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**JOINT SUBMISSION OF ETHIOPIA UN COUNTRY TEAM (UNCT)
FOR THE UNIVERSAL PERIODIC REVIEW (UPR) OF ETHIOPIA,
4TH CYCLE, 47TH SESSION**

April 2024

I. Background and Framework

Methodology for preparation of the report

This submission, which is a contribution to the 4th cycle UPR review of Ethiopia, has been prepared based on inputs from UN agencies, Funds, and Programmes operating in Ethiopia.¹ In line with the applicable guideline, the report focuses on capturing advancements registered in the implementation of recommendations made to Ethiopia during the 3rd review in May 2019.

II. Scope of international obligations and cooperation with human rights mechanisms

1. Ethiopia is party to seven core international human rights treaties,² while ratifications to the International Convention for the Protection of All Persons from Enforced Disappearance (CED) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) remain pending. Moreover, Ethiopia has not ratified all additional protocols except the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography.
2. On 13 February 2020, Ethiopia ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). Nevertheless, some concerns including forced return processes of internally displaced persons (IDPs) amidst safety concerns undertaken in Ethiopia after this ratification (*refer to section K*)

Recommendations:

- ✓ *Ethiopia should ratify the CMW, CED, and other protocols pending ratification.*
- ✓ *Ethiopia should prioritise adherence to the durable solution requirements outlined in the Kampala Convention. Specifically, Ethiopia should ensure that all return processes for IDPs are conducted in line with the principles of safety, dignity, and voluntariness.*

III. National Human Rights Framework

¹ Contributing entities were UNICEF, UN Women, UNDP, WHO, UNOHCHR, IOM, UNFPA, UNESCO, UNAIDS, UNCTAD, UNODC, ILO and UNHCR

² The International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT); and the Convention on the Rights of Persons with Disabilities (CRPD).

A. Constitutional and legislative framework

3. Article 9(4) of the Federal Constitution declares all ratified international instruments an integral part of the law of the land. Article 13(2) of the same constitution further stipulates that provisions of the constitution dealing with human rights should be interpreted in accordance with the principles of the Universal Declaration of Human Rights, international covenants on human rights, and international instruments adopted by Ethiopia. Similarly, Article 10 of the Federal Constitution provides that human rights and freedoms emanating from the nature of humankind are inviolable and inalienable.
4. Despite these explicit constitutional provisions, national courts are reluctant to adjudicate cases based on relevant provisions of ratified international human rights instruments. This can be attributable to the Constitution's complex arrangement, where the power to interpret the Constitution and adjudicate constitutional disputes is bestowed to a political organ called the House of Federation.
5. Following the reform initiatives launched in 2018, repressive legislation, such as the Registration and Regulation of Charities and Societies (Proclamation No. 621/2009), the Anti-Terrorism Proclamation (No. 652/2009) and the Proclamation on Freedom of the Mass Media and Access to Information (No. 590/2008) are revised. The UNCT contributed to the reform of the Anti-Terrorism and the Regulation of Charities and Societies proclamations through its continuous advocacy and provision of technical assistance to make the amended legislation in line with relevant international human rights standards.
6. The definition of torture included in the criminal code is not in line with the CAT and its amendment was pledged during the global event of "Human Rights 75" initiative held in Geneva in December 2023. In addition, the criminal code is deficient in properly defining/incorporating all elements of other international crimes, such as crimes against humanity and war crimes.

Recommendations:

- ✓ *Ethiopia should amend the Criminal Code and its criminal procedure and evidence code to ensure that the definition of torture and other international crimes are fully in line with relevant international standards with penalties that reflect the grave nature of such crimes.*
- ✓ *Strengthen efforts to raise awareness among judicial authorities, law enforcement officials, and the public about the practical application of international instruments.*

B. Institutional infrastructure and policy measures

7. Being accredited with an "A" Status by the Global Alliance of National Human Rights Institutions in December 2021, the Ethiopian Human Rights Commission (EHRC) has been delivering its mandate effectively and independently despite operating in challenging political and conflict contexts and a multitude of human rights abuses and violations in the country. However, the EHRC still faces challenges in conducting regular unannounced visits to places of deprivation of liberty.
8. The adoption of the third National Human Rights Action Plan (NHRAP) remains pending three years after Ministry of Justice (MoJ) submitted the draft to the Council of Ministers. During global "Human Rights 75" initiative, December 2023 in Geneva, Ethiopia pledged to adopt and implement the plan. However, Civil society organisations (CSOs) have raised

concerns that the draft solely focuses on civil and political rights.

9. In December 2023, the Transitional Justice Working Group of Experts (TJWGE), established by the MoJ, published the findings of its 58 community consultations conducted nationwide with the support of UNCT on the various transitional justice (TJ) policy options for Ethiopia.³ The TJWGE submitted to the MoJ a draft national TJ policy, which underwent four validation workshops in Addis Ababa in February 2024. On 17 April 2024, the Council of Ministers adopted the TJ Policy and unanimously agreed on its immediate implementation. In addition to documentation and publication with EHRC of the views and aspirations of victims and conflict-affected communities on TJ, the UNCT provided technical and financial assistance to the TJWGE and the MoJ to mainstream human rights standards into the public consultations and the TJ policy drafting.

Recommendations:

- ✓ *Provide all necessary support to the EHRC, to allow the commission to conduct unannounced visits, and monitor all places of deprivation of liberty in all contexts.*
- ✓ *Revise, adopt, and implement an inclusive and comprehensive NHRAP that duly considers the recommendations of the current UPR cycle.*
- ✓ *Ensure that the TJ policy's implementation processes are transparent, participatory, inclusive, and victim-centred and enriched by inputs from diverse stakeholders for its legitimacy and credibility, including through international judicial cooperation, and not unreasonably delayed.*
- ✓ *The TJ policy should assure accountability, including criminal accountability for gross violations and abuses of International Human Rights Law (IHRL) and serious violations of International Humanitarian Law (IHL), without any resort made to amnesty.*
- ✓ *The Government of Ethiopia (GoE) must create an enabling environment for the implementation of the TJ policy by peacefully resolving the existing conflicts, especially in the Amhara and Oromia regions.*

C. Cooperation with human rights mechanisms

10. The UNCT has been supporting the MoJ in strengthening its National Mechanism for Reporting and Follow-up (NMRF), including in the preparation and submission of outstanding national reports to human rights treaty bodies such as the Committee on Economic, Social and Cultural Rights (CESCR). With UNCT's support, the MoJ rolled out the use of its National Recommendations Tracking Database (NRTD) to enable strengthened follow-up on GoE's implementation of human rights recommendations.
11. Despite UNCT's ongoing support to the MoJ, the NMRF's capacity remains weak and fragmented. No visible effort is observed to fill the relevant department of the Ministry with the required number of qualified personnel, including at times when staff turnover is high.

³ This action was taken to implement the recommendations of the OHCHR-Ethiopian Human Rights Commission's joint investigation report (2021) and the Cessation of Hostilities Agreement signed between the Federal Government of Ethiopia and Tigray People's Liberation Front. Available at: https://drive.google.com/file/d/1TcZAilrggK9c_GywDUXlx60Y66rJDQqL/view?fbclid=IwAR1LIRhmt_NasWvm9RdvOockuUsSk6eA_IC4rCVQJK-uTMRdhk_jCqOCA4s

12. With the support of UNCT, CSOs increased their advocacy skills and active interaction with various human rights mechanisms such as in 2023 on CAT. A considerable number of CSOs, with the support of the UNCT, worked together on the various stakeholder submissions made to the current UPR cycle.

Recommendations:

- ✓ *The GoE should strengthen the key capacities of its NMRF, including by deploying dedicated human resources to the relevant MoJ department.*
- ✓ *Submit outstanding reports to human rights mechanisms including the CESCR.*

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination

13. In Ethiopia, the law is fragmented on the protection of women and girls against violence, and major gaps in the law continue, including no provision for restraining orders to protect victims of violence. Existing legislation is inadequate to deal comprehensively with all forms of gender-based violence, including domestic violence and sexual harassment. There are ongoing concerns with the revised Criminal Code, including the absence of a comprehensive definition of violence against women and that the definition related to rape under Article 620 limits rape to sexual intercourse and excludes sex in the context of marriage.⁴
14. The UNCT commends that the GoE is developing the first draft of the National Gender-Based Violence (GBV) Prevention and Response Policy, pending endorsement by the Council of Ministers. The GoE, with UNCT support, has also reviewed and updated several policies to lay positive ground for the adoption of the law on GBV and increase prevention, protection and response.⁵
15. Notwithstanding the GoE's commitment to end child marriage and female genital mutilation (FGM) by 2025 and the commendable banning of the medicalisation of FGM in the health sector,⁶ child marriage⁷ and FGM⁸ remain prevalent in Ethiopia. The UNCT is also concerned about the recent declaration by the Ethiopian Islamic Affairs Supreme Council in 2024 in support of the medicalisation of FGM.⁹
16. Conflict-related sexual violence (CRSV) was perpetrated in a premeditated manner during the conflict in Northern Ethiopia, with the use of rape and sexual violence as a weapon of war. Victims/survivors include women and girls, including those associated with parties to the conflict, IDPs, women in detention, older women, women with disabilities, men and boys and Eritrean refugees. For example, according to a report issued by the Inter-Ministerial Task

⁴ A review of Ethiopian law from a gender perspective, UN Women, 2022

⁵ These include the National Gender Equality and Women Empowerment Policy; an overarching National Standard Operating Procedures for GBV Response, Prevention and Risk Mitigation; a National Strategy on Prevention and Response to VAWC; and a National Coordinating Body on Prevention and Response to VAWC, 2023.

⁶ Ethiopia bans medicalization of female genital mutilation (FGM) | WHO | Regional Office for Africa

⁷ <https://www.unicef.org/ethiopia/media/6091/file/End%20Child%20Marriage%20Flagship.pdf>

⁸ <https://data.unicef.org/resources/a-profile-of-female-genital-mutilation-in-ethiopia/>

⁹ Ethiopia Islamic Supreme Council, Ulama Council, official statement, February 2024

Force in September 2022, at least 2,212 women and girls were subjected to different forms of CRSV, including rape and gang rape from November 2020 to April 2022 in Afar and Amhara regions.¹⁰ CRSV was also documented in the 2021 report of the joint OHCHR/EHRC Investigation.¹¹ In Ethiopia, people living with HIV (PLHIV) continue to encounter stigma and discrimination when accessing healthcare,¹² especially women, adolescents and young adults, female sex workers, people who inject drugs, older persons and persons from lower socio-economic backgrounds. Efforts have been made to establish a complaint mechanism system for each health facility, and end-users are free to exercise their rights, but system functionality and access across the regions are incomplete. The lesbian, gay, bisexual, transgender and intersex (LGBTI) populations face additional challenges due to the criminalization of “homosexual or any other indecent acts” with another person of the same sex in the Criminal Code.

Recommendations:

- ✓ *The Criminal Procedure and Evidence Code, which is under revision, should include a comprehensive, clearly stated definition of what constitutes GBV.*
- ✓ *Adopt and implement a comprehensive and inclusive law on GBV, addressing all forms of violence against women and girls.*
- ✓ *Scale up standard prevention and protection measures through timely and available national data on all forms of GBV and harmful practices (FGM and forced and child marriage), which will support evidence-based, comprehensive, and inclusive legislation.*
- ✓ *Strengthen efforts to hold perpetrators of CRSV accountable, particularly in conflict-affected regions, ensuring that perpetrators are prosecuted, irrespective of rank, and victims/survivors access effective remedies and reparations.*
- ✓ *Ensure that all individuals have equal access to health services without any discrimination based on their HIV status or any other ground and reinforce the complaint mechanism system.*

B. Right to life, liberty and security of the person

17. Intercommunal violence and armed conflicts have significantly impacted the security of civilians in the country. Identity-based attacks by armed groups have increased. The UNCT welcomes the Agreement for Lasting Peace and Cessation of Hostilities signed by the Government of the Federal Democratic Republic of Ethiopia and the Tigray Peoples’ Liberation Front on 2 November 2022. However, it is concerned about the effectiveness of government’s efforts to prevent violence, maintain peace, and ensure the rule of law across the country.
18. Despite consistent and several credible allegations of extrajudicial killings documented in the period under review, there is concern about the lack of information about investigations conducted by the GoE into such cases, notably incidents during military operations in Tigray, Amhara, Afar and Oromia regions.

¹⁰ <https://drive.google.com/file/d/1Ksu0IDUBPibFMRPFRxfWCVZjHceSuATk/view>

¹¹ Report available: <https://www.ohchr.org/sites/default/files/2021-11/OHCHR-EHRC-Tigray-Report.pdf>.

¹² In collaboration with the UNCT, the Ministry of Health conducted a recent rapid assessment of the stigma and discrimination experienced by PLHIV in healthcare facilities and found that PLHIV encounters greater levels of stigma and discrimination from the healthcare staff when seeking services unrelated to HIV.

19. The GoE revised the legal regime for the administration of prison facilities, including a regulation on the treatment of inmates, a revision of the curricula of prison police, and a more robust system for prison monitoring. Improvements have also been reported regarding the rules applicable to children living in prisons with their mothers and young offenders. However, there are concerns about the provision of basic services and allocation of resources for inmates at the federal and regional levels, including for vulnerable groups.

Recommendations:

- ✓ *Conduct prompt, thorough, and impartial investigations into all credible allegations of extrajudicial killings, particularly in conflict-affected areas such as Tigray, Amhara, Afar and Oromia regions, ensuring transparency and accountability in the process.*
- ✓ *Take immediate measures to ensure the safety and protection of conflict-affected populations, including civilians and vulnerable groups, and provide access to humanitarian assistance and protection services.*
- ✓ *Strengthen mechanisms for monitoring and reporting on human rights violations, including extrajudicial killings, and cooperate fully with international human rights bodies and mechanisms to address these concerns effectively.*
- ✓ *Allocate sufficient resources to address inadequacies in the provision of basic services and support for the needs of inmates, especially for vulnerable groups.*

C. Administration of justice, including impunity and the rule of law

20. Data collected from the UNCT and other stakeholders¹³ indicates that the performance of national institutions dealing with the criminal justice system (the police, prosecution, and judicial institutions) has been perceived by parts of the population as inadequate, raising concerns over their independence, credibility, and competence. For example, the UNCT and the EHRC collected views between July and March 2023 of over 800 conflict-affected populations¹⁴ in various parts of the country¹⁵ to inform TJ discourse indicated sentiments of a lack of trust toward, for example, the security forces and the Judiciary, deemed to have been lacking capacities or willingness to intervene according to their mandates.
21. The slow pace of accountability processes for human rights violations continues to perpetuate a culture of impunity and a loss of trust in the justice system. The UNCT observed trends of human rights violations resulting from excessive use of force by security forces, including the police and government-affiliated militia, in law enforcement and military operations, particularly in Oromia, Tigray and Amhara regions. Additionally, the declaration of a state of emergency on 4 August 2023 in the Amhara region, extended on 2 February

¹³ See for example TJWGE's report issued in December 2023 in footnote 2; Harvard Humanitarian Initiative report "Ethiopia peace and Justice Survey 2023", available at <https://hhi.harvard.edu/publications/ethiopia-peace-justice-survey-2023>

¹⁴ Report of the Ethiopian Human Rights Commission (EHRC) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the Findings of Community Consultations on Transitional Justice (TJ) with Victims and Affected Populations in the Federal Democratic Republic of Ethiopia 28 December 2023, available at <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2023/12/report/flash-report-on-the-human-rights-situation-in-the-occupied-west-bank-including-east-jerusalem-following-the-attacks-on-7-october-2023/OHCHR-EHRC-Report-TJ-28-12-23.pdf>,

¹⁵ Afar, Amhara, Harari, Oromia, Somali and Tigray regions, and Dire Dawa city administration.

2024 for four additional months, saw limited or no judicial review/oversight of detentions, leading to widespread arbitrary arrests not limited to the Amhara region.

22. The UNCT provided technical support to the criminal justice system organs to build their capacity to uphold the rule of law and hold perpetrators accountable in accordance with international human rights law as essential steps toward upholding human rights and justice in the country.
23. The Federal Supreme Court of Ethiopia adopted a charter to regulate the coordination and organisation of the federal criminal justice administration, making progress at the normative level. The charter establishes guidance to align criminal investigations, charging, treatment of suspects, defendants, and prisoners, and court proceedings with rule of law principles.
24. The UNCT welcomes the adoption in August 2023 by the GoE of Ethiopian Justice Sector Three-Year Transformational Plan and the Free Legal Aid Strategy in December 2023 and prompts the mobilisation of required resources for their swift implementation. The latter extends access to justice and related services to broad sections of society, including communities under extreme vulnerability. No significant progress was observed in the adoption of the draft Proclamation on Protection of Witness and Whistleblowers Bill – which remains to be finalized by the MoJ.
25. With support from the UNCT, the MoJ prepared a draft Proclamation on the Use of Force by law enforcement officials aimed at preventing excessive force use by law enforcement personnel, aligned with international human rights standards, and with provisions on accountability. The draft was submitted to the Council of Ministers in 2019 but has remained pending since then.
26. The minimum age of criminal responsibility in Ethiopia is nine years under the current criminal code, and the juvenile justice system mostly treats those between the ages of 9 and 15 as adults, while the Criminal Code provides some special protection and rehabilitation measures. There are limitations in the availability and quality of child-friendly justice services, rehabilitation centres and community-based correctional services. A legal basis and strategy for prioritisation of diversion measures and alternatives to detention is lacking.

Recommendations:

- ✓ *Prioritize efforts to strengthen the administration of justice through comprehensive reforms aimed at enhancing the justice system's consistency, creditability, independence, and adherence to international human rights standards.*
- ✓ *Ensure the consistent and transparent application of the Federal Supreme Court's recently adopted charter to regulate the criminal justice administration.*
- ✓ *Provide comprehensive training to law enforcement actors including on the lawful and proportionate use of force.*
- ✓ *Strengthen national capacities on the investigation, prosecution and adjudication of gross violations of IHRL and serious violations of IHL.*
- ✓ *Enact a comprehensive legal framework and working procedures to implement the Free Legal Aid Strategy, as per the voluntary pledge within the "Human Rights 75" initiative.*
- ✓ *Adopt the proclamation on the use of force by law enforcement bodies and implement mechanisms to ensure accountability for allegations of excessive use of force.*

- ✓ *Raise the minimum age of criminal responsibility in line with the recommendations of the Committee on the Rights of the Child.*
- ✓ *Develop legal and policy frameworks for the diversion of children in conflict with the law and expand rehabilitation centres and community-based correctional services.*

D. Right to marriage and family life

27. The new Directive on Alternative Childcare, Directive No. 976/2023, is a welcome development.¹⁶ However, children placed in alternative care face multiple challenges, including overcrowding and protection gaps. Government-run and private childcare institutions do not have appropriate quality assurance, supervision, and monitoring mechanisms. A holistic care reform is needed, including family and community-based programmes led by the Government.
28. The UNCT remains concerned that despite the prevalence of sexual violence in the marital context, the GoE has not yet criminalized marital rape.¹⁷ Similarly, despite constitutional guarantees for girls and women in the context of marriage and the criminalization of early and forced marriage, the practices of child marriage are still rampant.

Recommendations

- ✓ *Intensify efforts to implement the Directive on Alternative Childcare to ensure the adequate provision of essential needs to address protection gaps and have appropriate quality assurance, supervision, and monitoring mechanisms in childcare institutions.*
- ✓ *Ensure effective implementation of laws that protect women from early and forced marriage, including by mobilising the community and other grassroots and higher-level stakeholders.*
- ✓ *Amend the Criminal Code to criminalise marital rape.*

E. Freedom of expression, association, peaceful assembly, and right to participate in public and political life.

29. The opening of civic and political space initially observed following the appointment of the current Prime Minister in 2018 has regressed, as restrictions on the right of freedom of expression were imposed through broadly defined declarations of a state of emergencies and law enforcement operations since 2021, which have led to the arrest and detention of thousands including members of civil society¹⁸ and media workers.
30. Despite some reforms, the UNCT continued to document arrests and detention of national and international journalists, including the recent arrests of French journalist Mr Antoine Galindo (arrested on 22 February 2024; released on 29 February 2024) and social media blogger Mr Muhidin Mohammed (arrested on 13 February 2024; charged on 18 March

¹⁶ African Committee of Experts on the Rights and Welfare of the Child concluding recommendations Feb. 2022, Recommendations on “Family environment and alternative care” Para. 19-23

¹⁷ A review of Ethiopian law from a gender perspective, UN Women, 2022: <https://africa.unwomen.org/sites/default/files/2022-04/Review%20of%20Ethiopian%20Law%20from%20a%20Gender%20Perspective%20Final.pdf>

¹⁸ For more detailed information and alleged rights violations during detention and arrest, please refer to OHCHR’s oral update to the UN Human Rights Council: <https://www.ohchr.org/en/2021/12/special-session-human-rights-council-grave-human-rights-situation-ethiopia>; and press briefing: <https://www.ohchr.org/en/press-briefing-notes/2022/01/press-briefing-notes-ethiopia>

2024). These and other related incidents, for example, the temporary revocation of the Somali Region Journalist Association license in 2023 and intermittent Internet shutdowns usually affecting particular regions or nationwide, highlight the ongoing challenges to media freedom particularly, and freedom of expression, broadly. In 2023, 15 journalists were detained in Addis Ababa, with eight released (two unconditionally and six on bail), while seven were held without formal charges. The majority of these arrests, particularly 12 out of the 15 occurring between 6 August 2023 and 13 November 2023, coinciding with the heightened implementation of the state of emergency measures imposed following the escalation of the clashes between government forces and Fano in the Amhara region. These incidents highlight the imperative for Ethiopia to guarantee a free environment conducive to the exercise of freedom of opinion and expression, including by the media in line with its international human rights commitments.

31. Since the declaration of a state of emergency in August 2023 and ongoing conflict in the Amhara region, challenges persist with law enforcement officials' adherence to guidelines and handling of public assemblies. Ongoing efforts are necessary to ensure the adequate implementation of guidelines, provision of appropriate equipment, and continuous training for law enforcement officials to effectively and responsibly police public assemblies. The UNCT has supported training sessions targeting the police across the country¹⁹. Despite these efforts, concerns remain over the conduct of law enforcement officials during the policing of gatherings in Ethiopia.

Recommendations:

- ✓ *Foster an environment conducive to the free exercise of freedom of opinion and expression, promoting open dialogue, tolerance, and respect for diverse viewpoints.*
- ✓ *Uphold the rule of law and respect for human rights by addressing reports of arbitrary detention of political opponents, protesters, human rights defenders, and journalists, and ensure that legal safeguards are upheld, particularly during states of emergency.*
- ✓ *The imposition of states of emergency in any part of the country should be assessed to ensure its compliance with the principles of legality, necessity, and proportionality, and to avoid adverse impact on the exercise/enjoyment of human rights.*
- ✓ *Strengthen adherence to guidelines for policing public assemblies by law enforcement officials through training programs focused on human rights principles and international standards.*

F. Right to work and to just and favorable conditions of work

32. The GoE has developed policies related to addressing workplace harassment and sexual exploitation, and abuses,²⁰ and the care economy²¹ and is revising the occupational safety

¹⁹ In Amhara, Tigray, Benishangul Gumuz, Somali, Southern Nations, Nationalities, and Peoples' Region and Sidama regions as well as in Addis Ababa and Dire Dawa City Administrations.

²⁰ National Health Sector Prevention and Response to Workplace Harassment and Sexual Exploitation and Abuse Guidelines (2021) and a training package.

²¹ The Ministry of Women and Social Affairs has drafted the Gender Equality and Women Empowerment policy. The policy has been submitted to the Ministry of Planning and Development for review and endorsement before submission to the Council of Ministers.

and health legislative framework.²² According to the 2021 Ethiopian Labor & Migration survey, women participate less in the labour market than men.²³ Women tend to work more in the informal sector and spend more time on care as a primary or secondary activity than men.²⁴ Ethiopian Labor Law No. 1156/2019 has raised the period granted to pregnant women for maternity leave from three to four months. Although efforts are underway to establish a minimum wage, it is still absent.²⁵

Recommendations:

- ✓ *Draft and adopt a standalone care economy policy and a national strategy to guide the enforcement of the policy to address policy gaps related to paid and unpaid work in the care economy to enhance economic growth, gender equality, and women's empowerment.*
- ✓ *Adopt legislation to establish a wage board to set minimum wage to improve the living conditions of workers.*

G. Right to social security and an adequate standard of living

33. The GoE has made commendable efforts for rapid economic development through expanded public financing for social investment and emergency response, largely from domestic resources. The Ten-Year Development Plan has increasingly aligned its budget formulation with the Sustainable Development Goals (SDG) agenda, and the Policy and Strategy on National Social Protection adopted in 2016 will be reviewed in 2024. However, the armed conflict in several regions, coupled with inflation, has exposed communities to economic shocks.

Recommendations:

- ✓ *Enhance and strengthen the national policy on social protection, particularly for children, women, persons with disabilities, and older people.*

H. Right to health

²² The legislation is being revised so that the Government can take the necessary measures to ensure that workers who remove themselves from a work situation which they have reasonable justification to believe presents an imminent and serious danger to their life or health are protected from undue consequences and cannot be required to return to a work situation where there is a continuing imminent and serious danger to life or health.

²³ 56.8 per cent of women participate in the labour market, while the figure for men is 72.6 per cent.

²⁴ 9.03 hours vs 0.72 hours: IDRC (2020), Policy mapping: Women's economic empowerment in Ethiopia.

²⁵ Roadmap towards a sustainable minimum wage system adopted on 16 May 2019 in Bishoftu, while the Labour Proclamation 1156/2019 (September 2019) regulating employment relations and wage protection referred to the future establishment of a Wage Board

https://www.ilo.org/africa/media-centre/articles/WCMS_895391/lang--en/index.htm

https://africa.unwomen.org/sites/default/files/2024-03/report_gender_pay_gap_and_labour_market_inequalities_in_ethiopia.pdf

34. The GoE efforts, with UNCT support, have led to a significant decline in maternal mortality rates,²⁶ though rates remain high. Access to maternal and reproductive health services has also improved, but despite this overall national progress, there is a high regional disparity in performance and a high unmet need for maternal and reproductive services. The UNCT is concerned about the lack of high-quality data on maternal and child mortality rates, which is crucial for decision-making.
35. The GoE has developed a process for the geographic distribution of health facilities closer to the community to enhance access, as the number of health posts, health centres, and primary hospitals is progressively increasing. This includes targeting urban areas, agricultural areas, and mobile areas, depending on the lifestyle of the population, for example, provision of mobile clinics to address the needs of mobile population in the Somali region. The health sector is also making extensive efforts and progress in addressing the SDG targets on health-related thematic areas²⁷ and the social determinants of health that determine the perception of health, including geographical locality, gender, education, age and environment.
36. A Community-Based Health Insurance (CBHI) system is another feature that ensures service provision to those in need, including vulnerable groups. The CBHI scheme seeks to put an end to the potentially devastating out-of-pocket health expenses for Ethiopians who work in the informal sector and earn income below a certain minimum threshold. As such, it is a key component of the country's pursuit of universal health coverage. Efforts are ongoing to address the health situation of vulnerable categories such as persons in street situations, such as street children or adolescents and Persons with Disability (PwD) through different programmatic strategies, including emergency response and recovery. The overall outcomes may not be optimum, given the human resource, economic, environmental and security challenges facing Ethiopia, but encouraging efforts are underway.
37. The GoE has developed the Health Sector Transformation Plan 2020-2025 for comprehensive health service delivery following principles of equality and non-discrimination. Programmatic strategies in the health sector are also progressively being redesigned to be inclusive of gender, human rights and disability.²⁸

Recommendations:

- ✓ *Continue improving access of women to health services, in particular reproductive health services, with a view to reducing the maternal and child mortality rate.*
- ✓ *Strengthen the quality of low-cost health care by sustaining political will, peace, and a*

²⁶ According to a WHO estimate, the maternal mortality ratio in 2010 and 2020 was 490/100,000 and 267/100,000 live births. The skilled delivery rate has improved significantly, which was 10% in 2011 and became 50% in 2019 (Ethiopia Demographic and Health Survey (EDHS)). Leading causes of maternal death in Ethiopia include Obstetric haemorrhages (56.1 %), Hypertensive Disorder of Pregnancy (11.7 percent), and Infection (7.8%). Prematurity was the leading cause of perinatal death, contributing to 35.6 percent of deaths, followed by birth asphyxia at 31.2 percent.

²⁷ SDGs 1,2,3, 5,6,9,13,17

²⁸ The GoE health sector, Human Resource for Health through the Motivated, Competent and Compassionate (MCC) strategy revised in March 2022, obliges health workers to practice professional ethics and treat people without discrimination. Other strategies include the Health Sector Gender audit undertaken at the national level in 2021; the National Health Sector Healthy Ageing Strategy 2020- 2025 (another entry point for elderly and disability inclusion); and the Revised Health Sector Gender Mainstreaming Manual of 2021 and Disability Inclusion Manual of 2022.

commitment to providing innovative policies, strategies, and programmes.

- ✓ *Improve inclusivity in the provision of health services, reduce access barriers, and distribute health services and resources without discrimination.*

I. Right to education

38. The GoE has put in place favorable policies and an enabling environment to improve equitable and inclusive access to quality education.²⁹ The GoE plans to ensure free, compulsory, and accessible pre-primary education to children aged 5 and 6, but the progress is slow.³⁰ Commendable advances were made to enhance access to education for all school-aged children, including increasing girls' primary school enrolment rate. However, the education sector in Ethiopia faces several challenges, including inadequate financing, low learning outcomes,³¹ low completion rates, high repetition, dropout rates,³² and a decline in the net enrollment rate for primary schools. Conversely, the net enrolment rate for secondary academies improved.
39. Major concerns in the education sector also include the lack of competent teachers, appropriate curriculum, adequate textbooks, and low school standardization with significant gender³³ and regional disparities.³⁴ Only 1.3 percent of children with disabilities are enrolled in pre-primary education, 11 percent in primary education, 2.8 percent in secondary education, and 36 percent of schools have toilets accessible to children with disabilities.³⁵

²⁹ GoE Committee on the Rights of the Child (CRC) report 2021 para. #180. The GoE is drafting a General Education Proclamation that will provide a comprehensive standard for education in Ethiopia. The draft Education and Training Policies are also being finalized. The key government priorities, plans, policies, and programs relevant to ensuring equitable and inclusive access to quality education in Ethiopia include the Ten-year Development Plan to 2030, Education Sector Development Programme VI (2020/21 – 2024/25, new Education and Training Policy 2022, Education and Training Roadmap 2030 (focuses on improving access, equity and quality in six thematic areas, namely pre-primary and primary education, secondary and preparatory education, teacher's education and development, higher education, TVET, and policy, governance and leadership), Ethiopian Education Transformation Plan (EETP), comprehensive General Education Curriculum Reform, ICT in Education Policy 2023, Digital Education Strategy 2023 and its Implementation Plan, the new Early Childhood Care and Education Policy 2023 and its Strategic Operational Plan, etc.

³⁰ Ministry of Education, 2022: Ethiopian Education and Training Roadmap 2030.

³¹ The most recent figure of results of university entrance exams of grade 12 students who took the Ethiopian Higher Education Entrance Certificate Examination (EHEECE) shows that only 3.1 (2022) and 3.2 percent (2023) of students passed while about 97 percent of students failed to pass the entrance exam is an indicator of poor education outcomes.

³² The Ministry of Education and UNICEF joint study in 2021 estimated the magnitude of children out of school in general education (aged 7 to 18) to be over 16 million while the latest World Bank study (World Bank. 2023. Out-of-school Children and Adolescents - A Flagship Report on Out-of-School Children and Adolescents in Ethiopia: Toward Effective Policies and Implementation) put the figure to over 20 million children. More than one in three school-age children and adolescents were out of school in 2022.

³³ GoE acknowledged the huge gap in the provision of gender and disability-friendly school facilities and expressed its commitment to providing better school facilities as well as safe and friendly sanitary amenities. (CRC country report, 2021 Para. 205.)

³⁴ Somali, Afar, and Gambella regions are the least progressing regions in the education sector. (See UNICEF Ethiopia 'Education Investments in Challenging Time 2021/2022' <https://www.unicef.org/ethiopia/media/7041/file/National%20education%20budget.pdf>)

³⁵ See African Committee of Experts on the Rights and Welfare of the Child Concluding Observations Feb. 2022 Para. 36

Despite the expansion of education for refugee children in Ethiopia, a sizable number of children are still out of school.

40. The humanitarian situation, drought and flooding, and the ongoing insecurity and conflict across the country resulting in large-scale population displacement, destruction of education facilities and involvement of children in armed conflict have jeopardized progress on the right to education.

Recommendations:

- ✓ *Adopt a law on free, compulsory, and accessible pre-primary education and step-up efforts to address the socio-economic barriers of out-of-school children.*
- ✓ *Design and implement strategies to enhance girls' learning outcomes through gender-transformative curricula, schools, and community outreach initiatives.*
- ✓ *Enhance access to education by expanding school infrastructure in rural areas, rebuilding schools that have been destroyed due to the conflict, and temporary learning places must be provided until schools are rebuilt.*
- ✓ *Sign the Safe Schools Declaration, Paris Principles, and Vancouver Principles in line with recommendations from the UN Special Representative of the Secretary-General for Children and Armed Conflict in June 2023.*

J. Persons with disabilities

41. With support from UNCT and engagement with PwD, in 2021-2022, the GoE developed a draft Disability Proclamation to strengthen and mainstream legal protections for PwD in law and practice. Adoption remains pending. The absence of a comprehensive law continues to put PwD in extreme vulnerability, contributing to their marginalisation, limiting their access to services and depriving them of decent employment and livelihood opportunities. As the 10-year National Plan of Action of Persons with Disabilities (2012-2021) expired, the Ministry of Women and Social Affairs (MoWSA) started developing the 2nd action plan (2023-2032), with UNCT's support.

Recommendations:

- ✓ *Finalise and adopt the draft Disability Proclamation and facilitate its implementation through the allocation of necessary resources.*
- ✓ *Develop 10-year National Action Plan for PwD in line with the Convention on the Rights of PwD and other relevant legal frameworks.*
- ✓ *Include PwD in all decision-making processes affecting the country's political, economic and social spheres.*

K. Migrants, internally displaced persons, refugees and asylum seekers

42. The UNCT commends the GoE for the draft legislation and policies³⁶ developed in recent years to address migration in a comprehensive manner. In 2023, with the aim of domesticating the Kampala Convention, the GoE, with UNCT support, started developing a

³⁶ National Migration Policy (2021), Regulation on Victim's Fund Administration (2023), as well as the implementation of the Reintegration Directive (2023), Legal Aid Strategy (2023), the Operationalization of the National Referral Mechanism (starting 2024) and the upcoming 5-year National Strategic Plan on Migration.

draft proclamation on the prevention of internal displacement and the provision of protection and assistance to IDPs. The proclamation -which is yet to be adopted- provides IDPs a full spectrum of protection, including freedom of movement, participation, safety and security, and access to services and documentation. Despite this, concerns remain regarding the right of IDPs to make a free and informed decision about their preferred durable solution, including the return of individuals without undergoing intentional surveys, while IDPs are compelled to return under threat of assistance withdrawal and denial of basic services to a place of origin where there are heightened insecurities.

43. The GoE has made considerable progress regarding counter-trafficking with the adoption of Proclamation 1178/2020,³⁷ which provides a coordinated response to human trafficking. The GoE, with support from the UNCT, also established the 'Prevention of Trafficking in Persons and Monitoring and Assistance of Returnee Citizens' department within MoWSA.
44. The GoE is developing an integrated approach to labour migration governance by revising the existing overseas employment Proclamation 923/2016 and its amendment 1246/2021 and engaging in bilateral dialogues and Memoranda of Understanding (MoUs) to promote regular pathways with destination countries.
45. The UNCT is concerned about the lack of progress in the civil registration and vital statistics (CVRS) system, especially in rural areas, areas impacted by conflict, and among migrant and refugee children. Birth registration is a fundamental right³⁸ and enables legal forms of identification and access to government services.
46. The GOE has exceptionally allowed access to territory and asylum, including group recognition for individuals fleeing violence in Laascaanood, Somalia, and Sudan. However, the suspension of access to asylum across the country since 2021 has continued to limit access to asylum procedures for individuals seeking international protection in Ethiopia.
47. Recently, there has been an increase in arbitrary arrest and detention of refugees, asylum seekers, and individuals who may need international protection, compounded by a lack of valid identification documents issued to them by the authorities. Detention incidents created a risk of refoulment for many refugees and asylum seekers and contributed to irregular onward movement, where individuals feel compelled to move to other countries without proper documentation or legal authorization.
48. The conflict in various regions of Ethiopia impacted on the safety and security of refugees, asylum seekers, and IDPs living in camps and with host communities. The conflicts have forced many refugees into further displacement, resulting in exposure to further violation of their rights.

Recommendations:

- ✓ *Fast-track the adoption and implementation of the IDP Proclamation while continuing to find durable solutions for internal displacement and ensuring accountability of violations.*
- ✓ *Ensure the involvement of IDPs in the decision-making process before return or relocation takes place.*
- ✓ *Further strengthen existing measures to combat trafficking in persons and smuggling of persons and design new strategies to respond to the changes in context and nature of the problem.*

³⁷ Proclamation on Prevention and Suppression of Trafficking in Persons and Smuggling of Persons 1178/2020

³⁸ An individual has the right to birth registration and nationality and to not be arbitrarily deprived thereof (UDHR, Article 15). Recognition everywhere as a person and equality before the law without discrimination is also established by the International Covenant on Civil and Political Rights (ICCPR, Articles 16 and 26). The right to an identity, starting from birth – as guaranteed in Articles 7 and 8 of the Convention on the Rights of the Child (CRC) – derives from the right to be recognized as a person before the law.

- ✓ *Incorporate gender-sensitive and rights-based approaches into bilateral dialogues and MoUs with destination countries.*
- ✓ *Enhance the CRVS system by expediting legal reforms to remove barriers to registration, simplify and digitise processes.*
- ✓ *Allow access to the asylum system for individuals in need of international protection inside the country and at various entry points.*

L. Right to development and environmental issues

49. The GoE has made efforts to improve Disaster Risk Management (DRM) and ensure activities align with social protection and climate change adaptation initiatives, emphasising the inclusion of the most vulnerable and marginalised populations. But further efforts are needed to enhance inclusive DRM efforts, such as improved and more precise targeting of vulnerable groups in early warning system data collection, analysis, reporting, and messaging, as well as in early action and response.

Recommendations:

- ✓ *Ensure that the disaster risk management policy addresses existing and new risks of gender-based violence within the context of disaster risk reduction.*

M. Human rights and counter-terrorism

50. The Prevention and Suppression of Terrorism Crimes No. 1176/2020 replaced Anti-Terrorism Proclamation No. 652/2009 which was incompatible with international human rights standards. The new law aims to close substantive and enforcement loopholes in the previous law, prevent and suppress terrorism, and protect the rights and freedoms of individuals and the prevalence of accountability of law enforcement bodies. However, the use of vague terminology and overly broad restrictions on the right to freedom of expression are of concern.³⁹

Recommendations:

- ✓ *Review the Prevention and Suppression of Terrorism Crimes Proclamation to ensure its provision and implementation align with international human rights standards.*

³⁹ Human Rights Committee's Concluding Observations, CCPR/C/ETH/CO/2