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Ethiopia continued its transition from a unitary to a federal system of government, under the leadership of Prime Minister Meles Zenawi. According to international and local observers, the 2000 national elections generally were free and fair in most areas; however, serious election irregularities occurred in the Southern Region, particularly in Hadiya zone. The Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) and affiliated parties held 519 of 548 seats in the federal parliament (elected in 2000). EPRDF and affiliated parties also held all regional councils by large majorities. The Addis Ababa regional council remained dissolved at year's end, with new elections not expected to take place until May 2005. Although political parties predominantly were ethnically based, opposition parties were engaged in a gradual process of consolidation. Ethnic conflict continued during the year in the Gambella region after the December 2003 killing of eight government workers by unknown assailants and retaliatory killings of Anuak civilians by local mobs, which included some army and police members. The judiciary was weak and overburdened but continued to show signs of independence; progress was made in reducing the backlog of cases. Local administrative, police and judicial systems remained weak throughout the country.

The security forces consist of the military, federal and local police, and local militias. The police have primary responsibility for internal security, but local militias outside police command also operated as local security forces. The army is responsible for external security but also has some domestic security responsibilities, particularly along borders with neighboring countries. The Federal Police Commission and the Federal Prisons Administration are subordinate to the Ministry of Federal Affairs, which in turn is accountable to the Parliament. The military consists of both air and ground forces and reports to the Ministry of National Defense. Military forces continued to conduct a number of low level operations against the Oromo Liberation Front (OLF), the Somalia based Al Ittihad Al Islami terrorist organization, and elements of the Ogaden National Liberation Front (ONLF). While civilian authorities generally maintained effective control of the security forces, there were some instances in which elements of the security forces acted independently of government authority. Members of the security forces committed serious human rights abuses.

The economy was agriculture-based, with more than 85 percent of the estimated population of 71 million living in rural areas under basic conditions and engaged in small leasehold subsistence farming. Agriculture accounted for approximately 45 percent of gross domestic product (GDP). GDP grew 6.7 percent during the year. Inflation remained steady at 5.5 percent, according to the International Monetary Fund. In urban centers, the majority of economic activity was in the informal sector. Drought, crop failures, and extensive livestock losses adversely affected approximately 7 million persons during the year, and caused GDP growth to slow. Trade regulations were liberalized, but still favored EPRDF owned businesses. The Government continued to implement an economic reform program designed to stabilize the country's financial position, promote private sector participation in the economy, and attract foreign investment; however, some impediments to investment remained, petty corruption was widespread, and there were approximately 200 government owned enterprises that had not been privatized by year's end.

The Government's human rights record remained poor; although there were improvements, serious problems remained. Security forces committed a number of unlawful killings, including alleged political killings, and beat, tortured, and mistreated detainees. Prison conditions remained poor. The Government continued to arrest and detain persons arbitrarily, particularly those suspected of sympathizing with or being members of the OLF. Thousands of suspects remained in detention without charge, and lengthy pretrial detention continued to be a problem. The Government infringed on citizens' privacy rights, and the law regarding search warrants was often ignored. The Government restricted freedom of the press; however, compared with previous years, there were fewer reports that journalists were arrested, detained or punished for writing articles critical of the Government. Journalists continued to practice self censorship. The Government at times restricted freedom of assembly, particularly for members of opposition political parties; security forces at times used excessive force to disperse demonstrations. The Government limited freedom of association, but the nongovernmental organization (NGO) registration process continued to improve. On occasion, local authorities infringed on freedom of religion. The Government eliminated the requirement for residents to obtain exit visas before leaving the country. Numerous internally displaced

persons (IDPs) from internal ethnic conflicts remained in the country. Violence and societal discrimination against women and abuse of children remained problems. Female genital mutilation (FGM) was widespread but leadership efforts to curb such practices made some inroads. The exploitation of children for economic and sexual purposes remained a problem. Trafficking in persons remained a serious problem. Societal discrimination against persons with disabilities and discrimination against religious and ethnic minorities continued. Interethnic clashes resulted in deaths. The Government continued low-level interference in unions. Forced labor, including forced child labor, continued to be a problem, particularly in the informal sector.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Security forces committed many unlawful killings, including some alleged political killings, during the year. There were numerous reports of unlawful killings during the year.

The opposition All Ethiopia Unity Party (AEUP) reported that government militia and soldiers killed 11 of their supporters in the period from December 2003 to May 2004. For example, on March 29, government militiamen Gashaw Melese and Dessalegn Damtew reportedly murdered AEUP member Dessalegn Simegn of Ebinet District, South Gondar Zone. On April 29, government militia killed AEUP district council member Hailu Zelleke in Gishe Rabel District. On May 15, government militia murdered AEUP Youth League leader Getiye Alagaw. No actions were taken against the perpetrators by year's end.

The opposition Southern Ethiopia People's Democratic Coalition (SEPDC) reported that district police shot and killed one of its supporters, Aeliso Tieliso, while he was having lunch in his home in Megacho Locality, Gijbe District, Southern Region, on December 28, 2003. The suspected police officer was not detained and there was no investigation of the killing.

A Parliament-appointed commission investigating ethnic violence in Gambella Region occurring between December 2003 and May 2004 found evidence of military involvement in the extra-judicial killings of 13 Anuak civilians. On March 20 according to unconfirmed reports, soldiers seeking revenge for the death of a soldier were reported to have summarily executed eight elderly Anuak men in the village of Chobo (see Section 5).

Unlike in the previous year, there were no reports that persons died from torture while in government custody.

There continued to be reports of unlawful killings by security forces, particularly in the Oromiya and the Somali Regions. For example, on March 1, district police shot and killed Alemu Tesfaye, a ninth-grade student in Tikur Inchine, Oromiya Region, during a student protest. Amelework Buli, a female high-school student in Nekemte, Oromiya Region, died from a police beating she sustained at her high school, although the Government and police claimed she died from natural causes.

Regional government officials from Somali Region reported that military personnel fired upon a vehicle carrying civilians on June 15, killing ten persons, after the military vehicle in which the soldiers were traveling collided with the civilian vehicle around the town of Gode.

There were no developments in the following cases from 2003: The death in police custody of Abera Hey; the August killing of two men in Addis Ababa by Federal Police forces; and the December killings of five persons in a bar in Addis Ababa by a man in military uniform. Federal Police reported that the individual was not a soldier, but a person with mental disabilities, who remained in custody at year's end.

There were no developments in the reported 2002 cases of killings by security forces.

Armed elements of the OLF and ONLF continued to operate within the country and clashed with government forces on several occasions, resulting in the death of an unknown number of civilians and government forces.

At year's end, there were approximately 2 million landmines in the country, many dating from the 1998 to 2000 war with Eritrea. The Government de-mining unit continued to make limited progress in its survey and de-mining of border areas. U.N. Peacekeeping Mission in Eritrea and Ethiopia officials reported that some new landmines were planted on both sides of the Ethiopian Eritrean border during the year. Through July, officials reported a total of 11 deaths and 10 injuries caused by unexploded landmines and ordnances during the year.

On April 29, an unidentified person threw a hand grenade into a television room at Addis Ababa University (AAU) during a Tigrigna language news program, killing one student and injuring eight others. Police arrested suspects in connection with the incident, some of whom were AAU students who had been suspended following January protests (see Section 1.c.). As of year's end, the suspects were released on bail, but the case remained pending.

On May 3, an unidentified person threw a hand grenade into a shop owned by a Tigrayan woman in Debre Zeit, Oromiya Region, killing her Tigrayan relative. Police blamed the OLF for the attack.

There were no developments in the investigation into the July 2003 bombing of the Segen Hotel in Addis Ababa, which injured 31 persons, or in the September 2003 bombing of a passenger train near Adiquala, which killed two persons and injured nine.

Ethnic clashes resulted in hundreds of deaths during the year (see Section 5).

The Federal High Court in Addis Ababa continued to arraign and prosecute those formally charged with committing genocide and other war crimes, including extrajudicial killings, under the 1975-1991 Derg regime (see Section 1.e.).

b. Disappearance

There were some reported cases of disappearances perpetrated by government forces during the year, some of which may have been politically motivated. In nearly all cases, security forces abducted persons without warrants and detained them in undisclosed locations for varying lengths of time ranging from weeks to months. For example, in May, security forces abducted Jigsa Soressa, a guard at Mecha and Tulema Association (MTA)—an influential Oromo political, social and cultural organization. Soressa was reportedly still being detained at Addis Ababa Prison at year's end.

There was no new information regarding the whereabouts of Ahmad Haji Wase, an information officer for the Afar Regional Government, who was detained in an undisclosed location in December 2003 for a report he wrote about fighting between Afar rebels and government troops.

The Government reported that Mesfin Itana, Yilma Mosisa, and Gdissa Mosisa, who were believed to have disappeared after being detained in connection with the September 2002 bombing of the Tigray Hotel in Addis Ababa, were in government custody and awaiting trial (see Section 1.a.). Several young Oromo businessmen remained missing at year's end.

The whereabouts of Oromo singer Raya Abamecha remained unknown at year's end. The Government stated it had no information about his case and had not opened an investigation. There was no new information regarding this case during the year.

There was no information regarding the whereabouts of several young Oromo businessmen reported missing at the end of 2003.

There was no new information about any of the 39 persons reported in a March 2003 report by the Ethiopian Human Rights Council (EHRCO) to have disappeared at the hands of government security forces.

In 2003, the Government conducted an investigation into the 2002 abduction from a bus and subsequent murder of 32 Nuer IDPs. Ten regional government officials, including four police officers, were arrested in connection with the murders. This case remained pending at year's end.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits the use of torture and mistreatment; however, there were numerous credible reports during the year that security officials often beat or mistreated detainees. Opposition political parties reported frequent and systematic abuse of their supporters by police and government militias.

Unlike in the previous year, there were no reports of death due to torture during the year.

AEUP supporters reported attacks by government militia against them escalated during the year. Local officials often turned a blind eye to these attacks or were complicit in them. On May 5, government militia assaulted Habtamu Baye of Seha Tefases Farmers Association in Shebel Berenta District as he returned from an AEUP meeting. On May 6, government militiamen Habte Endale and Bimirew Adal beat AEUP supporter Endashaw Alemu in Enemay District in East Gojjam Zone, Amhara Region. On May 13, government militiamen beat AEUP party organizer Damtew Ayele in Rabel District, North Shoa Zone,

Amhara Region, according to AEUP reports. No action was taken against those responsible.

Security forces reportedly beat persons during demonstrations (see Section 2.b.). In late January, Federal Police responded to peaceful Oromo student protests at Addis Ababa University (AAU) and arrested approximately 330 students. International NGOs reported that the arrested students were taken to the Kolfe police training academy, where they were ordered to run and crawl barefoot over sharp gravel for several hours at a time. The arrested students were subsequently released and were expelled from AAU for the academic year.

At several Oromiya high schools and universities, police severely beat students, teachers, and parents according to local reports. In February and March, violence erupted in schools throughout Oromiya as students protested the January arrest and expulsion of 330 Oromo students from AAU. The Government blamed the student unrest in Oromiya on "anti-peace elements" supported by the OLF, but produced no evidence of such support.

On February 25, violence broke out in Ambo Secondary School when students demanded to have the school administrator respond to their concerns about the suspension of the AAU students. Police entered the high school compound to disperse students, beating several of them. On March 4, students from Ambo high school and Addis Ketema Primary School marched to the center of town and were dispersed by members of the Oromiya regional police who fired in the air and later began beating the students.

On March 17, police beat dozens of high school students engaged in a peaceful protest in Dembi Dolo, East Wollega Zone, Oromiya Region. Local observers reported that police also beat students at three high schools in Nekemte and detained dozens of students and teachers for weeks without charging them (see Sections 1.d. and 5).

Security forces beat journalists in several incidents during the year (see Section 2.a.).

Unlike in previous years, there were no reports that security forces beat or tortured members of religious groups.

No action was taken against security forces responsible for the January 2003 beating and torture of Nake Abebe; the February 2003 beating of Ayele Liyew and Habtamu Liyew; the March 2003 beating of a teacher in Addis Ababa; the October 2003 beating of Kassa Zewdu and Sinishaw Tegegn; or the October 2003 beating of Retta Bayih, Awoke Tegegn, Derejaw Ayehou, and Alellign Ayalew.

There were reports during the year that army members raped Anuak women during raids on villages in Gambella region. The Government did not open an investigation into the December 2003 rape of two Anuak women at gunpoint by soldiers in the town of Echeway, Gambella Region, during the outbreak of violence against Anuaks (see Section 5), an attack that was reported by credible witnesses.

On April 15, unidentified persons detonated a hand grenade inside Ambo Secondary School, injuring 30 students. Police claimed to have taken eleven suspects into custody in connection with the blast. All suspects were released on bail at year's end, and the case against them remained pending.

During the year, ethnic clashes resulted in numerous injuries and some deaths (see Section 5).

Prison and pretrial detention center conditions were very poor and overcrowding remained a serious problem. Prisoners often were allocated fewer than 21.5 square feet of sleeping space in a room that could contain up to 200 persons. The daily meal budget was approximately 25 cents per prisoner per day, and many prisoners had family members deliver food every day or used their own funds to purchase food from local vendors. Prison conditions were unsanitary, and access to medical care was not reliable. There was no budget for prison facility maintenance. Prisoners typically were permitted daily access to prison yards, which often included working farms, mechanical shops, and rudimentary libraries. Prison letters must be written in Amharic, which made outside contact difficult for non Amharic speakers; however, this restriction generally was not enforced. In police detention centers police often physically abused detainees. Diplomatic observers reported firsthand accounts of such beatings from AAU student detainees in Oromiya. Visitors generally were permitted; however, they were sometimes denied access to detainees.

There were some deaths in prison during the year due to illness and disease; however, no statistics on the number of deaths in prison were available at year's end. Prison officials were not forthcoming with reports of such deaths. At least one prisoner, a Gambella police officer, died in prison while being held in connection with ethnic-related violence (see Section 5).

In August, the International Committee of the Red Cross (ICRC) finished its nationwide training program for prison directors, and heads of security, health, and administration on proper treatment of prisoners, including respect for human dignity, treatment of women and children, and medical treatment of sick

detainees. In November the ICRC began a second, more advanced training course nationwide.

Female prisoners were held separately from men; however, juveniles sometimes were incarcerated with adults. There was only 1 juvenile remand home for children under age 15, with the capacity to hold 150 children. Juveniles who could not be accommodated at the juvenile remand home were incarcerated with adults. Pretrial detainees were usually detained separately from convicted prisoners at local police stations or in the limited Central Investigation Division detention facility in Addis Ababa until they were charged. The law requires that prisoners be transferred to federal prisons upon conviction; however, this requirement sometimes was not enforced in practice.

The Government permitted independent monitoring of prisons and police stations by the ICRC. Diplomatic missions were also granted access upon providing advance notification to prison officials. In June, the African Commission on Human and Peoples' Rights paid one of its occasional visits to prisons in various parts of the country. The ICRC generally had access to federal and regional prisons, civilian detention facilities, and police stations throughout the country during the year, and conducted hundreds of visits involving thousands of detainees. The ICRC was allowed to meet regularly with prisoners without third parties being present. The ICRC received government permission to visit military detention facilities where suspected OLF fighters were detained. The ICRC also continued to visit civilian Eritrean nationals and Ethiopians of Eritrean origin detained on national security grounds.

Government authorities continued to permit diplomats to visit prominent detainees held by the Special Prosecutor's Office (SPO) for alleged involvement in war crimes and terrorist activities.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, the Government frequently did not observe these provisions in practice. The Federal Police Commission reports to the Ministry of Federal Affairs, which in turn is subordinate to the Federal Parliament. Local government militias operated as local security forces largely independent of the police and the military. Petty corruption remained a problem with the police force, especially among traffic policemen accused of soliciting bribes from motorists. Impunity also remained a serious problem. The results of any police investigations into such reported abuses were rarely disclosed publicly. However, in May, a Federal High Court sentenced Addis Ababa police officer Mesfin Tekeba to 4 years' imprisonment for soliciting a bribe from a taxi bus driver. The Federal Police acknowledged that many members of its police force as well as regional police lack professionalism; a reform process supported in part by major donor governments was underway during the year.

Following the outbreaks of violence early in the year, due in part to improved command and control and better training, police forces, particularly in chronically troubled areas, became more adept at avoiding confrontations and better at calibrating their responses to avoid escalating spirals of violence. Police forces also improved their ability to identify tensions earlier and accelerate their response.

The Government continued its efforts to train police and army recruits in human rights, and sought assistance from the ICRC in improving and professionalizing its human rights training and revamping its human rights training curriculum to include more material on the Constitution and international human rights treaties and conventions. In September, the ICRC conducted a 2-day human rights training for approximately 800 local leaders in the conflict-prone Oromiya region.

Under the Criminal Procedure Code, any person detained must be informed of the charges within 48 hours and, in most cases, be offered release on bail. Bail was not available for some offenses, such as murder, treason, and corruption. In most cases, bail was set between \$115 (1,000 Birr) and \$1,150 (10,000 Birr), which was beyond the reach of most citizens. Suspects of serious offenses could be detained for 14 days while police conduct an investigation if a panel of judges ordered it, and for additional 14 day periods while the investigation continues. In practice and particularly in the outlying regions, authorities regularly detained persons without warrants, did not charge them within 48 hours, and, if persons were released on bail, never recalled them to court. The law also prohibits detention in anything less than an official detention center; however, there were dozens of crude detention centers at the local level used by local government militia. The Government provided public defenders for detainees who were unable to afford private legal counsel, but only when their cases came before the court. While in detention, such detainees were allowed little or no contact with their legal counsel.

There were many reports from opposition party members that in small towns persons were detained in police stations for long periods without access to a judge and that sometimes these persons' whereabouts were unknown for several months. Opposition parties registered many complaints during the year that government militias beat and detained their supporters without charge for participating in opposition political rallies (see Section 1.c.).

The AEUP reported that on April 27, government militia detained three of its members—Alem Eniyew, Geta Mitiku, and Gebeyu Mitiku—in Enessie District, Amhara Region, for refusing to cancel their AEUP

membership. On April 28, Enemay District officials ordered the arrest and imprisonment of five members of AEUP's executive committee. On May 3, police arrested Mulugeta Wassie in Metchera town, Fentale District, North Shoa Zone, Amhara Region, for distributing AEUP information leaflets.

Police also reportedly detained Oromiya National Congress (ONC) member Olbana Lelisa on suspicion of his support for the OLF. Police kept him in a crowded room at the police station for nearly 2 months without filing charges before he was released on July 20. According to his reports, police tried to coerce him to denounce the ONC publicly and to link the ONC with the OLF in exchange for an end to police harassment.

No further information was available by year's end about the May 2003 arrest of three Eritrean members of the Eritrean opposition group Movement for Democratic Change for their support of the Ethiopia-Eritrea Boundary Commission ruling.

On April 20, 200 persons, alleged to be members of the opposition AEUP, were arrested in Northern Shoa, Debre-Sina District and released after being harassed. Party members Mersha Haile, Wessene Gizaw, Girum Tadesse, and Minda Gizaw, residents of Northern Shoa were arrested for periods ranging from 7 to 30 days for unknown reasons.

The Government continued its harassment of teachers during the year, particularly in Oromiya and Tigray. The independent Ethiopian Teachers Association (ETA) reported that numerous teachers were detained and accused of being OLF sympathizers, many of who remained in prison at year's end. Some of the teachers have been in detention for several years without charges. Such cases were remanded at least 10 to 15 times, for 2 weeks each time, and the courts allowed police to conduct investigations that continued for months. In addition, judges were shifted among cases, failed to show up for hearings, or new judges were not reassigned in time for hearing dates upon the death or incapacity of assigned judges. While lack of capacity within the judicial system contributed to this problem, several of the prolonged detentions were suspected to be politically motivated. During an outbreak of student unrest in schools across Oromiya, police detained hundreds of Oromo students and teachers for several weeks in detention centers on suspicion of being supporters of the OLF (see Section 1.c.). For example, on April 2, police were said to have detained without a warrant Alemitu Biru, a teacher at Burayu Elementary School in Holleta, Oromiya Region, and held her incommunicado for over 3 weeks.

Police entered private residences and arrested people without court warrants. On April 7, police entered and searched the homes of eleven teachers in Debre Zeit, Oromiya Region, without a court order. Police later detained those eleven teachers for several weeks without charging them. On April 9, in the towns of Guder and Ambo in Oromiya Region police entered the homes of 60 people, mostly teachers, on suspicion that they were supporters of the OLF. The teachers whose houses were searched include Mosisa Futasa, Abebe Chimdi, and Dhinsa Serbessa.

Police officials did not respect court orders to release suspects on bail. For example, on July 22 and 23, the Federal First Instance Court ordered police to grant bail for Executive Committee members of the MTA. MTA Executive Committee members Dirbi Demissie, Gemechu Feyera, Sintayehu Workineh, Dabas Wakjira, and Shiferaw Ansermu had been held in detention for over two months. They were released on US\$1,150 (10,000 Birr) bail on August 9; however, police rearrested Gemechu and Sintayehu when they went back to the police station to pick up their personal property. Demissie, Feyera, Workneh and Wakjira were released on bail at year's end. However, Ansermu was rearrested on his way to work at Ethiopian Television.

Police detained journalists during the year (see Section 2.a.).

Police detained persons for holding meetings and demonstrations during the year (see Section 2.b.).

Opposition groups alleged that some of the persons detained by the SPO were held for political reasons, an allegation that the Government denied (see Section 1.e.).

In response to attacks by armed opposition groups operating out of Somalia and Kenya, the military continued to conduct operations around border areas. The vast majority of military interventions took place in the Gambella, Somali, and Oromiya Regions. Occasional detentions were reported during these operations.

Parliamentary immunity protected members of the House from arrest or prosecution except in the act of committing a crime ("flagrante delicto").

Berhanu Nega and Mesfin Woldemariam, two prominent academics and human rights activists charged with inciting AAU students to riot in 2001, were ordered by the Federal High Court to prepare to present their defense for a trial in July 2005.

The following detainees remained in custody at year's end: Alazar Dessie, an American citizen working as a consultant to the Commercial Bank of Ethiopia, who was arrested and charged with abuse of power (a nonbailable offense) and has been awaiting trial for over 3 years; 24 businessman and government officials, who were arrested in 2001 under allegations of corruption but were never charged formally; and the official driver of the Eritrean Embassy, who was arrested in 2001 and whose whereabouts remained unknown.

Thousands of criminal suspects reportedly remained in detention—some for years—without charge. Some of the detainees were teachers and students from Oromiya accused of involvement in OLF activities or were arrested after student unrest broke out in Oromiya in February and March.

The Government detained several persons without charge at the Gondar Prison, some for years, while the police investigated their cases. Muche Berihun, who was charged with murder although the person whom he allegedly murdered was killed after he was detained, was held in solitary confinement for 3½ years. His hearing began in 2002; however, the court adjourned and the status of the hearing was unknown at year's end. He remained in detention at year's end. Wondante Mesfin has been in detention in Nefas Mewcha Prison in South Gondar Zone since 1994 and has never appeared in court nor been charged formally. According to AEUP reports, there was no change in his status during the year.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary remained weak and overburdened. Although the federal and regional courts continued to show signs of judicial independence, in practice severe shortages of adequately trained personnel in many regions, as well as serious financial constraints, combined to deny citizens the full protections provided by the Constitution.

The Government continued to decentralize and restructure the judiciary along federal lines with the establishment of courts at the district, zonal, and regional levels. The federal High Court and federal Supreme Court heard and adjudicated original and appeal cases involving federal law, transregional issues, and national security. The regional judiciary was increasingly autonomous, with district, zonal, high, and supreme courts mirroring the structure of the federal judiciary. Two three judge benches at the High Court level handled criminal cases. Prior to 2002, the federal High Court and federal Supreme Court heard regional cases, due to the lack of well-established regional courts. Due to the strengthening of the regional courts since 2002, regional cases were more often heard locally.

Regional offices of the federal Ministry of Justice monitored local judicial developments. Some regional courts had jurisdiction over both local and federal matters, as the federal courts in those jurisdictions had not begun operation; overall, the federal judicial presence in the regions was limited. Anecdotal evidence suggested that some local officials believed they were not accountable to a higher authority. Pending the passage by regional legislatures of laws particular to their region, all judges are guided by the federal procedural and substantive codes.

To remedy the severe lack of experienced staff in the judicial system, the Government continued to identify and train lower court judges and prosecutors, although officials acknowledged that the pay scale offered did not attract the required numbers of competent professionals.

According to the Constitution, accused persons have the right to a public trial by an ordinary court of law within a "reasonable time" after having been charged and the right to be represented by legal counsel of their choice; however, in practice, lengthy pretrial detention was common, closed proceedings occurred, and at times, detainees were allowed little or no contact with their legal counsel (see Section 1.d.). Although the Constitution provides for a presumption of innocence, defendants did not enjoy this protection in practice. The public defender's office provides legal counsel to indigent defendants, although its scope remained severely limited, particularly with respect to SPO trials. Access to prosecutorial evidence before a trial was routinely denied to the defense, even though there is no law forbidding this and the law explicitly stipulates that persons charged with corruption are to be shown the body of evidence against them prior to their trials.

The Constitution provides legal standing to some pre existing religious and customary courts and gives federal and regional legislatures the authority to recognize other courts. By law, all parties to a dispute must agree before a customary or religious court may hear a case. Shari'a (Islamic) courts may hear religious and family cases involving Muslims. In addition, other traditional systems of justice, like councils of elders, continued to function. Although not sanctioned by law, these traditional courts resolved disputes for the majority of citizens who lived in rural areas and who generally had little access to formal judicial systems.

On October 28, the Federal First Instance Court's Seventh Criminal Branch began operation. The court was established to handle cases of sexual abuse against women and children. During hearings, victims were physically separated from the accused, and provided testimony to the court via a closed circuited television system. By year's end, the court had delivered six guilty verdicts in sexual abuse cases, and

imposed penalties ranging from 4 to 20 years.

Three federal judges sat on one bench to hear all cases of juvenile offenses. There was a large backlog of juvenile cases and accused children often remained in detention with adults until their cases were heard.

The outbreak of hostilities with Eritrea in 1998 adversely impacted the military justice system. Most foreign assistance to train officers and noncommissioned officers was suspended at the same time that the rapid expansion of the military greatly increased the need for trained military lawyers and judges. This training need remained unmet by year's end.

There was no new information on the activities of the SPO, established in 1992 to create an historical record of the abuses committed during the Mengistu Government (1975-91, also known as the Dergue regime) and to bring to justice those criminally responsible for human rights violations. Approximately 1,000 persons remained in detention for Dergue-era offenses. Court appointed attorneys, sometimes with inadequate skills and experience, represented many of the defendants.

There were reports the Government detained approximately 100 political prisoners, and the Government permitted ICRC access on a regular basis.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law requires judicial search warrants to search private property; however, in practice, particularly outside of Addis Ababa, police often searched property without obtaining warrants (see Section 1.d.). Opposition party representatives claimed that police sometimes used fraudulent warrants to enter homes and commit criminal acts, including money extortion. There were reports that members of the Federal Police robbed persons during the year, including through the use of false warrants.

There continued to be reports that police forcibly entered the homes of civilians. There also were reports that security forces took persons from their homes in the middle of the night without warrants. For example, Oromo students accused of detonating hand grenades at Ambo Secondary School in April were reportedly rounded up from their residences in the middle of the night.

Opposition party members reported that their homes were burned down and their offices looted (see Section 3).

The Government arbitrarily monitored private communication such as Internet communications and phone conversations. All electronic communications facilities were state owned. The Government also used a system of paid informants to report on the activities of particular individuals.

There were reports during the year of the forced displacement of families in rural areas. The Government said that its resettlement program, which moved families from drought prone areas to more fertile lands, was entirely voluntary, but opposition parties accused local authorities in some rural areas of targeting opposition supporters for resettlement by manipulating resettlement rosters. NGOs such as Doctors Without Borders reported that in several instances, the Government had resettled persons to areas with no existing infrastructure or clean water supply, resulting in unusually high rates of infant mortality.

Unlike in previous years, there were no reports that the Government, in an attempt to "clean up" Addis Ababa, forcibly resettled indigent persons to areas outside of the city.

There continued to be credible reports during the year from EHRCO and opposition parties that in certain rural areas in the Southern Region, Oromiya Region, and Amhara Region, local officials used threats of land redistribution and withholding of food aid and fertilizer to garner support for the ruling coalition. There were many reports of ruling party or government harassment intended to prevent individuals from joining opposition parties or from renting property to them. There were numerous reports of more serious forms of harassment and violence directed against members of opposition parties in many areas of the country, including beatings, house burnings, and murder (see Sections 1.c., 1.d., and 3).

There also were credible reports that teachers and other government workers had their employment terminated if they belonged to opposition political parties.

According to the SEPDC, the regional government continued to dismiss its members—particularly teachers—from their jobs. In response, the regional government asserted that employees of the Government should implement government policy. The region accuses employees who were opposition party members of not carrying out government policy.

The family law code imposes a 6 month waiting period on anyone seeking to remarry following a divorce or

the death of one's spouse (see Section 5). The Government maintained that this waiting period was necessary to determine whether a woman may still be carrying the child of her former spouse.

Security forces detained family members of persons sought for questioning by the Government, such as suspected members of OLF.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and press; however, the Government restricted these rights in practice. The Government continued to prosecute journalists and editors for publishing allegedly fabricated information and for other violations of the press law. The Government controlled all broadcast media. Private and government journalists routinely practiced self censorship. Nonetheless, the private press remained active and often published articles that were extremely critical of the Government.

The independent print media were active and expressed a wide variety of views, although their access to the executive, legislative, and judicial branches of the Government was restricted and they were subject to intimidation and harassment by the Government.

Despite the constant threat of legal action, the private press continued to publish articles critical of the Government and to report on human rights abuses. While much of the private press continued to lack professionalism in its reporting, some print media continued developing into more responsible publications. Several publications were tied to distinct ethnic groups, particularly the Amharas and Oromos, and severely criticized the Government for being ethnocentric.

The Government continued to control all radio and television broadcast media. Although the law allows for private radio stations, a regulatory mechanism was not in place, and there were no independent radio stations. Broadcasting time on state-run Radio Ethiopia was sold to private groups and to individuals who wanted to buy spots for programs and commercials. The Government operated the sole television station and tightly controlled news broadcasts. In September, the Ethiopian Broadcasting Agency invited interested parties to apply for licenses for two new private FM stations, although no applications were filed by year's end. The Broadcasting Law prohibits political and religious organizations from owning broadcast stations. Foreign ownership is also prohibited.

There were no restrictions on access to international news broadcasts. Ownership of private satellite receiving dishes and the importation of facsimile machines and modems were permitted; however, access to this technology was restricted by its high cost and the limited capacity of the sole telecommunications entity, the Ethiopian Telecommunications Corporation.

Foreign journalists continued to operate freely and often wrote articles critical of government policies. They or their local affiliates were often granted greater access to government officials than were local independent journalists. Several foreign news organizations staffed offices in Addis Ababa with local journalists who operated free of government restriction.

There were reports that police harassed, beat, and detained journalists during the year. For example, on March 29, armed police beat Atnafu Alemayehu, deputy editor-in-chief of Tobia newspaper and magazine, at Kara Kore in Oromiya State after Atnafu made enquiries into resident's complaints about the demolition of their houses. Atnafu was detained for 1 day and was released after posting bail of \$115 (1,000 Birr) at Alemgena police station. Atnafu appealed to the police station about the beating and confiscation of the tape recorder. Wondwosen Gebrekiidan, former Editor in Chief of Itop newspaper was arrested on December 23 and released on December 31. Shiferaw Ansermu was arrested and released three times during the year, and at year's end, was detained at Addis Ababa Prison.

The Government used statutory provisions on the publication of false information, incitement of ethnic hatred, libel, and publication of articles offensive to public morality to justify the arrest and detention of journalists. Independent journalists accused the Government of selectively applying sections of the penal code to levy charges against them. Journalists were charged, detained, and fined during the year.

For example, in May, Leul Seboka, editor-in-chief of the Amharic weekly newspaper Seife Nebelbal, was charged at the Federal High Court for publishing a poem viewed by the prosecutor as "inciting violence among the public to secede from a region that is established by constitutional order."

Befekadu Moreda, owner and editor-in-chief of the private Amharic weekly newspaper Tomar, was indicted in January by the Federal Prosecutor General for an alleged violation of the Ethiopian Press Freedom Proclamation. The charges stemmed from an article published in 2001 about a 2000 riot in Addis Ababa.

Wossenseged Gebre Kidan, editor-in-chief of the private weekly Amharic-language Ethop, was prosecuted during the year for allegedly publishing a false report in 2002 concerning a terrorist attack on the Tigray Hotel in Addis Ababa.

In June, Tewodros Kassa, the former editor of the private Amharic-language weekly Ethop, was nearing the end of his 2-year prison term, but was newly convicted on 4-year-old criminal defamation charges and sentenced to a further 3 months in prison, and was released after serving the additional sentence.

In April, Debassa Wakjira and Shiferaw Ansermu, two journalists of the state-owned Oromo Service of Ethiopian Television, were arrested for allegedly passing information to the OLF. The two journalists were arrested with officials of the MTA (see Section 1.d.). All except Shiferaw Ansermu were released.

At year's end, one journalist was in prison on press charges, approximately 54 journalists remained in self-imposed exile, and a number of journalists in the country were facing criminal charges.

There were reports during the year that 10 journalists from the government media and the private press fled the country or were missing. There were reports that three Ethiopian Television journalists (Mohammed Ahmed, Keriya Ismael, and Lemlem Fanta) had fled the country for Kenya. No details were available on why the journalists had fled.

All official media received government subsidies; however, the official media were legally autonomous and responsible for their own management and partial revenue generation. The Ministry of Information was the Government's official spokesperson and managed contacts between the Government, the press, and the public; however, the Government routinely refused to respond to queries from the private press and often limited its cooperation with the press to the government-run Ethiopian News Agency, the EPRDF-controlled Walta news agency, and correspondents of international news organizations. The Prime Minister's office continued to deny all access to the independent press for coverage of official events at the Prime Minister's office, limiting such coverage and access to government media representatives. Reporters admitted that they routinely practiced self-censorship.

The Ministry of Information required that newspapers show a bank balance of \$1,150 (10,000 Birr) at the time of their annual registration for a license to publish. This sum effectively precluded some smaller publications from registering. Permanent residency also was required for publishers to establish a newspaper. The Government did not require residency for other business owners, and some independent journalists maintained that the residency requirement was used as a form of intimidation. The press law requires all publishers to provide free copies of their publications to the Ministry of Information on the day of publication.

The majority of private newspapers as well as government newspapers were printed at government owned presses; however, there were no reports that the independent media was unable to print articles. Police had the authority to shut down any printing press without a court order, but did not exercise that power during the year.

The former Ethiopian Free Press Journalists Association (EFPJA) and its leadership remained banned throughout the year. A new association, bearing the same name, was established and new executive officers were elected in January at a meeting facilitated by the Ministry of Justice. In February, the Ministry of Justice gave recognition to the newly elected leadership of EFPJA. Representatives of the old EFPJA continued to protest the Government's ban on the original association and its leaders, and filed charges against the Ministry of Justice claiming that the ban was illegal and politically motivated. A court ruled the original EFPJA had to be reinstated, but the Government had yet to do so at year's end.

The Ethiopian Women's Media Association, which included both government and private journalists, remained active during the year. The association organized training and workshops and published a journal.

The Government did not restrict Internet access.

The Government restricted academic freedom during the year. The Government maintained that professors could do research in any field in their discipline but that they could not espouse political sentiments. Teachers at all levels were not permitted to deviate from official lesson plans. AAU students were prohibited from forming associations on the basis of their ethnicity. Political activity was discouraged on university campuses. There were unconfirmed reports that uniformed police officers were visible on campuses and that plainclothes security officers tried to blend in with the student body. While student governments were permitted, many students refrained from involvement in any on-campus activity that could be considered political in nature by the Government. According to a 2002 survey conducted by the ETA of 280 public universities and secondary schools throughout the country, nearly 90 percent of the school directors and vice directors of those schools belonged to the ruling party or its affiliates. Students and teachers were arrested during the year (see Section 1.d.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Organizers of large public meetings or demonstrations must notify the Government 72 hours in advance and obtain a permit. There were several reports during the year that permits were denied to opposition political parties. Opposition parties also reported long, unexplained delays by the regional authorities in issuing permits and last minute revocations of permits.

Opposition political parties reported that their supporters were the targets of frequent and systematic violence by ruling party supporters during the year, often after leaving meetings (see Sections 1.c., 1.d., and 3).

The AEUP, SEPDC, and ONC charged the district and regional authorities with deliberately obstructing their attempts to hold public meetings. The independent ETA continued to encounter government restrictions while attempting to hold meetings or demonstrations.

After notifying government officials, MTA organized a peaceful demonstration on January 4, where approximately 10,000 Oromo residents of Addis Ababa and its environs gathered at Meskel Square in the city center to urge the federal Government to reverse its decision to transfer the capital of Oromiya from Addis Ababa to Adama (formerly known as Nazret). Police reportedly beat and arrested demonstrators including elders, youth, and women. The Government claimed that the MTA did not have the required permit to conduct the rally. All demonstrators were released and no action was taken against the police.

A January protest by Oromo students at AAU resulted in several hundred arrests and the subsequent expulsion of 330 students. During their 2-day detention, many of these students were forced to kneel on gravel for hours (see Section 1.c.).

In March, the residents of Aby Adi, a town in Tigray region, conducted a peaceful demonstration, protesting the lack of electricity, usable roads, and running water. Three members of the Tigray People's Liberation Front (TPLF) Central Committee reportedly threatened to arrest the organizers of the demonstration if they did not apologize. According to reports, the Government also sent security agents to prevent any further protests. The Government rejected requests to hold similar protests in the Tigrayan towns of Maichew and Samre.

In March, police broke up an authorized protest march by students at Alemaya Agricultural University, protesting the move of Oromiya's capital to Adama and demanding the release of detained AAU students. Police arrested some protesters before the protest left the campus, according to press reports. There were numerous reports of protest-related arrests of students across the Oromo region early in the year (see Sections 1.c., 1.d., and 5).

The Government has still not released the results of its investigation into the 2002 demonstration in Awassa, the capital of the Southern Region, in which police killed and injured dozens of peaceful protesters. No further information was available on the status of the individuals arrested in cases related to the Awassa demonstration and the killing of the head of the Southern Region's education bureau, some of whom were held incommunicado.

No further action was taken against security forces who forcibly dispersed demonstrations in 2003 or 2002. It was unknown at year's end if persons detained in previous years for holding illegal meetings remained in detention.

The Constitution provides for freedom of association and the right to engage in unrestricted peaceful political activity; however, the Government limited this right in practice. A number of policy issues regarding NGOs remained unresolved, including the ability of NGOs to enter into formal network arrangements that would enable them to pool funds. However, there was some improvement in transparency of the NGO registration process. The Ministry of Justice administers primary registration. The Government continued to deny an operating license to the Human Rights League (see Section 4).

As provided by law, the Government required political parties to register with the National Election Board (NEB). Parties that did not participate in two consecutive national elections were subject to deregistration. There were approximately 69 organized political parties; 13 were national parties, and the remainder operated in limited areas. There were no reports during the year that any political party had its registration revoked.

During the year, the Government repeatedly arrested persons allegedly involved with the MTA, including the president, vice president, members of the executive committee and staff, and two gate guards. Some arrests appear to have been made without warrants, and some detentions continued despite court orders to release suspects (see Section 1.d.). The organization complained of illegal searches of its premises. In

July, the Government suspended the MTA's permit to operate, effectively banning the organization, on the basis of its alleged involvement in organizing several acts of violence, including a grenade attack in AAU that killed a student.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice; however, on occasion local authorities infringed on this right. The Ethiopian Orthodox Church (EOC) and Islam are the dominant religions, accounting for nearly 90 percent of the population.

The Government required that religious groups be registered. Religious institutions register with the Ministry of Justice and must renew their registration every year. However, the EOC has yet to register and has never suffered ramifications for not registering. Similarly, the Ethiopian Islamic Affairs Supreme Council (EIASC), after registering in 1995, reportedly has never reregistered after it protested this requirement to the Prime Minister. Protests from other religious groups over these exceptions have not resulted in equal treatment from the Government.

Under the law, a religious organization that undertakes development activities must register its development wing separately as an NGO. Religious groups were given free government land for houses of worship, schools, hospitals, and cemeteries; however, the title to the land remained with the Government, and the land, other than that allocated for prayer houses or cemeteries, could be taken back at any time.

Minority religious groups reported discrimination in the allocation of government land for religious sites. A traditional animist Oromo religious group was banned after being found to be involved in unspecified illegal activities. The group's leaders were suspected of having close links to the OLF and MTA. Protestant groups occasionally reported that local officials discriminated against them when seeking land for churches and cemeteries. Evangelical leaders reported that because they were perceived as "newcomers" they remained at a disadvantage compared with the EOC and the EIASC in the allocation of land. The EIASC reported that it had more difficulty obtaining land from the government bureaucracy than the EOC while others believed the EIASC was favored for mosque locations. Many mosques were built by squatters without city government approval and since have been targeted for demolition.

The Government did not issue work visas to foreign religious workers unless they were attached to the development wing of a religious organization.

While some Muslim leaders complained in the past that public school authorities sometimes interfered with their free practice of Islam because they prohibited the wearing of headscarves in schools, the leaders reported that the Ministry of Education has accepted the practice of headscarves in schools not only in Addis Ababa but also in regional areas.

Some religious property confiscated under the Mengistu regime has not yet been returned.

Unlike in previous years, there were no violent interfaith clashes during the year.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government restricted some of these rights in practice.

In the Gambella region throughout the year, the Government monitored and sometimes controlled the passage of relief supplies and access by humanitarian organizations, explaining that it was doing so as a matter of safety and security for those planning to travel in the region. For a period following the December 13, 2003 incident, travel was restricted.

The law requiring citizens and residents to obtain an exit visa before departing the country was eliminated in July. Eritreans and Ethiopians of Eritrean origin had their status regularized by the Government.

Exile is prohibited and there were no reports of forced exile during the year. A number of persons remained abroad in self imposed exile, including 54 journalists (see Section 2.a.).

During 2003, 1,579 cases of Eritrean civilians waiting to return to Eritrea in the country were pending with the ICRC. There were several ICRC overseen returnee occasions during the year. Most Eritreans and Ethiopians of Eritrean origin were registered with the Government and held identity cards and 6 month residence permits that allowed them to gain access to hospitals and other public services. However, there

were unsubstantiated anecdotal reports that indigent Eritreans were denied the right to seek free medical services by government officials at the local level.

In 2002, the Government transferred at least 200 Eritrean military deserters who had been held at the Dedesa detention center to a northern refugee camp. UNHCR processed 178 cases in 2002 and 94 during the year for resettlement to third countries. At year's end, it was unknown whether additional cases were still pending. As a result of the 1998 to 2000 war with Eritrea, thousands of persons were displaced internally. Of the approximately 350,000 IDPs resulting from the border war, approximately 225,000 IDPs have been resettled.

Due to violent clashes between different ethnic groups during the year, thousands of persons were killed, injured, or internally displaced (see Section 5).

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing such protection. Parliament passed a national refugee law during the year, but the law has not yet been published in the national gazette and thus has not yet taken effect. In practice, the Government generally provided for protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. The Government generally cooperated with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and returning citizens.

As of September, the country hosted approximately 121,000 refugees, down from 128,610 refugees at the end of 2003. Of these, some 89,000 Sudanese refugees were located in 5 refugee camps in the west. As the result of the ongoing repatriation program in the eastern camps, the number of Somali refugees decreased to about 23,000 at 2 camps, Aysha and Kebribeyah. The Hartishek camp closed in July. The Government, in cooperation with the UNHCR, continued to provide temporary protection to refugees from Sudan and Somalia.

Approximately 24,500 Nuer and Dinka refugees remained in Fugnido camp in Gambella Region at year's end. Plans to move all Nuer and Dinka refugees from Fugnido camp were delayed indefinitely after unknown assailants, allegedly local ethnic Anuaks, attacked a vehicle carrying local government refugee officials, and killed eight persons in December 2003; the officials were enroute to the proposed new camp site in the Odier-Bol area (see Section 5).

In May, Eritrean refugees were moved from the Wa'ala Nhibi temporary camp to a new permanent refugee camp further from the border. The new camp, Shimelba, holds approximately 8,200 Eritrean refugees, approximately 4,200 of whom were ethnic Eritrean Kunamas. The Shimelba camp had only marginal health, education, water, and sanitation facilities.

The conflict between ethnic groups in the Gambella Region complicated UNHCR refugee protection efforts (See section 5). Food deliveries to refugees continued in spite of the crisis in the west; however, humanitarian organizations were unable to adequately monitor food deliveries due to travel restrictions.

Early in the year, there were unconfirmed reports of conflicts between refugees and local residents over scarce resources.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised their right to vote in the 2000 national elections that were generally free and fair in most areas but were also marred by serious irregularities. The Constitution grants universal adult (18 years of age) suffrage, establishes periodic elections by secret ballot, and allows citizens to take part in the conduct of public affairs, directly and through freely chosen representatives; however, in practice the EPRDF ruling party dominated the Government.

According to observers organized by EHRCO, local U.N. staff, diplomatic missions, political parties, and domestic NGOs, the 2000 national elections and the 2001 regional elections were generally free and fair in most areas but were marred by serious irregularities, including killings, disappearances, voter intimidation and harassment, and unlawful detentions of opposition party supporters, particularly in the Southern Region.

Opposition parties accused the NEB of being an instrument of the ruling party and of failing to take meaningful action upon being informed of electoral irregularities, including ballot stuffing, vote count fraud, bribery, killings, beatings, and widespread intimidation and harassment by ruling party supporters during the 2000 and 2001 elections.

The constitutionally mandated national census, which determines popular representation in the Federal Parliament, was scheduled to be held during the year but was postponed indefinitely due to lack of funds. There were great disparities in regional representation in the Federal Parliament, based on 1994 census figures and 1995 voter registration. In 2003, the State Minister of Federal Affairs publicly acknowledged that the country's nomadic communities, estimated at 7 million persons, were still being excluded from effective democratic representation.

Of 548 seats in the House of Peoples' Representatives (HPR), the ruling EPRDF coalition or its affiliate parties held 496 seats. The EPRDF itself continued to be dominated by the Tigrayan ethnic group. The EPRDF affiliated TPLF occupied 40 seats, but its influence in politics was far greater than its numbers would suggest. The EPRDF, its affiliates, and EPRDF supporters controlled all seats in the 108 member House of Federation, whose members were appointed by regional governments and by the federal Government. In the Southern Region, opposition party members held approximately 7 percent of the seats in the Regional Council.

Elections for the Somali Region that were originally scheduled for 2001 were finally held on January 25. EHRCO reported the regional election was marred by significant irregularities; however, the NEB reviewed the allegations and disputed them.

Membership in the EPRDF conferred advantages upon its members, and the party owned many businesses and awarded jobs to loyal supporters. In addition to the Government, only the TPLF was allowed to operate radio stations (see Section 2.a.).

The major opposition parties continued a slow process of consolidation. The Ethiopian Medhin Democratic Party, 1 of the 15 political organizations that constituted the Union of Ethiopian Democratic Forces (UEDF), opened its first office in the country in June.

In August, the Government announced that it was willing to talk to the UEDF about concerns that the EPRDF had previously rejected outright, such as a restructuring of the NEB to remedy a perception of bias in its composition, the equitable distribution of media airtime access among competing parties, the presence of international observers at the May 2005 national elections, and revision of electoral laws the UEDF believes unfairly advantage the EPRDF. After meeting with the UEDF in October, the EPRDF accepted many of the UEDF's requests such as access to media airtime and international observers.

Registered political parties must receive permission from regional governments to open local offices. Opposition parties, such as the AEUP and the Konso Peoples Democratic Union (KPDU), reported that the pattern of widespread intimidation and violence directed against members of opposition political parties by local government officials continued throughout the year. Hundreds of cases were reported by the AEUP, KPDU, and other parties or by the press. Such cases ranged from public insults of opposition party members by local officials at civic events to bombings, house burnings, property confiscation, and murder. In many of the cases reported, opposition members were allegedly told they must resign from or denounce their party membership if they wanted access to fertilizer, other agricultural benefits, health care, or other benefits controlled by the Government. Party meetings were often disrupted or unlawfully banned.

The KPDU reported that in late 2003 and early in the year, the EPRDF closed KPDU offices in Fasha, Toka, Kamale, Fichucha, and Tara, and dissolved the KPDU-dominated Abaroba and Jarso Local Councils. These were replaced with councils dominated by EPRDF members. Arrests and beatings of KPDU members also were reported.

According to AEUP reports, on February 29, stones were thrown at the house of AEUP member Bekele Tadesse, a resident of Ankober. On March 7, a bomb was thrown at the house of Zemedkun Gebre Kidane, chairman of the AEUP organizing committee in Ankober District.

Political participation remained closed to organizations that have not renounced violence and do not accept the Government as a legitimate authority.

The Addis Ababa Municipal Council was dissolved by the Government in October 2002, and members were replaced by interim members belonging entirely to the ruling party. Under the Addis Ababa Charter, elections to fill those seats should have been called within one year of the council's dissolution. These elections did not take place by year's end.

The Ministry of Justice has primary responsibility to combat corruption. According to the U.N., there was relatively little bureaucratic corruption, although bureaucratic delays and difficulties existed. A combination of social pressure, cultural norms, and legal restrictions were used to combat corruption. Nevertheless, the lack of transparency in the frequent cancellation of telecommunications, power, and other infrastructure tenders raised suspicions of corruption. In addition, it was believed that government officials manipulated the privatization process as state- and party-owned businesses receive preferential access to land leases and credit.

Since its establishment in 2001, the Ethics and Anti-Corruption Commission has arrested officials, including managers of the Privatization Agency and the state owned Commercial Bank of Ethiopia, and private businessmen and charged them with corruption; however, there have been no major arrests in the last 2 years. It is a criminal offense to give or receive bribes.

The Government publishes its laws and regulations in the national gazette prior to their taking effect.

Of the 19 members of the Council of Ministers, 1 was a woman; 2 other women held ministerial positions, and a number of women held senior positions. There were 42 women in the 548 seat HPR, and 9 of 113 members in the House of Federation were women. Of the 14 members of the Supreme Court, 3 were women.

The government policy of ethnic federalism led to the creation of individual constituencies to ensure representation in the HPR of all major ethnic groups. Nevertheless, small ethnic groups were not represented in the legislature. There were 23 nationality groups in 6 regional states that did not have a sufficient population to qualify for constituency seats; however, individuals from these nationality groups competed for 23 special seats in the 548 seat HPR in the 2000 elections.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups operated with limited government restriction, investigating and publishing their findings on human rights cases. The Government generally was distrustful and wary of domestic human rights groups; however, its relationship with international NGOs appeared to improve during the year. Two of the most prominent domestic human rights organizations were EHRCO and the Ethiopian Women Lawyers Association (EWLA). The Government routinely discounted EHRCO's reports and labeled it a political organization. The EWLA's primary function was to represent women legally. These and numerous other groups primarily engaged in civic and human rights education, legal assistance, and trial monitoring. However, the Government neither shared information about nor acknowledged the existence of human rights abuses with members of the domestic NGO community.

The Government continued to investigate the Human Rights League at year's end for its alleged ties to the OLF. The League's offices remained closed, and the Government still had not responded to its registration request, despite a court order to do so.

The Government's relations with international human rights NGOs appeared to improve during the year. Several international human rights groups visited the country during the year, and had unrestricted access to areas needing emergency humanitarian assistance. A senior level Amnesty International delegation visited the country for the first time in 10 years, and the African Union's Special Rapporteur on Prisons visited prisons in various parts of the country (see Section 1.c.). The Government cooperated with international governmental organizations on human rights issues. Officials of the Federal Security Authority generally were more responsive to requests for information from the diplomatic community.

The Government is required under the Constitution to establish a Human Rights Commission, and an Office of the Ombudsman with the authority to receive and investigate complaints with respect to misadministration by executive branch offices. In August, the Government named Kassa Gebre Haiwot as Human Rights Commissioner and Abay Tekele as Ombudsman. Neither entity was fully operational by year's end.

During the year, the Ministry of Justice began a 3-year program of human rights training workshops for judges, prosecutors, and police as well as community members around the country.

A Parliamentary committee investigated potential government human rights abuses in conjunction with ethnic violence in the Gambella region late 2003 and during the year (see Section 5).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, color, sex, language, national origin, political or other opinion, or social status; however, in practice the Government did not effectively enforce these protections.

Women

Domestic violence, including wife beating and marital rape, was a pervasive social problem. There is no specific law regarding domestic violence or sexual harassment. While women had recourse to the police and the courts, societal norms and limited infrastructure prevented many women from seeking legal

redress, particularly in rural areas. Social practices obstructed investigations and prosecutions in rape cases, and many women were not aware of their rights under the law. It was estimated that there were more than 1,000 rapes a year in Addis Ababa. The press continued to regularly report on rape cases, particularly where injury to minors resulted. Rape sentences were handed down in line with the 10 to 15 years prescribed by law. During the year, the EWLA conducted research on the number of rapes committed and the number of rape convictions handed down; however, the results had not been released by year's end.

During the year, a court was established to try cases of sexual abuse against women and children (see Section 1.e.).

Although illegal, the abduction of women and girls as a form of marriage continued to be practiced widely in the Oromiya and the Southern Regions, despite the Government's attempts to combat this practice. Forced sexual relationships often accompanied most marriages by abduction, and women often were physically abused during the abduction. Many of those girls married as early as the age of 7, despite the legal marriage age of 18. Abductions led to conflicts among families, communities, and ethnic groups. In cases of marriage by abduction, the perpetrator was not punished if the victim agreed to marry him (unless the marriage was annulled); even after a perpetrator was convicted, the sentence was commuted if the victim married him. There were some signs of growing public awareness of the problem of attacks on women and early marriage; in August a public demonstration took place in Dessie to protest the problem.

The majority of girls underwent some form of FGM. Clitoridectomies typically were performed 7 days after birth and consisted of an excision of the labia. Infibulation, the most extreme and dangerous form of FGM, was performed at any time between the age of 8 and the onset of puberty. According to the findings of a government national baseline survey released in 2003 on harmful traditional practices, 90 percent of women undergo one of four forms of FGM: circumcision, clitoridectomy, excision, and infibulation. The National Committee on Harmful Traditional Practices reported that, according to a national baseline survey, harmful practices against women, including FGM, abduction, and early marriage have declined from over 90 percent to 73 percent since 1992.

The Constitution and the penal code prohibit bodily injury; however, these provisions did not specifically outlaw FGM. The Government continued to update the penal code during the year. The Government also worked to discourage the practice of FGM through education in public schools and through broader mass media campaigns.

The Government took some measures to help eradicate FGM. For example, an official from South Omo Zone, Southern Region, said in July that an official from Hamer District was removed from office for forcing his wife to undergo FGM. The Hamer official subsequently was brought to justice by the District women's affairs bureau. The South Omo Zone Mobilization and Social Affairs Department Deputy Head reported that committees to eradicate harmful traditional practices were established in 197 localities through South Omo Zone. In Eastern Harerge Zone, police arrested 4 women who had allegedly circumcised 62 girls in 1 day; local residents allegedly tipped off the police following an intensive media campaign on the harmful effects of circumcision. Charges against the women were pending at year's end.

Sex workers routinely reported poverty was the underlying cause for resorting to prostitution. Prostitution was generally legal, although it was prohibited for persons under the age of 18. Pimping and benefiting from prostitution was also illegal. Prostitution was a problem.

There were credible reports from the EWLA and the International Organization for Migration (IOM) that many female workers who traveled to the Middle East as industrial and domestic workers were abused (see Section 5, Trafficking). In August, the Government opened a new consulate in Dubai, in part to assist Ethiopian women workers who were abused.

The Constitution states that all persons are equal before the law; however, the Government has not yet fully put into place mechanisms for the effective enforcement of these protections. The Family Law sets the legal marriage age for girls at 18, the same as for boys; elevates civil law above customary and religious law; allows for the legal sharing of property for unmarried couples who live together for at least 5 years; eliminates family arbitrators as a means of settling marital disputes in lieu of the court system; allows for the joint administration of common marital property; requires the courts to take into account the situation of children or the weakest member of the family in the event of divorce or separation; and imposes a 6 month waiting period on women seeking to remarry following divorce or the death of a spouse. However, regional councils had authority to determine family law for their respective regions.

Discrimination against women was most acute in rural areas, where 85 percent of the population lived. The civil code and the penal code contained discriminatory regulations, such as the recognition of the husband as the legal head of the family and the sole guardian of children over 5 years old. Domestic violence was not considered a serious justification to obtain a divorce. There was only limited juridical recognition of common law marriage. Irrespective of the number of years the marriage existed, the number of children raised, and joint property, the woman was entitled to only 3 months' financial support if the common law

relationship ended. A husband had no obligation to provide financial assistance to his family and, as a result, women and children sometimes were abandoned when there was a problem in the marriage. The law states that any property owned before marriage belongs to the spouse that had it. Any property gained during marriage is shared equally by the husband and wife. Thus a widow is entitled to her 50 percent share of property gained during the marriage; however, a wife does not have inheritance right to her deceased husband's share.

All land belonged to the Government. Although women could obtain government leases to land, and the Government had an explicit policy to provide equal access to land for women, this policy rarely was enforced in rural communities. According to the EWLA, in nearly all regions women do not have access to land. They cannot inherit land, and the only way for them to gain access to land was via marriage. However, when the husband dies, other family members often take the land from the wife.

In urban areas, women had fewer employment opportunities than men, and the jobs available did not provide equal pay for equal work.

In July, at the urging of a group of activists on women's issues, the head of the NEB publicly endorsed the candidacies of women for Parliament.

Children

The Government supported efforts by domestic and international NGOs that focused on children's social, health, and legal issues, despite its limited ability to provide improved health care and basic education.

Education is compulsory through grade six. By law, primary education is tuition free; however, despite the increase in the number of schools during the year, there were still not enough schools to accommodate the country's youth, particularly in rural areas. In addition, the cost of uniforms and school supplies was prohibitive for many families. The Government used a three shift system in most primary and secondary schools in urban areas to maximize the utilization of classrooms and to provide an opportunity for working children to attend school. In 2003, approximately 43 percent of primary and 70 percent of secondary schools operated in two shifts to maximize the utilization of classrooms. Only 74.4 percent of male primary school age children and 59.1 percent of female primary school age children attended school. Girls attended school in fewer numbers than boys, except in Addis Ababa, where girls' attendance was slightly higher at 52.9 percent. Government reports showed that 28.7 percent of the children who attended school left the system before they reached the second grade. Only 22.1 percent of children who began first grade completed eighth grade. The literacy rate, according to the 2001 Child Labor Survey, was 20.6 percent of women, compared with 42.7 percent of men.

In Addis Ababa's police stations, there were 10 Child Protection Units that were staffed by members of an NGO to protect the rights of juvenile delinquents and juvenile victims of crime. Some police officers completed training on procedures for handling cases of child abuse and juvenile delinquency.

Societal abuse of young girls continued to be a problem. FGM was performed on the majority of girls (see Section 5, Women). Other harmful traditional practices included uvulectomy, milk teeth extraction, early marriage, marriage by abduction, and food and work prohibitions (see Section 5, Trafficking).

In the Afar region of the east, young girls continued to be married to much older men, but this traditional practice continued to come under greater scrutiny and criticism. Indigenous NGOs, such as the Kembatta Women's Self Help Center and the Tigray Women's Association, also affected societal attitudes toward harmful traditional practices and early marriage. Media accounts suggested increasing awareness of the problem. An account in February from a rural district noted that 74 children in the district had been rescued from marriages at ages as young as 9, through the intervention of the schools and local officials. Pregnancy at an early age often led to obstetric fistulae and permanent incontinence. Treatment was available at only 1 hospital in Addis Ababa that performed more than 1,000 fistula operations a year. It estimated that for every successful operation performed, 10 other young women needed the treatment. The maternal mortality rate was extremely high, partly due to food taboos for pregnant women, poverty, early marriage, and birth complications related to FGM, particularly infibulation.

There were some unconfirmed reports that children from the south were transported into Kenya by child traffickers operating adoption rings, and adopted as other nationalities.

Child prostitution continued to be a problem and was widely perceived to be growing. There were a few reports that children were trafficked out of the country in adoption schemes (see Section 5, Trafficking).

Child labor remained a serious problem (see Section 6.d.).

Official government estimates put the number of street children in the country at 150,000 to 200,000, with

approximately 50,000 to 60,000 street children in Addis Ababa. UNICEF estimated that there were probably close to 600,000 street children in the country and over 100,000 in Addis Ababa. UNICEF believed the problem was growing worse because of the families' inability to support children due to parental illness and decreased household income. These children begged, sometimes as part of a gang, or worked in the informal sector (see Section 6.d.). Government and privately run orphanages were unable to handle the number of street children, and older children often abused younger children. Due to severe resource constraints, abandoned infants often were overlooked or neglected at hospitals and orphanages. Children sometimes were maimed or blinded by their "handlers" to raise their earnings from begging.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were numerous reports that persons were trafficked to, from, and within the country. Child prostitution was a problem, particularly in urban areas. The penal code applies only to women and children trafficked for the purposes of prostitution; such trafficking was punishable by up to 5 years imprisonment and a fine of \$1,150 (10,000 Birr). Laws provide for fines and prison sentences of up to 20 years. Despite the arrests of suspected traffickers during the year, there were no successful prosecutions of traffickers in persons by year's end.

Training programs for police officers on the criminal aspects of trafficking were ongoing during the year. These institutions have limited resources and jurisdiction to protect or intervene in cases of prosecution of offending employers.

The country was a source country for women, children, and to a lesser extent men, trafficked for the purposes of sexual exploitation and forced domestic and commercial labor, primarily to the Gulf States and Lebanon. NGOs estimated that between 20,000 and 25,000 persons annually were trafficked internationally. Internal trafficking was also a serious problem. Children and adults were trafficked internally from rural areas to urban areas, principally for involuntary domestic servitude, and also for prostitution and forced labor, such as street vending. There were reports that Ethiopian women may have been trafficked onward from Lebanon to Europe.

NGOs reported that impoverished girls as young as age 11 were recruited to work in houses of prostitution where they were kept uninformed of the risks of HIV/AIDS infection and other sexually transmitted diseases. A 2003 Family Health International Report indicated that customers targeted younger girls because they were believed to be free of sexually transmitted diseases.

According to an NGO report, 60 percent of commercial sex workers were between the ages of 16 and 25. Underage girls worked as hotel workers, barmaids, and prostitutes in resort towns and rural truck stops. Pervasive poverty, migration to urban centers, early marriage, HIV/AIDS and sexually transmitted diseases, and limited educational and job opportunities aggravated the commercial sexual exploitation of children. A few NGOs aided child victims, including the Forum on Street Children Ethiopia, which provided children forced into prostitution or commercial sexual exploitation with shelter, protection, and return to their families.

IOM reported that trafficking was "increasing at an alarming rate." A 2003 study by a foreign government on the problem of internal trafficking of women and children confirmed that the problem was pervasive. The overwhelming majority of respondents confirmed that they were trafficked from rural areas to Addis Ababa and other urban centers, lured by false promises of employment. Of the 459 respondents, 46 percent were illiterate and 49 percent had completed no more than a grade 8 education. Upon arrival at their new destinations, 54 percent worked as domestic servants, but that number dropped to 9 percent as the trafficked women and children took jobs in bars, became sex workers, or begged on the street.

Although illegal, the abduction of women and girls as a form of marriage still was practiced widely in Oromiya regions and the Southern Region (see Section 5).

Private entities arranged for overseas work and, as a result, the number of women sent to Middle Eastern countries, particularly Lebanon, Saudi Arabia, Bahrain, and the United Arab Emirates, as domestic or industrial workers remained a significant problem during the year. These women typically were trafficked through Djibouti, Yemen, and Syria. The Chief of the Investigation and Detention Center in Lebanon reported that 30,000 Ethiopian women worked in Beirut, the vast majority of whom were trafficked. During the year, the Government also began registering persons seeking employment overseas. Approximately 50 percent of these women were not able to return legally to their home country.

There was almost no government assistance, in the form of counseling or other support services, to trafficked victims who returned to the country. The government provided limited consular assistance in a few cases. EWLA provided limited legal assistance to such victims. The Federal Police's Women's Affairs Bureau, in collaboration with the media, continued to implement a public awareness program on the dangers of migrating to Middle Eastern countries.

The National Steering Committee Against Sexual Exploitation of Children was chaired by the Children, Youth, and Family Affairs Department of the Ministry of Labor and Social Affairs. There were some government initiatives during the year to combat trafficking, including government consultation with IOM to try to resolve the problem. During the year, the Ministry of Labor and Social Affairs reviewed the contracts of prospective domestic workers planning to work overseas and declined approval if the contracts did not appear satisfactory. Immigration officials at the airport also inspected the employment contracts of prospective workers traveling to the Middle East. The Ministry of Labor and Social Affairs had limited success in regulating employment agencies that sent migrant workers to Middle Eastern countries. Some illegal employment agencies escaped government scrutiny and continued to operate. The consulate in Beirut continued to assist women who were trafficked to Lebanon, and a new consulate was opened in Dubai to assist women in the United Arab Emirates.

Persons with Disabilities

The law mandates equal rights for persons with disabilities; however, the Government had no established mechanisms to enforce these rights. Persons with minor disabilities sometimes complained of job discrimination. The Government did not mandate access to buildings or require government services for persons with disabilities. Although the Constitution provides for rehabilitation and assistance to persons with physical and mental disabilities, the Government devoted few resources to these purposes.

There were approximately 6 million persons with disabilities in the country, according to local NGOs. The conflict with Eritrea resulted in numerous soldiers losing limbs, many from landmine explosions. Wheelchairs were not widely available throughout the country. Although there were approximately 800,000 persons with mental disabilities, there was only 1 mental hospital and only approximately 10 psychiatrists in the country. There were approximately 70 NGOs that worked with persons with disabilities. For example, the Amhara Development Association provided vocational training to war veterans with disabilities in Bahir Dar. The Tigray Development Association operated a center in Mekelle that provided prostheses and seed money for business development, training, and counseling for persons with disabilities. The international NGO Landmine Survivors Network provided a number of services to victims of landmine explosions, including counseling and referrals to rehabilitation services.

National/Racial/Ethnic Minorities

There were more than 80 ethnic groups living in the country. The Oromo were the largest single group, accounting for 40 percent of the population. Although many groups influenced the political and cultural life of the country, Amharas and Tigrayans from the northern highlands played a dominant role. The federal system has boundaries drawn roughly along major ethnic lines, and regional states had much greater control over their affairs. Most political parties remained primarily ethnically based.

The military remained an ethnically diverse organization; however, diversity was less common in the higher ranks among officer personnel, which was dominated by members of the Tigrayan ethnic group. There were unconfirmed reports that soldiers targeted Oromos for abuse during the year.

There were occasional reports that teachers and other government workers had their employment terminated if they were not of the dominant ethnic group in the region.

There were continued incidents of ethnic conflict during the year, particularly in the western, southern, and eastern parts of the country. The Oromo group and the Government engaged in many clashes. There were also clashes among ethnic groups in Gambella, Southern Nations, and Somali regions.

Kidad Gacha, arrested for killing a woman and a child during inter-clan clashes in Bench-Maji Zone in June 2003, continued to await trial at year's end.

There were multiple clashes early in the year between police forces and Oromo students at a number of schools and universities, including institutions in Addis Ababa, Ambo, Alemaya, Nazereth, Awassa, Dilla, Debre Zeit, Jimma, and Bahir Dar (see Sections 1.c. and 1.d.). Protests were directed in part at the Government's decision to move the capital of the Oromo Region from Addis Ababa to Nazaret (Adama). Following protests by Oromo students at several schools and the expulsion from AAU of 330 students (see Section 2.b.), there were several incidents that resulted in deaths and injuries. In Ambo, hand grenades exploded in a school, killing several students and injuring others. At Alemaya Agricultural College and Adama Technical College, riots between Oromo and Tigrayan students armed with knives and sticks resulted in some severe injuries. A number of reports indicated that some of the Oromo students expelled from their universities were arrested on return to their home areas. In April, approximately 600 Oromo students fled across the border to Kenya. Violence decreased during the latter half of the year, although tensions remained high. By year's end, almost all of the students were reported to have returned.

In some instances, security forces were involved in ethnic clashes during the year, most prominently in the Gambella disturbances that began in December 2003 and continued until May. In December 2003,

unknown assailants, presumed to be Anuaks, ambushed a vehicle near the village of Itang, Gambella Region and killed eight government officials of ethnic groups not indigenous to Gambella Region. For 3 days, civilian mobs, with police and military present, killed more than 100 members of the Anuak tribe in retaliation. Parliament appointed a commission to investigate the killings and the possible involvement of the military in killing civilians. The parliamentary commission found that 65 persons had died, and that government soldiers killed 13 of them. Other accounts, including from a Parliament member from Gambella who witnessed the incident, indicated the number killed by the military was considerably higher.

Sporadic episodes of violence in the Gambella region between armed indigenous Anuaks on one side, and government forces and settlers from highland areas on the other, continued throughout the first half of the year. Some incidents were severe: Fighting between soldiers and Anuaks near Fugnido in late January reportedly resulted in 50 deaths, including civilians, and clashes near Dimma on January 29 and 30 left 196 persons dead. Many schools and clinics in the area outside Gambella were looted and burned; and farming was all but abandoned.

On June 9 and 10, 54 persons died in clashes between the Ogaden and Mejeri tribes in Warder Zone, Somali Region. The cause of the clashes remained unclear at year's end.

By year's end, there were no further developments in cases of ethnic violence from previous years. According to SEPDC, 12 of 127 members detained in connection with the 2003 violence in Tepi were released from jail in October. The rest were charged with inciting a riot and their cases remained pending at year's end.

Unlike in previous years, there were no reports of ethnic conflicts between refugees and local residents.

Unlike in previous years, there were no official reports of discrimination against Eritreans.

Other Societal Abuses and Discrimination

Homosexuality is illegal and punishable by simple imprisonment and in defined aggravated cases for not less than 3 months or more than 5 years. Where children under 13 years of age are involved, imprisonment of 5 to 25 years is provided. While homosexuality was not widely accepted by society, there were no reports of violence against homosexuals.

Societal discrimination against persons with HIV/AIDS continued during the year.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides most workers with the right to form and join unions; however, the law specifically excludes teachers and civil servants, including judges, prosecutors, and security service workers, from organizing unions. There was government interference in unions during the year.

The minimum number of workers required to form a union was 20. All unions had to be registered; however, the Government retained the authority to cancel union registration. There were no reports that the government used this authority during the year. The law stipulates that a trade organization may not act in an overtly political manner. Approximately 300,000 workers were union members.

Seasonal and part time agricultural workers were not organized. Compensation, benefits, and working conditions of seasonal workers were far below those of unionized permanent plantation employees.

The independent ETA was a target for government harassment. Although the Government recognized ETA, all public school teachers were required to subsidize the government created and controlled teacher's union (also called ETA) with mandatory monthly contributions of \$0.23 (2 Birr) that were automatically withheld from their monthly salaries.

In late 2003, the Federal High Court settled a 10-year-old court case, ruling that the Government's ETA had no legal standing or claim on the property of the independent ETA, and that the assets of the independent ETA's should be returned to it and its offices reopened. The new ETA appealed to the Supreme Court early in the year. The Supreme Court instructed the federal High Court to reinvestigate the case, and that investigation continued at year's end.

Complete government control of the Confederation of Ethiopian Trade Unions (CETU)'s executive committee continued throughout the year.

The law prohibits anti union discrimination by employers against union members and organizers; however, unions reported that union activists frequently were fired. Unlawful dismissal legal suits often took years to resolve because of case backlogs in the labor courts. According to labor leaders, a number of court cases in which workers were terminated for union activities were pending after 4 or 5 years. There were grievance procedures for hearings on allegations of discrimination brought by individuals or unions. Employers found guilty of anti union discrimination were required to reinstate workers fired for union activities.

b. The Right to Organize and Bargain Collectively

The Constitution protects the right of collective bargaining for most workers, and in practice the Government allowed citizens to exercise this right freely. Labor experts estimated that more than 90 percent of unionized workers were covered by collective bargaining agreements. Wages were negotiated at the plant level. Some efforts to enforce labor regulations were made within the formal industrial sector. There are no export processing zones.

In November 2003, the Parliament ratified amendments to Labor Proclamation 42, the main body of labor laws in the country that strengthen workers' positions in the event of termination; allow for multiple unions in the same undertaking; and restrict the definition of "essential services" as concerns the right of workers in those professions to strike.

Labor Proclamation 42 explicitly gives workers the right to strike to protect their interests; however, it contains detailed provisions that make legal strike actions difficult to achieve, such as a minimum of 130 days advance notice before striking. There has not been a legal strike since 1993. The law requires aggrieved workers first to make efforts at conciliation before striking and includes a lengthy dispute settlement process. These applied equally to an employer's right to lock out workers. Strikes must be supported by a majority of the workers affected.

Workers nonetheless retain the right to strike without resorting to either of these options, provided they give at least 10 days notice to the other party and to the Ministry, make efforts at reconciliation, and provide at least a 30 day warning in cases already before a court or Labor Relations Board.

The law also prohibits workers who provide essential services from striking, including air transport and railway service workers, electric power suppliers, bus operators, gas station personnel, hospital and pharmacy personnel, bank employees, firemen, postal and telecommunications personnel, and urban sanitary workers.

The ILO has noted that the complex regulations of the proclamation and the insufficient resources of the judicial system caused labor disputes to drag on for months and years.

The law prohibits retribution against strikers, but labor leaders said that most workers were not convinced that the Government would enforce this protection. Labor officials said that due to high unemployment and long delays in the hearing of labor cases, some workers were afraid to participate in strikes or other labor actions.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports such practices occurred (see Sections 5 and 6.d.) Forced labor could be used by court order as a punitive measure.

d. Prohibition of Child Labor and Minimum Age for Employment

There were laws against child labor; however, child labor remained a serious problem, both in urban and rural areas. Under the law, the minimum age for wage or salary employment is 14 years; this age is consistent with the age for completing primary school educational requirements. Special provisions cover children between the ages of 14 and 18, including the prohibition of hazardous or night work. By law, children between the ages of 14 and 18 years were not permitted to work more than 7 hours per day, work between the hours of 10 p.m. and 6 a.m., work on public holidays or rest days, or perform overtime work. The Government defined hazardous work as work in factories or involving machinery with moving parts, or any work that could jeopardize children's health.

The Ministry of Labor and Social Affairs is designated to enforce child labor laws. While the Government made some effort to enforce these regulations within the formal industrial sector, social welfare activists, civic organizers, government officials, and employers agreed that child labor was pervasive throughout the country, particularly in agrarian areas and in the informal sector. In urban areas, numerous children worked in a variety of jobs, including shining shoes, sewing clothes, hustling passengers into cabs, working as porters, selling lottery tickets and other small items, and herding animals. In rural areas, children worked on

family and commercial farms and as domestic laborers.

In February 2003, the Ministry of Labor and Social Affairs released the findings of a 2001 ILO funded survey on child labor. The survey found that 40 percent of children start work before the age of 6. It also found the average number of hours worked by children ages 5 to 17 during a 1 week reference period was 32.8 hours. Approximately 13 percent of boys and girls between the ages of 5 and 9 worked from 58 to 74 hours a week. More than two thirds of all children surveyed were giving either all or part of their earnings to their parents or guardians. Reduced household income from poor crop harvests and school dropouts were two contributing factors for the increased incidence of child labor.

Child laborers often were abused. A 1999 study concluded that physical and emotional abuse were twice as common among child workers compared with nonworkers, sexual abuse was five times as common, and neglect was eight times as common. Among child workers surveyed, rapes occurred exclusively among child domestic laborers.

The Government's definition of worst forms of child labor included prostitution and bonded labor. During the year, there were reports of forced or bonded labor of children who had been trafficked from the Southern and Oromiya Regions to other regions of the country, to work as domestic servants (see Section 5). Young girls reportedly were forced into prostitution by family members (see Section 5).

e. Acceptable Conditions of Work

The law mandates a minimum wage of approximately \$14 (120 Birr) per month for all wage earners in both the private and public sectors; in addition, each industry and service sector established its own minimum wage. For example, public sector employees, the largest group of wage earners, earned a minimum wage of approximately \$20 (175 Birr) per month; employees in the banking and insurance sector had a minimum wage of \$23 (200 Birr) per month. According to the Office of the Study of Wages and Other Remuneration, these wages did not provide a decent standard of living for a worker and family. Consequently most families needed to have at least two wage earners to survive, which forced many children to leave school early. In addition, only a small percentage of the population was involved in wage labor employment, which was concentrated largely in urban areas.

Labor Proclamation 42 stipulates a 48 hour legal workweek, consisting of 6 days of 8 hours each, with a 24 hour rest period. In practice, most employees worked a 40 hour workweek of five 8 hour days.

The Government, industry, and unions negotiated to set occupational health and safety standards; however, the inspection department of the Ministry of Labor and Social Affairs enforced these standards ineffectively due to a lack of resources. Enforcement also was inhibited by a lack of detailed, sector specific health and safety guidelines. Workers had the right to remove themselves from dangerous situations without jeopardizing their employment; however, most workers feared losing their jobs if they were to do so.

Labor laws also protect legal foreign workers.