may not identify themselves with the majority in a regional state. Decentralization has been taking place to the level where peoples do not under normal circumstances have reason to resent one another due to domination of one language or culture over another.

99. Displacement has occurred in the country in few occasions. For example, a number of people were displaced in 2006 and 2007 due to floods in Regional States such as SNNPRS and Somali Regional States. A number of measures have been taken to help the victims by the federal and regional governments as well as NGOs. Accordingly, thousands of metric tons of food, clothes, household items, and tents were distributed. In addition to the emergency assistance provided by the federal and regional governments, large donations from international and local donors were received and used for the rehabilitation of those displaced by the flood.

Rehabilitation programmes such as temporary food for work programmes and permanent solutions such as protection of soil and water in those vulnerable areas have been undertaken.

100. In the common core document as well as this report, the protection of human rights of all nations, nationalities and people has been indicated as a central feature of human rights protection and promotion in the country.

#### *Gambella Regional State*

101. The conflict that occurred in Gambella on 13 December 2003 could, to a large extent, be attributed to political rivalry between the Agnuak and Nuer ethnic groups. Their rivalry, partly instigated and encouraged by officials of the former military government, revolved around the extent of the political representation they had in the administration of the region. This rivalry, which later spread to other ethnic groups and peoples living in the Regional State, was further exploited by political parties that claimed to have represented one or the other ethnic group. The conflict that occurred on the 13 f December 2003 was the result of this complex of factors. The conflict on that date and other related events afterwards caused the death of several people belonging to all nationalities and peoples in the region and the destruction of homes and properties.

102. Initially, it was the responsibility of the Regional Government to control the situation. However, as the situation could not be controlled at the local level, the Regional Government sought the intervention of the federal Government. Extending its assistance, the federal Government used the police, the defence force and the Ministry of Federal Affairs. The federal police and the defence force arrived immediately and took control of and calmed the situation. The Ministry of Federal Affairs dispatched an independent investigation team with a view to identifying the causes of the conflict, the persons responsible, and, in collaboration with the police and the defence force, to arrest those responsible. The Ministry also coordinated the assistance that had to be provided to people who were displaced, lost their homes, or their subsistence due to the conflict. Funds collected from different sources were used for rehabilitation of those affected by the conflict. Clan leaders were involved in calming the situation and returning those displaced to their homes. In addition, peace conferences were organized with a view to promoting reconciliation among residents of the region.

103. While the police and the defence force were discharging their duties, allegations of human rights violations were made against them. As a result, an independent Inquiry Commission to Investigate the Conflict that Occurred in Gambella Regional State was established by law with the object of investigating the incident and to submit a report to the HPR. The Commission was tasked with the responsibility of investigating the causes of the conflict and the factors that aggravated it, the bodies or individuals responsible for causing and aggravating the conflict, and the consequences of the conflict. The Commission found that no institutional human rights violations were committed by the police or the defence force. According to the Commission's report, the individuals that caused the loss of life and property belonged to the different groups in the Region.

104. Some individuals and regional officials involved in the conflict escaped across the border, but a number of suspected individuals, members of the police and the defence force, and members of the regional administration, were arrested. Criminal charges were brought against

them by government prosecutors. All the cases were brought before first instance courts. Most of those detained have been convicted, but some appeals to higher courts are still being heard. Among those convicted were a member of the military and 6 police officers that received sentences ranging from 2 to 12 years' imprisonment.

105. Rehabilitation work such as rebuilding houses and the provision of food and clothing were carried out through the participation of the Government, donors, NGOs and others.

#### *Oromia Regional State*

106. The Oromo people constitute the largest ethnic group and the Oromia Regional State is the largest of all regional states in the country. Oromia exercises self-rule and the working language in the Region has been Oromifa, different from the federal working language, Amharic. Six years ago the Government undertook criminal investigation and prosecution measures against suspected members of the Oromo Liberation Front (OLF), an organization based in Eritrea and committed to terrorist activities. The OLF, which was struggling for the liberation of the Oromo people in the 1960s, was part of the transitional government in which the rights of all nations, nationalities and peoples of Ethiopia were respected. But later the OLF went out of the government preferring to wage war against the legitimate Government of the country. Even more it has become a terrorist group engaging in various terrorist activities such as killing innocent peoples, enforced disappearance, torture and other inhuman treatments against civilians. While this is the reality, there were allegations that the Government's actions against members of OLF amounted to human rights violations. But in fact all the measures to investigate and prosecute members of the OLF were taken in accordance with the law. Suspects were arrested, investigated, and prosecuted by regular courts. Those found guilty were sentenced, while those suspected of involvement but not proven to have committed any criminal act were released by court order.

#### *Ethnic conflicts*

107. Ethnic conflicts have occurred in some of the regional states in the country. These conflicts are triggered mostly by water or water use, border issues, grazing land, and lack of good governance. Although some such ethnic conflicts have been settled through mechanisms such as referendum (for example the border conflict between Oromia and Somali Regional States) some remain unsettled even today. The Government is presently determined to provide permanent solutions to all such disputes. Temporary measures such as ensuring the presence of the police in conflict areas are taken. For more permanent solutions, the causes of conflicts and possible resolution are being studied and a national strategy for dispute prevention and resolution is being formulated and debated. The Ministry of Federal Affairs is tasked with strategy formulation, manual preparation, and organization of conferences on conflict prevention and resolution. As the previous "fire fighting" approach of conflict resolution has not succeeded, more efforts are now directed towards prevention; and an "early warning system" is being studied with the assistance of UNDP. It is anticipated that within a short period of time, the country will have a comprehensive strategy on conflict prevention and resolution; and on the basis of this strategy, extensive measures will be taken to end the occurrence of conflicts.

108. Female genital mutilation has been one of the most harmful traditional practices practiced in many parts of the country. The government, civil society organizations, and others have been



campaigning for a long time to eradicate the practice. The government took a firm position on the issue by criminalizing the action. Civil societies, especially those involved in the protection and promotion of the rights of women including women's associations themselves, have been playing crucial roles in the elimination of this harmful practice. The difficulty encountered has been the perception of most communities that the practice is normal and even important. However, the preventive and educative roles of the Criminal Code, coupled with an aggressive campaign by all concerned to eliminate the practice have all contributed to a significant decrease in the practice. As female genital mutilation is committed by one's own family, no racial discrimination is involved.

109. The Constitution provides for communities to be consulted with respect to policies and projects affecting them as part of the provision on the right to development. Accordingly, people have the right to full consultation and to the expression of views in the planning and implementation of environmental policies and projects that affect them directly. Similarly, all persons who have been displaced or whose livelihoods have been adversely affected as a result of state programmes are also guaranteed the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance. Implementing the Constitution, a law was promulgated to provide for adequate displacement compensation for rural landholders. As a result rural landholders, who might have lost their land due to public works and investment, were given compensation and substitute lands. National parks, for example, are maintained through the participation of the people located around the parks. Revenues obtained from the parks are shared with the local community. Local communities are employed in the parks and the traditional administration methods of those communities are also applied ensuring communities' participation as well as development of those practices. All this is believed to have contributed to the cultivation of the feeling of belongingness on a part of those communities.

110. Since every child has the right to attend primary education, all refugee centres in Ethiopia have primary schools (from Grade 1 to Grade 8), with necessary books, educational materials, and teachers. Child refugees attend these schools. In addition, refugee children who have passed the national examination administered at Grade 8 have the opportunity to attend secondary education in nearby government schools.

111. Refugee centres established in Ethiopia fulfil basic standards. They are established with basic services such as water, food, and shelter. Medical centres with necessary medical staff and medical supplies are also provided. In these medical facilities, basic medical services (such as general treatment, mothers and child care, HIV programmes, etc) and community-based medical programmes (such as malaria, cleaning one's environment, and vaccines) are provided.

112. The right to vote and stand for election on the basis of universal and equal suffrage and to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.

113. The right to vote, to be elected and to participate in elections on the basis of universal suffrage and to take part in the conduct of public affairs is a right for every Ethiopian national, exercised without discrimination on the ground of colour, race, nation, nationality, sex, language, religion, political or other opinion or other status. The right to vote is affirmed under Article 38

of the FDRE Constitution. Article 38(2) also enshrines the right of everyone to join political parties, trade unions, chambers of commerce, employers' and professional associations. The detailed application of these principles is provided in the election Law adopted in 2007.

114. Article 38 of the Constitution enshrines the right of every citizen to take part in the conduct of public affairs, directly or through freely chosen representatives. According to chapter three of the Constitution, every nation and nationality has the right to be represented in state and federal governments which includes the right to be represented in the parliament, government offices and with in the law enforcement officials. In effect nations, nationalities and peoples are represented in the parliaments at the federal and regional level. The need for special representation is also established by the Constitution where minority nation, nationalities and peoples shall have at least 20 seats in the parliament (House of Peoples Representative). The criteria of who falls within this category are established by decision of the HoF.

115. The HoF is composed of representatives of nations, nationalities and peoples of Ethiopia. The HoF currently has 112 members drawn from 69 nations, nationalities and peoples across the country represented in the 9 state councils.

**Table 2**

**Representation of nations, nationalities and peoples of Ethiopia  
in the House of Federation**

No.	Regional State	Members represented in the House	Number of nations, nationalities and peoples represented in the House
1	Tigray	6	3
2	Afar	2	1
3	Amhara	17	5
4	Oromia	19	1
5	Harari	1	1
6	Somali	4	1
7	Benishangul- Gumuz	5	5
8	Southern Nation and Nationality	54	48
9	Gambela	4	4
	Grand Total	112	69

*Source:* House of Federation, [www.hof.gov.et](http://www.hof.gov.et).

116. In a pioneer decision, the HoF has affirmed the equal representation of nations, nationalities and peoples of Ethiopia. In the regional state of *Benishangul Gumuz*, registered candidates were prohibited from participating in the election on the ground that they did not speak one of the languages of the Region. The candidates were from the Oromo, Amhara and Tigray ethnic groups who had been living in the Region for a long time. The HoF decided that nations, nationalities and peoples should not be discriminated on the basis of language and ruled that the candidates had the right to stand as candidates. The decision serves as a precedent in other regions as well.

117. There is wide representation of nations, nationalities and peoples' of Ethiopia in government institutions. In all law enforcement organs such as the police, prosecutors and judges, efforts are exerted to ensure the proportional representation of all nations, nationalities, and peoples. Although complete data is not available regarding their representation, regulations require fair representation of nations and nationalities. For example, the recruitment of police officers and staff in the prison administration is based on the equitable representation of nations, nationalities and peoples of Ethiopia. Special measures are adopted to ensure balance is achieved; a recruit from a nation or nationality with relatively less representation is given priority in employment. The Police Commission also makes special effort to enable members of a nation or nationality with less representation to become members of the police.

118. In the judiciary, nations and nationalities are similarly represented at the federal and regional level. Hence, judges from ethnic groups of Amhara, Oromia and Tigray constitute 39.2 per cent, 15.5 per cent and 22.4 per cent of numbers respectively. Other nations and nationalities also have representation in the judiciary proportionate to their population.

119. The origins of the National Defence Forces lie in the army of the EPRDF that overthrew the former military regime. Although the EPRDF army was drawn from all nations, nationalities and peoples, during the struggle as well as at the time of removal of the military regime in 1991, it was mainly drawn from the Tigray People Liberation Front fighters. That was the beginning of the Defence Forces. But afterwards several measures have been taken to ensure the fair representation of nations and nationalities in the Defence Forces.

120. Those measures start with the Constitution which requires the Defence Forces to be composed of an equitable representation of nations, nationalities and peoples of Ethiopia. The proclamation enacted to establish the Defence Forces also requires a fair representation of nations, nationalities and peoples in the Defence Forces. To implement these provisions, a series of demobilization measures were taken and new recruits drawn from nations, nationalities and peoples of Ethiopia in place of those demobilized. At recruitment, special measures have been adopted. Among candidates that satisfy the requirements on an equal footing, preference is given to members of nationalities comparatively less represented in the Defence Forces. In addition, qualifications are lowered for the nations, nationalities and peoples least represented in the Defence Forces in order to enhance their participation. Those measures have resulted in fair representation of all nations and nationalities in the Defence Force, except in the highest ranks where some nations and nationalities have yet to be represented because of lack of experience.

121. The powers and responsibilities of the Defence Force are provided for in the Constitution, other legislation, regulations and directives. In addition to protecting the sovereignty of the country from outside forces, the principal task of the Defence Forces is maintenance of peace and security. Fulfilment of these tasks may sometimes mean the deployment of the Defence Force to curb public disturbances, ethnic conflicts, and situations requiring public emergency. This has happened in a few cases where local authorities and the police have been unable to control such incidents. In such situations, the members of the Defence Force are deployed temporarily until the situation becomes regularized and returns to the control of the police and local authorities.

122. When such engagements are required, the Defence Force works under strict guidelines as to the conduct and means of engagement. The Constitution's national defence principle states

that “The armed forces shall at all times obey and respect the Constitution.” This means that they are required to obey the fundamental human rights and freedoms enshrined in the Constitution. The Government, basing itself on the Constitution, has issued rules of engagement. The objective of these rules, as clearly stated, is to ensure the observance of national and international laws by the defence force in the discharging of its duties in the protection of the sovereignty and the constitutional order of the country.

123. These rules, while embracing the principles of armed conflict such as military necessity, avoidance of unnecessary suffering, proportionality, and distinction, provide detailed guidelines that the members of the Defence Force have to follow in their engagement to control internal conflicts. In all cases of conflict, the guidelines enjoin that there shall be no intervention without orders, i.e. where intervention is considered the only option, the Defence Forces have to first protect the lives and properties of the people and provide a physical barrier against instruments used in the conflict. If this is unsuccessful, the Defence Forces are required to provide oral warning, a show of weaponry, followed by firing in the air to encourage those involved in the conflict to stop or withdraw. It is only as a last resort that the use of force is allowed. In all circumstances, the principles of neutrality and proportionality must be maintained. Moreover, the assistance of elders to employ traditional mechanisms of dispute settlement has always to be sought.

124. The above rules and guidelines are implemented strictly and violations are not tolerated. While the great majority of members of the Defence Forces strictly observe these rules and guidelines, some infringements have been observed on a few occasions. Following such activities, disciplinary measures have been taken or other forms of punishments imposed.

#### **Other civil rights (art. 5 (d))**

##### *The right to freedom of movement and residence within border of the State*

125. It is a constitutional right for any Ethiopian or foreign national who has entered into the country lawfully to have the liberty to move freely within the national territory and the freedom to choose his/her residence, as well as the freedom to leave the country at any time as he/she wishes to. Any Ethiopian national has also the right to return to his/her country. Special laws have been enacted, including the refugee law and immigration law, for the implementation of this right taking into account the different circumstances for the implementation of the right.

##### *Resettlement*

126. Ethiopia has a long history of drought and at times famine. Different measures have been taken by the Government to address this chronic problem. Resettlement of drought affected people to fertile lands has on occasions been the best solution to the problem. A programme of resettlement has been undertaken in four regional states - Oromia, Amhara, SNNPRS, and Tigray. The programme, which is one of the three components of the *food security program* designed by the Government to provide a permanent solution for food insecurity, has been carried out under strict conditions. The principal conditions are (a) resettlement must be voluntary; and (b) if they are not happy with their new place, resettled people must be allowed to return to their original home, with no negative consequences. The programme is carried out in collaboration with the Government, donors, and NGOs, and has little room for abuse. Under the

resettlement programmes undertaken between 1995 and 1999 E.C. in the Tigray, Amhara, Oromia, and SNNPRS, over 201,625 people (head of families) were resettled in 202 resettlement areas. In addition, work is on progress to resettle another 60,000.

#### *Deportation of a foreigner*

127. Deportation of foreigners is done in accordance with the law. The grounds for deportation include becoming a public burden, to be a notorious criminal, being declared to be a drug addict, being suspected of suffering from a dangerous contagious disease, being a threat to the security of the State, furnishing fraudulent information and violation of the provisions of the immigration proclamation and regulations. Any decisions on deportation are appealable.

#### *Refugees*

128. The State has enacted national legislation for the effective implementation of international legal instruments dealing with refugees affairs (the Convention relating to the Status of Refugees, 1951, and its 1967 Protocol and OAU Convention Governing the Specific Aspects of Refugee Problems in Africa) and established a management framework for the reception of refugees, to ensure their protection, and promote durable solutions whenever conditions permit.

129. The Refugee Proclamation shall be applied without discrimination as to race, religion, and nationality, membership of a particular social group or political opinion. The Law in particular provides for the need for taking measures to ensure the protection of women refugees, refugee children, elderly refugees and handicap that needs special protection. Consequently, the Government provides protection to these groups of people from human rights violations that could arise due to their vulnerability. According to the Refugee Proclamation, refugees are entitled to other rights and subject to the duties contained in the Refugee Convention and the OAU Refugee Convention.

130. The Administration of Refugees and Returnees Affairs, a national mechanism for the administration of refugees under National Intelligence and Security Service (NISS), was established in 2003. In order to preserve the protection and well-being of refugees, the Government works in collaboration with UNHCR and WFO and with other non-governmental organizations through its Office of the Administration of Refugees and Returnees Affairs.

131. Every recognized refugee has the right of his/her own will, to seek to repatriation from Ethiopia to his/her country of nationality or former habitual residence in safety and dignity. As a rule, a refugee who is a lawful resident of Ethiopia shall not be expelled save on grounds of national security and public order. Even in such cases, however, certain requirements have to be complied with. For example, after an expulsion decision has been made, a reasonable period of time is provided to enable such refugees to seek admission to a country other than that to which he/she is to be expelled. Moreover, an order to expel can only be given by the head of NISS and the concerned refugee is also allowed to present his/her case.

#### *The right to leave any country, including one's own, and to return to one's country*

132. Under the Ethiopian law 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

the account of race, religion, nationality, membership of a particular social group or political opinion or his/her life, physical integrity or liberty would be threatened on account of external aggression, occupation, foreign domination of events seriously disturbing public order in part or whole of the country.

*The right to a nationality*

133. As a constitutional right, no Ethiopian national shall be deprived of his/her Ethiopian nationality against his/her will. Similarly, every Ethiopian national has the right to change his/her Ethiopian nationality and no Ethiopian shall lose his/her nationality by the decision of a government official. This right has some restrictions. According to the Ethiopian nationality law, an Ethiopian who has declared his/her intention to renounce his/her nationality may not be released until he/she has discharged any outstanding national obligations or until he/she has been acquitted or has served the penalty where he/she is accused of or convicted for a crime. Ethiopian nationality may also be accorded to foreigners in accordance with the law and procedures which are consistent with international agreements ratified by Ethiopia.

134. According to the Ethiopian nationality law all Ethiopian nationals have equal rights and obligations of citizenship regardless of the manner in which nationality is obtained. Nationals who acquired Ethiopian nationality by law are to be treated equally with Ethiopian nationals by birth.

135. Any foreigner may acquire Ethiopian nationality as long as he/she satisfies the requirements of the law which indicates the right is given for all non-nationals of Ethiopia without discrimination. In order to avoid discrimination in the course of naturalization a system has been developed where any application to obtain Ethiopian nationality by law shall be examined by a Committee called Nationality Affairs Committee which comprises of representatives from NISS, Ministry of Foreign Affairs, Ministry of Justice and Federal Police Commission. A residence permit is issued for foreigners who satisfy legal requirements without discrimination of any kind.

136. To reduce statelessness of children, the Ethiopian law recognizes an infant who is abandoned and found in Ethiopia, unless proved to have a foreign nationality, shall be deemed to have been born to an Ethiopian parent and to be considered as an Ethiopian national.

137. Ethiopia has issued a directive to determine the status of Eritreans living in Ethiopia. The Directive has not deprived Eritreans of the right to Ethiopian nationality. It simply provides a right for Eritreans to determine their nationality according to their will and decision having regard to the Ethiopian law.

138. According to the Nationality Law, an Ethiopian who acquires another nationality will be taken as one who has renounced his/her Ethiopian nationality. Hence while an Eritrean who opted to hold his/her Ethiopian nationality remained an Ethiopian, other Eritreans who voluntarily acquired Eritrean nationality lost their Ethiopian nationality due to renunciation. When it comes to the children of parents of Eritrean origin, their nationality will be determined by the Ethiopian nationality law, i.e. it shall be effected by the joint decision of parents or, where one of his/her parents is a foreigner (chose to be an Eritrean), by the decision of the Ethiopian parent. The minor may retain his/her Ethiopian nationality by renouncing his/her other

nationality within one year of attaining his/her majority unless there has been an earlier express renunciation of his/her Ethiopian nationality by the decision of his/her parents. Hence, an Eritrean minor may acquire Ethiopian nationality in the absence of explicit renunciation to the Ethiopian nationality upon application.

*Right to marriage and choice of spouse*

139. According to the FDRE Constitution all men and women who attained marriageable age (18) have the right to marry and found a family without distinction as to race, nation, nationality or religion. Marriage of an Ethiopian national of either sex to a foreign national shall not annul his/her Ethiopian nationality. A marriage conducted outside of Ethiopia is also recognized under Ethiopian law so long as it does not infringe public morality. The Constitution also recognizes religious and customary marriages so long as they do not contradict the Constitution including its basic principles of human rights. Since family matters are left to regional states, new family codes have been adopted by the regional states in addition to the Federal Family Code. Marriage across the different ethnic groups is very common in Ethiopia.

*The right to own property alone as well as in association with others*

140. The FDRE Constitution provides that every Ethiopian citizen has the right to the ownership of private property individually or in common. It also states that land is common property of the nations, nationalities and peoples of Ethiopia and shall not be subject to sale or to other means of exchange.

141. Ethiopian farmers also have the right to obtain land without payment and the protection against eviction from their possession. Pastoralists also have the right to free land for grazing and cultivation as well as the right not to be displaced from their lands. According to the Rural Land Administration and Land Use Proclamation No. 456/2005, which replaced the previous Federal Rural Land Administration Proclamation No. 89/97, farmers and pastoralists engaged in agriculture for a living shall be given rural land free of charge. To guarantee the security of tenor of farmers, there is an ongoing process of issuing a certificate of possession which is transferable to descendants.

142. Women, according to the Constitution, have the right without discrimination to acquire, administer, control use and transfer property. Women who want to engage in agriculture shall have the right to get and use rural land. Even though this right is given to all without discrimination, women in the Somali region (a region least advantaged in economic and social development) do not exercise the right to use administer and transfer this right. In the Afar region since land is controlled by the clan leaders, clan members do not have equal rights in the holding of the land and, specifically, women do not exercise any rights of land holding or administration. A policy which involves wider consultation with the community and clan leaders so as to ensure its acceptability is underway and will be enacted with the essence of providing a system that ensures equal use of land.

*The right to inherit*

143. In accordance with the Ethiopian Civil Code, every person has the right to inheritance. The FDRE Constitution accords women equal treatment in the inheritance of property with men.

Even though the implementation of this right should be without discrimination to any women, women in some regions face difficulty to inherit equally with men owing to discriminatory traditional and customary practices. For instance, in the Afar region some property including camels cannot be inherited by women. In Somali region, women lack equal right of inheritance as customary courts award women no more than a one third share of the whole property. The Government has been taking measures to address this problem principally through active involvement of the communities and awareness creating campaigns and education.

*The right to freedom of thought, conscience and religion*

144. The Constitution provides for freedom of religion. Thus every one has the right to freedom of thought, conscience and religion. This right includes freedom to hold or to adopt a religion or belief of one's choice and the freedom to manifest his/her religion or belief in worship, observance, practice and teaching either individually or commonly with others and in public or private. Any restriction to this effect is against the law unless it is prescribed by the law and is necessary to protect public safety, peace, health, education, public morality or the fundamental rights and freedoms of others and to ensure the independence of State from religion. State and religion are separate and there is no State religion; besides, the State does not interfere in religious matters nor vice versa. Religious influence in education is prohibited. This is a clear departure from previous regimes.

145. In Ethiopia there is a strong culture of tolerance and shared respect between the various religions and peoples of different religions have lived in harmony for a very long time. The Government media transmits adequately celebrations of religious holidays giving due focus on how they are exercised and their cultural impact. Traditional religious practices are also respected. For instance, the Oromo practice of "Erecha", neglected in the past, is now recognized and practiced every year with wide publicity.

*The right to freedom of opinion and expression*

146. Every one has the right to hold opinions and has freedom of expression without interference which includes the freedom to speak, receive, and impart information and ideas of all kinds. This right is given without discrimination of any kind. Freedom of the press and other media and freedom of artistic creativity is also guaranteed without the prohibition of any form of censorship.

*The right to freedom of peaceful assembly and association*

147. The right to assemble and to demonstrate is given to everyone on the condition that such activity is peaceful and unarmed. Nonetheless, the exercise of this right shall not affect the well being of youth or the honour and reputation of individuals. Any propaganda of war and any public expression of opinions intended to injure human dignity are prohibited.

148. Every person has the right to freedom of association for any cause or purpose which also includes the corollary right of not to be compelled to join an association. Nonetheless, it is illegal to be organized in violation of the law or to illegally subvert the constitutional order or to promote such activities.



149. There is also increasing involvement of non governmental organizations in advocacy, human rights and civic education. Various NGOs engage in advocacy in the area of non-discrimination; however, there is no specific information on non-governmental organizations engaged in the area of prohibition of racial discrimination. As regards to associations established by persons protected by the Convention, although there is no complete data available, there are associations in Amhara region that might be mentioned: associations such as the *Negede Weito* Development Association, *Aw*i Development Association, *Awramba* Community Development Association, and *Yebete Israel* Development Association play an important role in promoting equality and fighting discrimination.

### **Economic, social and cultural rights (art. 5 (e))**

150. The Constitution contains provisions which are relevant to the protection of economic, social and cultural rights. For example, article 41 of the FDRE Constitution reads as follows:

- Every Ethiopian has the right to engage freely in economic activity and to pursue a livelihood of his/her choice anywhere within the national territory
- Every Ethiopian has the right to choose his/her means of livelihood, occupation and profession
- Every Ethiopian national has the right to equal access to publicly funded social services
- The State has the obligation to allocate ever increasing resources to provide to the public health, education and other social services
- The State shall, within available means, allocate resources to provide rehabilitation and assistance to the physically and mentally disabled, the aged, and to children who are left without parents or guardian

151. Furthermore, article 90 (1) of the FDRE Constitution specifies that policies shall aim to provide all Ethiopians access to public health and education, clean water, housing, food and social security to the extent the country's resources permit. The Constitution does also guarantee economic, social and cultural rights in other provisions. Indeed, it is evident from the list of provisions of the Constitution that the rights to health as well as housing are guaranteed implicitly.

#### *Right to work, employment (conditions of work, trade union, and pension)*

152. Ethiopia is a party to several Conventions of the International Labour Organization, which provide for the right to work, including to the Discrimination (Employment and Occupation) Convention.

153. The Constitution provides that "Every Ethiopian shall have the right to choose his/her vocation, work and profession." Ethiopians have also the right to form trade unions, to reasonable working conditions, and to protection against unemployment. In the labor proclamation, the right to employment is protected through the prevention of discrimination between workers on the basis, among others, of nationality. This prohibition applies for all

conditions of work including the right to join or not to join a trade union. Actually, an employee who is dismissed on the grounds of nationality, race, colour, and lineage is entitled to reinstatement (unless the employee wants otherwise). A discriminatory act is punishable under the employment law (unless the Criminal Code provides more severe punishment).

154. With the exception of the requirement for a work permit, no discrimination is allowed on the ground that an employee is a foreigner. So the working conditions and the right to join trade unions are equally granted to non-citizens. Although no problems of employment are currently identified in relation to foreigners, studies are underway to identify and provide solutions to them.

155. For civil servants, no discrimination among job seekers is allowed in filling vacancies on the grounds, among others, of ethnic origin. Under the Civil Servants Proclamation, affirmative measures in recruitment are also guaranteed. The practical implementation of the Proclamation that requires preference to be given to members of nationalities is the awarding of two extra points for employment of people coming from less developed regional states. "Equal pay for equal work" is also the feature of Civil Service non-discrimination rule. Federal Civil Service Agency has the power and the responsibility to investigate allegations of discrimination and order corrective measures and take administrative actions against officials found responsible for discriminatory acts. The Agency has exercised such powers on several occasions.

156. Racial discrimination in employment is not a frequent allegation before courts and tribunals. However, as part of the general allegation of racial discrimination in social, economic and cultural rights, some petitions have been made before the Ethiopian Human Rights Commission. Currently, those allegations are under investigation. Without any discrimination, all government employees, including members of the police and the military, are entitled to a pension. If they have any grievances, they have the right to appeal in accordance with social security laws (Public Servants Pension Proclamation 345/2003).

#### *The right to form and join trade unions*

157. Article 42 (1) (a) of the Constitution provides that factory and service sector employees, peasants, agricultural workers, other rural workers, government employees below a certain level of responsibility and the nature of whose employment so requires, shall have the right to form associations for the purpose of improving their economic and employment conditions. The provision goes on to provide that the right shall include the right to form trade union and other associations, and to negotiate with their employers and other organizations affecting their interests.

#### *The right to housing*

158. The Constitution provides for the right to property including immovable property on land. This means every one is entitled to own a house. In practice, financial difficulties may impair ownership of a house. In order to alleviate these problems of housing, the government is building condominiums and is distributing them for people in the lower income group, without any discrimination at cost price through a lottery method. No racial discrimination is observed in the selling or renting of houses or apartments.

159. The Constitution provides for farmers' right to obtain land and for protection against eviction. Pastoralists have also the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands. To implement these rights, strategies and programmes were designed and several activities were carried out. One important aspect of such activities has been the studies on the expansion of infrastructure carried out by the Ministry of Federal Affairs, with the assistance of the World Bank and the International Fund for Agricultural Development. One guiding principle in implementation of such projects is the preservation of culture in development activities.

*The right to public health, medical care, social security and social services*

160. The Constitution provides the State's "obligation to allocate ever increasing resources to provide to the public health, education and other social services." Every Ethiopian national has also the right to equal access to publicly funded social services. To the extent the country's resources permit, policies shall aim to provide all Ethiopians access to public health and education, clean water, housing, food and social security (social objectives). The national health policy also provides for assurance of access to health care for all segments of the population with special assistance for those who cannot afford to pay. Health centres at *woreda* level are established by the Government; all people without discrimination are entitled to these services with minimum cost to themselves. Free medical service is also provided for those who cannot afford it otherwise. In vulnerable areas, provision of food, resettlement, and safety net programmes. Safety net programmes allow those affected to be employed in labour intensive public work so that they can earn their living. Moreover, direct assistance is given to those that are not capable of working. Other forms of assistance include provision of loan and other packages including water resources development, animal resources development, and various commodities development.

*Resettled people (social, economic and cultural rights)*

161. The social, economic and cultural rights of resettled people are protected. On the basis of resettlement regulation, resettled people are provided with food until the next harvest. Distribution of household items for each family is made. Various services institutions such as health centres, schools, and mills have been established; roads constructed; and a supply of potable water has been made available. Depending on circumstances at the place of resettlement, land for cultivation, seeds and fertilizers, and plough oxen were provided so that resettled people would be engaged in development activities immediately. The results obtained have been remarkable. For instance, excluding the resettlement of the 2006/2007, more than 90 per cent of the resettled have become self-sufficient. Currently, resettlement is within the region. Since there is no resettlement from one region to another, no feeling of estrangement is likely to occur on the part of the resettled. As the resettled are located to areas within their own region where they are native, their right to effective political participation and cultural preservation is ensured.

*Poverty reduction*

162. Efforts are exerted to reduce poverty through formulation and implementation of poverty eradication policies and programmes. For regions that are less developed, special measures such as provision of budgetary assistance have been taken. The activities of the Board that coordinates

assistance to less developed regions from the federal and regional governments, donors and others have provided a great opportunity to improve the lives of people living in those regions.

### **The right to education and training (art. 5 (e)-(v))**

163. The education policy aims at ensuring equity and fair distribution of educational opportunity (across regions, religion, gender, social class, etc). One of its prime objectives is recognition of the right of nations/nationalities to learn in their language, while at the same time providing one language for national and another for international communication. Being aware of the pedagogical advantage for the child in learning in their mother tongue and the rights of nationalities to promote the use of their languages, the education policy enshrines the right of primary education (eight years education) to be given in nationality languages. Making the necessary preparation, nations and nationalities are entitled to either learn in their own language or choose from among those selected on the basis of national and countrywide distribution. The language of teacher training for kindergarten and primary education is also the language used in the area (Education and Training Policy of the FDRE).

164. On the basis of the education policy objectives stated above, positive measures to expand education to nations and nationalities that were less represented in education are being implemented. The policy aims at achieving universal enrolment in primary school by 2015. Higher education entrance requirement is lessened by two points for students coming from less-developed regions such as Benishangul, Gambella, Afar and Somali, and for those coming from pastoralist and semi-pastoralist areas of Southern Region and Oromia Regional States by way of affirmative special measures. It is believed that this trend will increase the number of students from less-developed regions represented in institutions of higher education. Other measures include opening alternative schools such as boarding schools and hostels. Feeding students at schools is also another measure to increase participation in education and reduce drop-out rate. (See the rate of enrolment in the Core Document, with emphasis on equitable distribution).

165. Presently the teaching-learning process in primary school education is conducted in mother tongue (from the formative evaluations made, in places where the mother tongue is made the medium of instruction, it has been ascertained that the measures taken in this regard has significantly raised the quality of the teaching-learning process and increased students' classroom participation). Shortages of qualified professionals and the limited development of some languages have to some extent affected the preparation of textbooks in the various vernaculars delaying the complete realization of the policy (efforts have been made to mitigate the problem by providing short-term training for writers). Since the new curriculum became operational (previously the policy was one language for all), over 25 languages (see the Table of Medium of Instruction) have been used as mediums of instruction for up to grades 4, 6, or 8 depending on the real conditions in each region. In regions or zones where the language is relatively well developed and has a sufficient number of teachers trained in that language, education in the mother tongue is given up to grade eight. Such is the situation in Oromia, Amhara, and Tigray Regional States. The medium of instruction in higher and tertiary education is principally English. The study of one additional language is encouraged.

166. In pastoralist and semi-pastoralist areas, alternative basic education is being given. Special training manuals for teachers, special directives for implementation, and special directives to regulate boarding schools in these areas have been designed and implemented.

*The right to equal participation in cultural activities*

167. Article 91 (1) of the Constitution provides for the responsibility of the State to promote the equal development of customs and cultures in so far as they are not inconsistent with fundamental rights, human dignity, democracy and the Constitution. Under the Constitution, equality of languages and preservation of historical and cultural legacies are guaranteed. Amharic is the working language of the federal Government (art. 5 (1)) while regional and local governments are made free to determine their respective working languages (art. 5 (3)). The Constitution also provides that all Ethiopian languages shall enjoy equal state recognition (art. 5 (2)). In an article providing for the rights of nationalities, the Constitution states that “Every nation, nationality, and people in Ethiopia has the right to speak, to write and to develop its own language.” They have also the right to express, to develop and to promote their culture and preserve their history. Nations, nationalities and peoples in Ethiopia are accorded the opportunity to practice their languages in regional governmental and educational institutions.

168. The cultural policy also reflects the above entitlements for the people. The policy is more focused on cultural preservation of nations, nationalities and peoples. It aims at, among others, enabling all languages, heritages, histories, fine arts, oral literatures, and other features of nations, nationalities and peoples receive equal recognition, respect, preservation and conservation; creating conducive conditions to carry out scientific research on these features and ensuring their prosperity; and promoting the culture of the different nations, nationalities and peoples. Strategies for implementation of the policy include: taking a scientific inventory of cultures, including the languages and dialects of the country and making a scientific study; while determining the language for use, developing alphabets for those languages that do not have script and put these into service taking into account the psychological attitude of the speakers.

169. The Ministry of Culture and Tourism was established for the implementation of the policy. The powers and duties of the Ministry include:

- The study and preservation of history, cultural heritages and values of the nations, nationalities and peoples of Ethiopia; and
- Expansion of cultural institutions to institutionalize public participation in the field of culture

170. The Ministry, in collaboration with regional organs, has been organizing cultural festivals representing the nations and nationalities with one of the declared objectives being “introducing the arts and crafts of the nations, nationalities and peoples of Ethiopia on equal basis thereby nurturing equality, tolerance and togetherness among them with a view to encouraging the building of democratic system in Ethiopia.” Regional Bureaus have also been organizing their own festivals at regional level.

171. Also notable in this regard is the establishment of an institute under the Council of Nationalities in SNNPRS, where more than 65 per cent of the total nations and nationalities

reside. While the main objective of the council is to respect and protect the rights of nations, nationalities and peoples of the region and to maintain their history, culture and language, the institute, which is composed of experts and is structured in three departments of Culture, Language and History, envisions the scientific study and promotion of the identities of the nations, nationalities and peoples, such as culture, language, history and other historical heritages and values thereby consolidating their unity and harmonious co-existence among the people. Studies are being made to rescue languages on the verge of extinction.

172. In connection with the role of the media, the broadcasting service, which is overseen by the Ethiopian Broadcasting Authority, has to contribute to the development and promotion of the cultures and artistic values of the public. Community broadcasting, which among other things promotes and develops the language, culture and artistic values of the community is allowed for those interested in the promotion of cultures. The law with the purpose of preventing prejudices in the media prohibits any programme that maliciously accuses or defames nation/nationalities. Broadcasting directives require that 50 per cent of musical programmes have to be allotted to the cultures and musical programmes of nations and nationalities.

173. Radio and Television channels owned by the government also have programmes exclusively intended to promote and preserve the culture, language, historical and natural heritages of nations and nationalities. Every effort is exerted to make peoples aware of each other's culture and language. Programmes include "exploring Ethiopia, our towns, my country", which show to the public well researched and documented films featuring the different nations, nationalities and peoples. In entertainment programmes such as "our music, arts and culture", practices of marriage, dressing, mourning and other aspects of nations, nationalities and peoples are introduced. The national programmes aim at languages widely spoken such as Amharic, Oromifa, Tigrigna, Somali, and Somali. In areas where there are dissemination centres, other languages such as *Hadari*, *Agnwak* and *Nuer* are in use. In national programmes, people are encouraged to express their opinions in native languages while translations are made to the audience. Although regular programmes are not made for some small nations and nationalities, time is allotted for transmission of their music and songs (e.g. the programme of music of nations and nationalities). Technical assistance is frequently extended by the Government to those interested in making programmes that promote culture and language of nationalities. There are also programmes on pastoralists and semi-pastoralists (see the core document on language use for media).

174. The eradication of racial hatred, prejudice and intolerance among peoples requires a number of measures, the principal being awareness raising campaigns. Despite considerable efforts with a significant success, there still are racial prejudices. As a result, campaigns, through education and the media, have continued to advocate the equality and tolerance among peoples. Massive eye-catching billboards depicting nations and nationalities, reflecting their diversity, and at the same time their equality and unity are displayed in all public places. Almost all media programmes-entertainment, educational programmes, etc - work towards the eradication of prejudices and intolerance among people. In some cases officials who tend to hold prejudices against a nationality or another have been removed from their position.

**The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks (art. 5 (f))**

175. Chapter three of the FDRE Constitution provides a right for every Ethiopian national to have equal access to publicly funded services. In practice, there is no discrimination in the use of services.

**Article 6**

**Effective protection and remedies**

176. Ethiopia has an independent judiciary charged with the power of enforcing the rights entrenched in the Constitution. Parallel to the structure of the federal state, judicial bodies have been established through out the country. Furthermore, like all organs of government, the decentralization policy ensures that the hierarchy of courts goes down to the grass root level permitting easy access. The judiciary affords effective protection and remedies to victims of racial discrimination whether committed by private individuals or state officials.

177. There are also other institutions that give effective protection and remedies to victims of racial discrimination. Notable in this respect are the EHRC, the Institution of the Ombudsman and NEBE. These organs have a mandate to receive complaints of racial discrimination and provide appropriate remedies.

178. The rights to speedy trial and to be heard which are guaranteed in the Constitution, are ensured to victims of racial discrimination by the courts and other institutions. Victims of racial discrimination, their families and witnesses have the right to access information regarding the progress of the proceedings they institute.

179. Several measures have been taken to ensure that victims with limited resources do not fear the cost and complexity of the judicial process. The Ministry of Justice is mandated to assist victims of crimes or violations of human rights in civil proceedings to claim damages where such victims are unable to institute such claims in courts and to follow up the proceedings on their own. A plaintiff who does not have sufficient means to pay all or part of the prescribed court fee is deemed to be a pauper and may apply for leave to sue as a pauper under the Ethiopian Civil Procedure Code. This enables victims with limited resources to institute action without fear of the cost of the judicial process.

180. Training and education on human rights, including principles of non-discrimination and equality, offered by various organs such as the EHRC and the Institution of the Ombudsman incorporates the rights of victims of racial discrimination (See core document, paras. 234-251). Training on the new Federal Criminal Code has been given to relevant authorities, drawing attention and increasing awareness to racially motivated offences. Police and judicial authorities are trained to give due attention and respond positively to cases of racial discrimination. Moreover, training has been given to the public on various human rights topics to reduce and eliminate social censure or reprisals on the victims of racial discrimination.

181. The federal Government intervenes in regional states in a variety of circumstances to give effective protection and remedies to victims of discrimination. Upon request of a regional state

council or the highest executive organ to the Prime Minister through the Ministry of Federal Affairs, the federal Government intervenes where grave and deteriorating security conditions in regional states occur. The Federal Police or National Defence Force intervenes to assist regional law enforcement organs to maintain law and order through the use of appropriate measures proportionate to the circumstances.

182. HPR may also give effective protection and remedies to the victims of racial discrimination. The HPR may send a team or inquiry commission, consisting of members of HPR, to investigate in regional state human rights violations which require the federal intervention when it receives information from the EHRC, representatives of such regional state or from any other when the regional states fails to control the situation.

183. The team compiles and submits, with recommendations, information gathered within the region where the alleged acts of violations of the human rights have been committed. The report itemizes the concrete evidence of violations of human rights in the region, the cause of the problem and persons responsible for it, efforts made and measures taken by the region to control such violations and evaluates whether or not such region will be able to control the situation.

184. HPR presents a report with justification to the joint session of HPR and HOF on the necessity of the intervention of the federal Government. Where the joint session is convinced by the report, it gives directives to the Region to control the acts of violations of human rights, and bring to justice those who violated such human rights and take other measures as may be necessary. This intervention enables the victims of racial discrimination to get remedies.

185. Referenda were conducted in different parts of the country to provide solutions to conflicts over land claims among ethnic groups residing in neighboring regions. Referenda were conducted in many areas of Oromia and Somali regions to assess and public opinion. The referenda were instrumental in resolving some of the conflicts.

186. Public conferences and discussions between heads of regional states are held at various levels to prevent the occurrence of and/or provide lasting remedies to ethnic conflicts, at regional states, zonal, and other lower administrative levels. The conferences are organized by governments and NGOs. These conferences and discussions help eliminate misconceptions among ethnic groups and contribute towards building lasting peace.

187. Some neighbouring states have established peace committees at various levels of administrative hierarchies which meet regularly to monitor the peace and security of their localities and resolve any issues of ethnic conflicts that may arise. Afar National Regional State has established peace committees at neighbouring *Kebeles*, *Woredas* and *Zones* with the national regional states of Tigray, Amhara and Oromia and also at the inter-state level. The Committees have been successful in maintaining the peaceful coexistence of the people in the boarder areas of the states.

#### *The Ethiopian Human Rights Commission (EHRC)*

188. The EHRC has the power to receive and investigate all complaints on human rights violations made against any person. A complaint may be lodged by a person claiming that his/her rights are violated or, by his/her spouse, family member, representative or by a third



party. The Commission may, in consideration of the gravity of the allegation of the violations, receive anonymous complaints. Hence the Commission has the mandate to receive and consider individual complaints of racial discrimination.

189. The Commission attempts to settle complaints brought before it amicably. It notifies, in writing, the findings of its investigation, and its opinion thereon, to the superior head of the concerned organ and to the complainant. The remedies proposed by the Commission may expressly state that the act having caused the grievance be discontinued, that the directive having caused the grievance be rendered inapplicable and that the injustice committed be redressed or that any other appropriate measure be taken.

190. Since its establishment the Ethiopian Human Rights Commission has undertaken numerous activities to ensure protection and promotion of human rights. It has entertained and gave remedy to numerous complaints of racial discrimination. The following table itemizes some of the complaints received and the remedies given by the Commission.

**Table 3**  
**Complaints received and the remedies given by the Ethiopian Human Rights Commission**

Date of lodging complaint	Region	Place	Type of racial discrimination	Defendant	Complainant	Measures taken
Dec. 19, 2006	SNNPRS	Gurage Zone	Discrimination on distribution of fertilizer, building schools and health stations, enrolment in college and proportional representation in woreda council	Abashage woreda of Gurage zone	Non-Gurage people at Tadele area of Abashage	Investigation pending
Mar. 13, 2007	SNNPRS	Gurage Zone, Meskan woreda	Discrimination against Meskanu in employment, transfer, imprisonment and similar matters	Gurage zone	Meskan people	Investigation pending
Apr. 19, 2007	SNNPRS	Gamo Gofa Zone, Arba Minch woreda	To make people not to purchase their commodity, not to give fire to them; to prevent mixing their cattle with others; to induce people not to visit when they are sick or relatives die, not to burry their dead and generally to avoid contact with them	Lante kebele Administration	Lante kebele people	Letter is sent to SNNPRS Administration for cessation of discrimination and further remedy
June 27, 2007	SNNPRS	Sidama Zone	Discrimination on allocation of power committed by Wolabitos Sidama	Wolabitcho Sidama Administrators	Hadicho Sidama peoples Representatives	Discussion with concerned body to stop discrimination; Letter to SNNPRS for further remedy
Dec. 7, 2007	SNNPRS	Shaka Zone, Yaki Woreda	Discrimination on the bases of identity and various rights	Shaka kafa and Bench Maji Zone	Manjo people	Letter sent to SNNPRS Administration for remedy
Sept. 25, 2007	SNNPRS	Gedeo Zone	Causing injury on non-Gedeo people and their property	Gedeo Zone Administration	Residents of Dilla Woreda, Ayar Tena kebele	Advice as to where to take their complaint

Date of lodging complaint	Region	Place	Type of racial discrimination	Defendant	Complainant	Measures taken
Oct. 27, 2007	Oromia	Gibi town	Loosing benefits they should have got on the basis of not being the residents of the area	Gibi town Administration	Gibi town residents	Letter to Oromia Administration to stop discrimination and provide remedy
Jan. 24, 2007	Oromia	Ambo	Ethnic pressure	Resident Oromos	Resident Amharas	Letter to the Zonal police to investigate and take measures
Sept. 7, 2007	Somali	Fiti Omar (shakasho) clan	Racial discrimination	Ogden clan	Shakash clan	Programme is set to visit the area and carry out investigation
Nov. 6, 2007	SNNPRS	Sidama	Racial discrimination	Sidama	Hadichi	Letter to the Regional and Zonal Administrations to provide remedy
Dec. 8, 2007	SNNPRS	Darashi woreda	Ethnic superiority	Darashe	Abe ethnic group	Letter to the Region to provide remedy
Dec. 8, 2007	SNNPRS	Darashi woreda	Ethnic superiority	Darashe and Konso	Abe ethnic group	Awareness discussion with concerned body to stop discrimination; Letter to SNNPRS for further remedy
Dec. 25, 2007	Oromia	Sikor	Denial of parliamentary representation	Sikor Administration	Yam ethnic group	Letter to National Electoral Board to provide remedy
Jan. 11, 2008	SNNPRS	Masken woreda	Racial discrimination	Masken	Marko	Letter to SNNPRS Security and Administration Office to provide remedy

*The Institution of the Ombudsman*

191. The Institution of the Ombudsman has the power to receive and investigate complaints and to give remedies in respect of maladministration. Maladministration includes acts committed, or decisions given, by executive government organs, in contravention of administrative laws, the labour law or other laws relating to administration. These laws have incorporated non-discrimination as a basic principle.

192. A complaint may be lodged with the Institution by a person claiming to have suffered from maladministration or, by his/her spouse, family member, his/her representative or by a third party. The Institution may, in consideration of the gravity of the maladministration committed, receive anonymous complaints. The Institution receives and investigates complaints free of charge and attempts to settle complaints brought before it amicably. It notifies, in writing, the findings of its investigation and its opinion thereon, to the head of the concerned organ and to the complainant.

193. The remedies proposed by the Institution may state that the act or practice having caused the maladministration should be discontinued, or that the directive having caused same be rendered inapplicable, and that the maladministration committed be rectified, or that any other appropriate measure be taken. Accordingly the Institution has the mandate to receive and resolve individual complaints of racial discrimination. Although individual complaints with principal allegation of racial discrimination are rare, some allegations of violations of human rights are believed to relate to racial discrimination.

*Reparation and satisfaction*

194. Various provisions in different laws provide for reparation and satisfaction that also apply to victims of racial discrimination. The Civil Code (art. 2028) states that whosoever causes damage to another by fault has to make it good; infringing any mandatory provisions of the law is a fault (art. 2035). The Criminal Code (arts. 101 and 102) also provides for reparation to be paid to victims of a criminal act. The Convention on Racial Discrimination is part and parcel of the law of the land and transgressing the mandatory provisions of the same is a fault. The victims of racial discrimination are, therefore, entitled to compensation where their rights are violated.

195. The amount of compensation awarded to victims of racial discrimination is equal to the damage caused by the act giving rise to the liability. Future damage which is certain to occur can be made good without waiting for it to materialize. Compensation can be given in the form of restitution, reprimand or injunction. In the case of dealings directed against the honour or reputation of an individual or individuals, the court may order such publicity to be made at the defendant's expense as is likely to counter the effect of the dealing. The court may grant an injunction restraining the defendant from committing, from continuing to commit or from resuming an act prejudicial to the plaintiff. An injunction can be granted only where there are good reasons to believe that the act prejudicial to victim of racial discrimination is likely to be carried out and where the injury threatened is such that an award of damages cannot redress it. The government usually engages in rehabilitation of victims of racial discrimination where grave damage is caused to them.

196. In civil proceedings the burden of proof is the onus of the plaintiff. The preponderance of evidence submitted by one of the parties is sufficient to prove the case in civil proceedings. The same principle is applicable to civil proceedings involving racial discrimination as in ordinary civil suits. The burden of proof is not different or lessened in civil proceedings involving racial discrimination.

197. Ethiopia has not made the optional declaration provided for in article 14 of the Convention. This is due to resource constraint which adversely affects the capacity of the State to implement the article. It would be a futile exercise to adopt the article without putting in place the requisite capacity to put it into practice.

#### *Customary dispute settlement*

198. The Government encourages, with a view to respecting the rights of the victims, the use of para-judicial procedures for conflict resolution, including customary procedures compatible with human rights, mediation or conciliation, which can serve as useful options for the victims of acts of racism and to which less stigma may be attached. Conflict among various ethnic groups is amicably resolved through the customary dispute settlement mechanism. The decision of elders is unanimously accepted, respected and brings lasting peace to the conflict. Customary dispute settlement awards satisfactory compensation to the victims of the conflict.

### **Article 7**

#### **Education and teaching**

199. The Government took several measures in the field of education to change the inequality that existed in the past. The previous education system did not conform to the UNESCO principles particularly those relating to compulsory primary education, and the right of every child to learn in its mother tongue. As a result, it did not take cognizance of the diverse culture, history, custom, attributes and contributions of the various nation and nationalities found in the country.

200. Taking these into account, the current Government has adopted a national education policy which has the objective, among others, of:

- Bringing up citizens who respect human rights, stand for the well being of peoples as well as for equality, justice and peace endowed with democratic culture and discipline
- Providing education that promotes democratic culture, tolerance and peaceful resolution of differences and that raises the sense of discharging societal responsibility
- Recognizing the rights of nation/nationalities to learn in their language, while at the same time providing one language for national and another one for international communication

201. To achieve the objectives of the educational policy, one of the issues which had been given priority was changing the curriculum. The previous educational curriculum did not incorporate

human rights. In an effort to improve the quality and relevance of the curriculum, special attention was given to relate the content with the realities in the country and the new democratic order.

202. The new civics and ethical education, now included in to the curriculum is based on major social values. The course urges students to know their rights and duties in the society and live in equality, mutual respect and trust with their fellow citizens. Moreover, the course aims to create democratic and responsible citizens that safeguard their rights and respect the rights of others, develop tolerant culture and resolve differences peacefully. Civics education is given at all levels. Furthermore, a civics and ethical education course has been included in pre-service and in-service teachers training at all levels.

203. The syllabus of the course devotes large portion of its content to human rights issues. Human and democratic rights enshrined in the Constitution are exhaustively dealt with. In addition, specific topics have been assigned to elaborate on the relation between diversity, tolerance, peace and equality among nation, nationalities and peoples.

204. As far as textbook preparation is concerned, not only have there been changes in content, but also the manner of their preparation was changed. While preparing student texts, great care is taken to ensure that there is no usage of language or expressions that are derogative. Moreover, the content of the curriculum is made to reflect respect for the identity of all nations, nationalities and peoples in accordance with the principle of equality of nation, nationalities and peoples.

205. The House of Federation, as an organ with the mandate to promote equality, has the responsibility to follow up whether the curricula of educational institutions incorporate academic subjects that promote unity and equality among peoples. The House works in cooperation with the Ministry of Education in order to dispose of its responsibility.

206. In the course of designing the school curriculum, substantial effort has been made to incorporate in the textbooks sections that introduce the cultural, traditional and linguistic background of different nationalities. Primary school textbooks in particular have been based on the realities of the specific regional state and on the culture and achievements of the local populations. Furthermore, the content of textbooks has been made to reflect the realities and the values of the Ethiopian peoples, nations and nationalities. The effort to introduce the cultural diversity found in the country has been achieved through history, language, social science and civics and ethical education courses. The Ministry of Education also provides educational programmes regarding the culture and custom of nation, nationalities and peoples of Ethiopia using broadcasting media. It publishes books and research papers on culture in order to enhance the culture of tolerance.

207. Police officers receive basic police training prior to joining the police force both at the federal and state level. The objective of the training is to create professional police officers dedicated to the enforcement of the Constitution and human rights enshrined therein. The training, inter alia, contains courses regarding human rights, good governance, rule of law and police and non-discrimination. Moreover, in the police college specific courses are given regarding international human right instruments. Furthermore, the standard of the training given is in line with the United Nations Code of Conduct for Law Enforcement Officials. Besides the

formal police training, trainings have been given to police forces by non-governmental organizations and the International Committee of the Red Cross regarding human rights.

### *Culture*

208. According to the national cultural policy adopted by The Ministry of Youth, Sports and Culture (now restructured as Ministry of Culture and Tourism), cultural establishments have to play an active role in all activities being carried out to fend off harmful traditional practices and attitudes such as racism, intolerance, prejudice and indolence. One of the institutions working for the development of culture and tradition is the Ministry of Culture and Tourism. The Ministry has responsibility to conduct studies and ensure preservation of history, cultural heritages and values of Nation, Nationalities, and Peoples of Ethiopia. Inducing changes in cultural attitude beliefs and practices retarding social progress, is also one of the duties vested in the Ministry. The Ministry works to expand cultural institutions in order to institutionalize public participation in the field of culture and to preserve and promote cultural values and traditions of the society. It also publishes periodic and yearly magazines, incorporating the researches conducted on the culture and history of different nationalities found in different regions of the country and disseminates the same.

209. Regional Culture and Tourism Bureaus play major role in promoting the culture and traditions of nations, nationalities and peoples found in their respective regions. They produce radio and television programmes to be transmitted to the public regarding cultural diversity and the traditions of different nationalities. These programmes play a major role in creating awareness regarding diverse cultures and promoting tolerance among the people. They also assist and promote culture related extra-curricular activities of schools.

210. The other institution working to promote intra-national and intra-cultural understanding is the House of Federation which is vested with the responsibility of promoting equality and unity among peoples; and studying and identifying possible obstacles, attitude and trends for peoples' unity and cooperation and devising solutions to be executed by the concerned bodies. In order to strengthen and consolidate the socio-economic relations, equality, and unity among the peoples in the country the House has the responsibility to take measures to promote the culture of tolerance, cooperation for a common goal among nation, nationalities, and peoples.

211. In its ordinary session held in 1998, the House passed a decision that "the day of Nations, Nationalities and Peoples" should be commemorated every year on 9 December which also is the date when the Constitution which guaranteed the rights and freedoms for all Nations Nationalities and Peoples was adopted. This celebration enables the nation, nationalities and peoples in the country to know the culture, history, and identity of each other.

212. A good example of activities undertaken by regional states in discharging their responsibility is the establishment of the Institute of Nationalities, Culture, Language and History Studies (INCLHS) by the SNNPRS as an independent and autonomous governmental institution. About 69 per cent of the total number of languages and nations, nationalities and peoples in the country are found in this Region. This high percentile share of diversity necessitated the establishment of the institute in order to study the identity of the peoples of the region, with equal recognition and respect. As a result, the Institute strives to foster unity and harmonious co-existence among people as well as contribute to the overall development and

building of a generation that is proud of its identity. One of the cardinal principles, which govern the over-all functioning of the institute, is strong belief in the equality of all the nationalities or non-partisanship.

213. The Institute comprises three departments: Culture Study Department, Language Study Department, and History and Heritage Study. Since its establishment in October 2006, the Institute has produced documentary films on 11 nationalities. The Institute has also collected different research works on the cultural and social values of the nationalities in the region from different domestic institutions. Moreover the Institution has a plan to build and organize a regional cultural centre. More than five museums and about ten associations have been established to protect and preserve traditional and natural resources found in the region, an excellent effort of the regional government.

214. The Ministry of Information and Regional Bureaus of Information are among the institutions that play major roles in the promotion of culture and traditions and thereby strengthening the culture of tolerance. Under the Ministry of Information, the national theater exerts efforts towards promoting performing arts that promote the culture of different nation, nationalities, and peoples in the country.

215. Strategies for the implementation of the national cultural policy have been set. Accordingly, the government has the duty to support on the basis of equality, the growth and enrichment of cultures and traditions that are compatible with fundamental rights enshrined in the Constitution. The duty includes the establishment of museums, theaters, cinema halls, galleries institution of language studies and other institutions to promote the cultural policy. In order to discharge this obligation, the federal as well as state governments have taken measures through their respective organs relevant to the promotion of culture ranging from adopting the cultural policy to taking measures to implement the same.

216. The right of every nation, nationality and people in Ethiopia to use and develop its own language is guaranteed in the Constitution. To this end, the national cultural policy aims at achieving the following objectives regarding language:

(a) To enable language and other cultural features of the various Nations, Nationalities and Peoples of Ethiopia receive equal recognition and respect to preserve, conserve them over to future generation;

(b) To create conducive conditions to carry out scientific research on language and other cultural features to ensure their role in development.

217. The policy sets detailed strategies and mechanisms for implementation of the plans contained in it. Among other things, it asserts that enabling environment should be created for the preparation of dictionaries, encyclopedia and grammar texts in the languages of the various nations and nationalities. Moreover, university programmes in various languages such as Afan Oromo and Tigrigna have been designed and implemented.



*Information*

218. The strategies for implementing the cultural policy require that educational programmes reflecting the various cultures of the country be broadcast by the mass media in order to promote the awareness of people regarding culture. Dissemination of information regarding the diverse cultures found in the country play a paramount role in combating prejudice and promotes tolerance among people. Government media has been primarily responsible in disseminating such information.

219. Government broadcasting agencies, including the Ethiopian television and Ethiopia Radio, which cover wide area of dissemination, air specific programmes that aim at combating prejudice and promoting tolerance and understanding among peoples. Programmes intended to abolish deeply rooted harmful practices and backward attitudes that create prejudice have been transmitted. These organs also allocate air time to individuals and organizations who work towards the same end.

220. State owned media, including the press disseminate through programmes that promote the culture, custom, language, historical and natural legacies of different nationalities. Such programmes assess the multiple cultures and traditions found in different parts of the country and show the unique features of a specific culture. The Ethiopian Television Agency in cooperation with Walta Information Center (privately owned media station) broadcasts such documentary films weekly on the national television.

221. The mass information media especially the press promotes human rights by publishing articles on human rights upon its own initiative or by a request from governmental and non - governmental organizations. Different newsletters publish extracts from international human right instruments. The Convention on the Rights of the Child and the Convention on the Elimination of All forms of Discrimination against Women have received wide coverage in discussing specific issues on children and women's rights. Mass information media channels are important tools for NGO's working in the field of human rights in the country.

222. Government organs publish magazines on issues relevant to their mandate. The House of Federation, the House of Peoples Representatives, the Ministry of Justice, the Federal Police Commission and the Federal Supreme Court publish periodic magazines. These magazines feature issues on human rights. The House of Federation has the duty to ensure that government mass media work to enhance the democratic culture of the people and raise their awareness about the Constitution. The national human rights institutions also use the government media to promote human rights.

223. The State Mass Media Training Institute, which was established to train professionals for all media, has the objective of providing education that contributes to the respect for human dignity, by promoting mutual respect, understanding, friendship and tolerance; and which is free from ethnic, nationality, sex, religious and other prejudices. Accordingly, the curriculum for the training institution is designed with a view to achieving the objectives mentioned above.

224. The Ethiopian Human Rights Commission and the Institution of the Ombudsman have given training to media professionals and reporters regarding their role in the promotion of

human rights. The principles of equality and non-discrimination are part of this training package. The Broadcasting Service Program and Method of Functioning Directive also explicitly prohibit the use of language which undermines the culture of any section of the society.

225. Both the press law and broadcasting proclamation contains monitoring provisions that guide the use of language by the mass media. In principle every transmitted programme must reflect varying points of view and serve the public at large through balanced presentation. Broadcasting service licensees have the duty to make sure that the programmes they transmit are impartial, accurate and balanced. Moreover, any programme intended for transmission should not violate the dignity and personal liberty of mankind or maliciously accuse or defame individuals, nation/nationalities, peoples or organizations. Accordingly the use of language which could have the effect of causing any of the above-mentioned consequences is prohibited.

226. Moreover, there exists a code of conduct for reporters in every media organization. Reporters have a duty, inter alia, not to discriminate in providing reports, on the basis of political opinion, religion, physical appearance, ethnicity, clan, sex or any other similar grounds. A reporter who violates the code will be liable and the report he/she provides will be rejected. Moreover, any report will lose its acceptability if it in any way scorns the religion or custom of a group or uses a language that denotes such attitude.

227. In places where discriminatory attitude towards some section of the society is still prevalent, the Government, in cooperation with relevant organizations, causes the preparation of educational and media campaigns to adjust the trend and promote awareness. Campaigns that took place regarding the *Manjo* nationality is one of such instances.

228. On the occasion of the international human rights day celebrated on 10 December 2006 the Ethiopian Human Rights Commission in cooperation with United Nations human rights entities and other international and national human rights institutions held a 16-day awareness-raising campaign in different towns of the country under the motto: "Every one has an obligation to promote human rights and eliminate sexual violence, poverty and discrimination against all section of the society especially against people living with HIV, women, children, refugees, internally displaced persons, and people with disability. Be with us." The closing ceremony of the campaign was held on 10 December 2007 in Hawassa, the regional capital of the SNNPRS. A panel discussion regarding the right of minority groups and a street march by the public were conducted.

229. Both the federal and state governments prepare different culture and language research symposiums, exhibitions and artistic festivals in their respective jurisdictions. These programmes are used to bring together different nationalities to share their cultural values and experiences.

**Annex 1**

**Table 1**

**Mediums of instruction in use currently**

No.	Region	Languages
1	Tigray	Tigrigna
2	Afar	Afar, Amharic
3	Amhara	Amharic, Awigna, Hamtagna, Affan Oromo (in Oromia Zone)
4	Oromia	Afaan Oromo, Amharic
5	Somali	Somaligna
6	Benidahngul - Gumuz	Amharic
7	Harari	Aderigna (Harai language), Afaan Oromo, Somaligna, Amharic
8	Gambella	Agnuwak, Nu'eir, Mezenger
9	SNNPRS	Sidamigna, Wolaytigna, Hadiyigna, Kembatigna, Gediogna, Dawro, Keficho, Silite, Amharic, Kebena, Korotie, etc. (in non-formal and lower classes)

*Source:* Ministry of Education.

*Note:* In the two administrative cities, Addis Ababa and Dire Dawa, the situation is somewhat different. While the language of instruction in Addis Ababa Region is Amharic, Afaan Oromo and Somali languages are used as mediums of instruction in Dire Dawa in addition to Amharic.

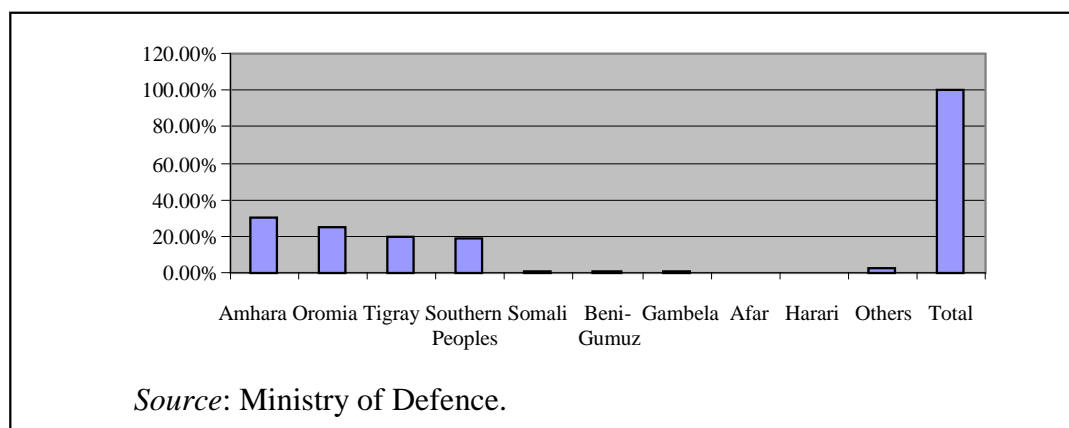
**Table 2**

**Representation of nations, nationalities and peoples of Ethiopia in the Ethiopian Defence Force**

Nations, nationalities and peoples	Amhara	Oromia	Tigray	Southern Nations	Somali	Beni-Gumuz	Gambela	Afar	Harari	Others	Total
	30.34%	24.88%	19.93%	18.57%	1.22%	1.19%	0.89%	0.28%	0.01%	2.68%	100%

**Figure 1**

**Representation of nations, nationalities and peoples of Ethiopia in the Ethiopian Defence Force**



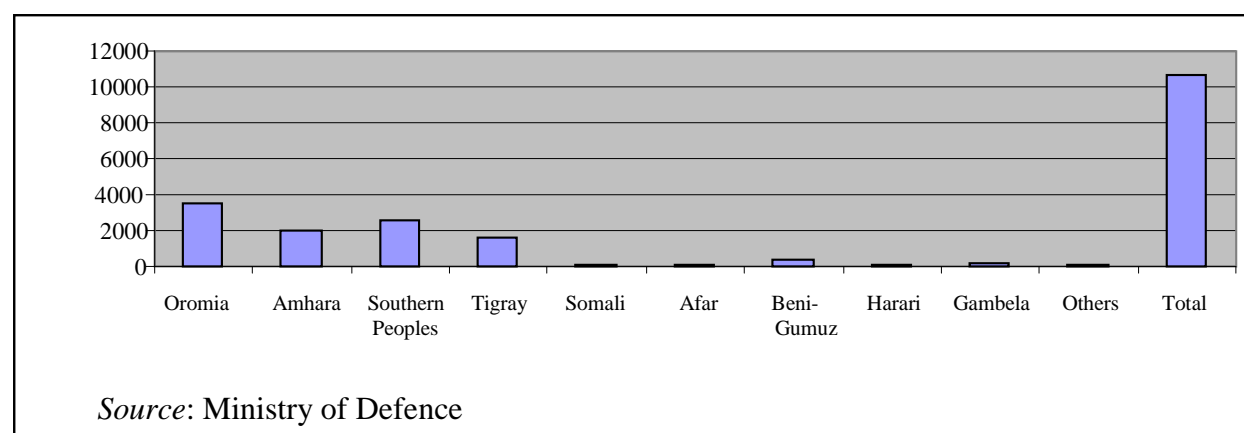
**Table 3**

**Newly recruited members of the Ethiopian Defence Force  
in terms of nations, nationalities and peoples (2007/2008)**

Nations, nationalities and peoples	Oromia	Amhara	SNNPRS	Tigray	Somali	Afar	Beni-Gumuz	Harari	Gambela	Others	Total
	3 554	2 023	2 539	1 623	134	133	353	61	183	80	10 683

**Figure 2**

**Newly recruited members of the Ethiopian Defence Force  
in terms of nations, nationalities and peoples (2007/2008)**



*Note:* One of the criteria for recruitment for the Defence Force is completion of tenth grade. But the criterion has been lessened to sixth grade for nations, nationalities and peoples less represented in the Force. During promotion, priority has also been given for nations, nationalities, and peoples that are not fairly represented in the Defence Force.

**Table 4**

**Graduate officers from the training centre for officers in  
terms of nations, nationalities and peoples (2007/2008)**

Nations, nationalities and Peoples	Tigray	Amhara	Oromia	Gurage	Sidama	Kembata	Welayta	Agew	Gamo	Total
	14	54	21	1	2	1	6	3	1	103

**Figure 3**

**Graduate officers from the training centre for officers (2007/2008)**

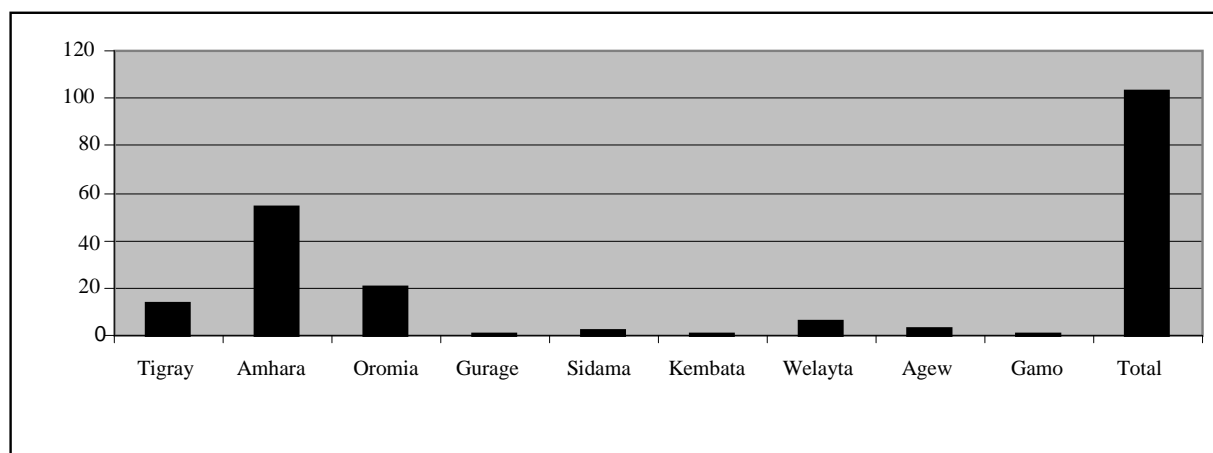


Table 4 and Figure 3 provide the number of senior graduate defence officers.

*Source:* Ministry of Defence.

*Note:* These officers are believed to assume senior positions in the Defence Force in the near future indicating the proportion of representation of nations, nationalities, and peoples in the higher positions of the Force.

**Table 5**

**Representation of nations, nationalities, and peoples in federal courts**

Nations, nationalities and peoples	Amhara	Oromo	Tigray	Gurage	Selte	Harari	Somali	Bench
Percentage of judges	39.2	15.5	22.4	10.4	0.8	3.2	0.8	0.8
Nations, nationalities and peoples	T/wergi	Afar	Agew	Tembaro	Gamo	Hadiya	Berta	
Percentage* of judges	0.8	1.6	2.4	0.8	0.8	0.8	0.8	

\* 24 per cent of the judges are female and 76 are male.

*Source:* Federal Supreme Court.

## Annex 2

### EXTRACTS FROM THE FDRE CRIMINAL CODE

#### Article 240. Armed rising or civil war

(1) Whoever intentionally:

(a) ...;

(b) Raises civil war, by arming citizens or inhabitants or by inciting them to take up arms against one another, is punishable with rigorous imprisonment from ten years to twenty-five years.

(2) Where the crime has entailed serious crises against public security or life, the imprisonment shall be life imprisonment or death.

(3) Whoever of his own free will takes part in the movement mentioned in sub-article (1) of this Article is punishable with rigorous imprisonment from seven years to twenty years.

(4) Where it is proved that the organizer or participant has caused injury to life, liberty, person, health or property or has committed another crime, he shall in addition be liable under the relevant provisions of the law.

#### Article 241. Attack on the political or territorial integrity of the State

Whoever, by violence or any other unconstitutional means, directly, commits an act designed to destroy the unity of the peoples, or to destroy the Federation, or to sever part of the territory or population from the Federation or the State, is punishable with rigorous imprisonment from ten years to twenty years, or, in cases of exceptional gravity, life imprisonment or death.

#### Article 254. Indirect aid and encouragement

(1) Whoever, being aware that a crime under articles 241-246 ... has been committed, or attempted or is being prepared, fails to inform the authorities thereof, or does not to the best of his ability try to prevent the crime from being carried out and to bring the criminal to justice, save in cases of *force majeure* or manifest impossibility, is punishable with rigorous imprisonment not exceeding five years.

(2) When the crime is committed in time of internal or external emergency, the punishment shall be rigorous imprisonment not exceeding ten years.

(3) Official or professional secrecy cannot be invoked to evade the obligation to inform the authorities.

(4) Kinship or close ties of affection with the perpetrator of the crime cannot be invoked as an excuse in the above-mentioned cases (art. 83).

### **Article 255. Attempted incitement and assistance**

Where the crimes under Articles 238-242 ... have not been attempted, incitement (art. 36 (2)), assistance (art. 36 (2)), or an attempt to incite or assist (art. 27 (2)), in such crimes, is punishable with simple imprisonment from one month to five years, or with rigorous imprisonment not exceeding ten years in cases where the foreseeable consequences of the activities are practically grave.

### **Article 256. Material preparation of subversive acts**

Whoever, for any of the purposes specified under articles 238-242 ...:

- (a) Recruits, organizes or brings into a country troops, guerrillas, bandits or mercenaries;  
or
- (b) Prepares, stores up or imports arms, munitions, provisions, money or such material means, is punishable with rigorous imprisonment not exceeding fifteen years.

### **Article 257. Provocation and preparation**

Whoever, with in the object of committing or supporting any of the acts provided under articles 238-242 ...:

- (a) Publicly provokes them to word of mouth, images or writing; or
- (b) Conspires towards, plans or urges the formation of, a band or group with other persons, whether within or outside the country; or
- (c) Joins such band or group, adhered to its schemes or obeys its instruction; or
- (d) Enters into relations or establishes secret communication with a foreign government, political party, organization or agent; or
- (e) Launches or disseminates, systematically and premeditation, by word of mouth, images or writings, inaccurate, hateful or subversive information or insinuations calculated to demoralize the public and to undermine its confidence or its will to resist, is punishable with simple imprisonment, or where the foreseeable consequences of its activities are particularly grave, with rigorous imprisonment not exceeding ten years.

### **Article 258. Aggravation to the crime**

In all cases in this chapter for which the law provides the alternative or rigorous imprisonment for life or death, the court shall pass sentence of death:

- (a) Where the crime has been committed during or under a threat of internal disturbance, in time of danger of civil or foreign war or foreign interference, or where martial law or any officially recognized state of emergency has been declared; or

(b) Where the acts are the consequence of a conspiracy brought to fruition, or have been carried out by an organized armed band; or

(c) Where the criminal has made use resources, arms, means or support furnished from abroad or by foreign political parties or organization; or

(d) Where the criminal has used bombs, dynamite, explosive or other terrorist methods constituting a public danger.

#### **Article 259. Additional penalties and measures**

(1) In all cases punishable under this, chapter with rigorous imprisonment, the court may also impose a fine not exceeding one hundred thousand Birr where the criminal exercise or has been given an authorized power or leadership assignment, or where has acted for motives of self-interest.

(2) Where a foreign national has been sentenced to rigorous imprisonment for five years or more, his execution on completion of his sentence shall be ordered.

(3) In all cases of treason, espionage or transmission of secretes, the material, correspondence or documents connected with the crime shall be confiscated.

#### **Article 260. Confiscation of property**

Whoever being an Ethiopian national, or being officially entrusted with the protection of Ethiopian national interest is found guilty and convicted of any one of the crimes under articles ... 240 and 241 ... of this Chapter, the Court may, in addition to the principle penalty, order the confiscation of the criminal's property within the limits specified by law (art. 98).

#### **Article 274. Provocation and preparation**

Whoever, with the object of committing, permitting or supporting any of the crimes provided for in the preceding Articles:

(a) Publicly provokes or encourages, by word if mouth, images or writings; or

(b) Conspires towards or plans with another, urges the formation of, or himself forms a band or group, joins such a band or group, adheres to its schemes or obeys its instructions, is punishable with rigorous imprisonment not exceeding five years.

#### **Article 420. Crimes committed in dereliction of duty**

(1) Any public servant who fails to carry out his duties in a proper manner and to the prejudice of State, public or private interest, is punishable with fine not exceeding one thousand Birr or simple imprisonment not exceeding six months.

(2) Where substantial damage has resulted from the crime, both simple imprisonment and fine may be increased up to the general legal maximum.



**Article 480. Public provocation to or defence of a crime.**

Whoever publicly, by word of mouth, writing, image, gesture or otherwise:

- (a) Provokes others to commit acts of violence or grave crimes against the community, individuals or property; or
  - (b) Defends or praises such crime or its perpetrator; or
  - (c) Launches an appeal or starts a collection for the payment of pecuniary punishments pronounced by due process of law, with the intention of making common cause with the convicted person or of upholding his deed, or who knowingly takes part in such activities,
- is punishable with simple imprisonment or fine.

**Article 482. Forbidden societies and meetings**

(1) Whoever:

(a) Knowingly takes part in a society, band, meeting or assembly forbidden, either generally or from time to time by law, by government or by competent authority; or

(b) Knowingly places houses, premises or land at the disposal of such a society, band meetings or assemblies, whether for consideration or free of charge, is punishable with a fine not exceeding one thousand Birr.

(3) Ringleaders, organizers or commanders of the crime are punishable with simple imprisonment not exceeding one year.

**Article 486. Inciting the public through false rumours**

Whoever, apart from crimes against the security of the State (arts. 240, 257 (e) and 261 (a)):

(a) ...;

(b) By whatever accusation or any other means foments dissention, arouses hatred, or stirs up acts of violence or political, racial or religious disturbances, is punishable with simple imprisonment or fine, or, in serious cases, with rigorous imprisonment not exceeding three years.

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