
Committee against Torture

Forty-fifth session

1-19 November 2010

Consideration of reports submitted by States parties under article 19 of the Convention

Concluding observations of the Committee against Torture

ADVANCE UNEDITED VERSION

Ethiopia

1. The Committee against Torture considered the initial report of Ethiopia (CAT/C/ETH/1) at its 957th and 958th meetings (CAT/C/SR.957 and 958), held on 2 and 3 November 2010, and adopted, at its 974th and 975th meetings (CAT/C/SR.974 and 975), the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Ethiopia which generally follows the Committee's guidelines for reporting. However, the Committee regrets that the report lacks statistical and practical information on the implementation of the provisions of the Convention and that it was submitted fourteen years late, which prevented the Committee from conducting an analysis of the implementation of the Convention in the State party following its ratification in 1994.

3. The Committee notes with appreciation that a high-level delegation from the State party met with the Committee during its forty-fifth session, and also notes with appreciation the opportunity to engage in a constructive dialogue covering many areas under the Convention.

B. Positive aspects

4. The Committee welcomes the efforts and progress made by the State party since the downfall of the military regime in 1991, including a process of legislative reform designed to combat torture and other cruel, inhuman or degrading treatment or punishment.

5. The Committee welcomes the fact that, in the period since the entry into force of the Convention for the State party in 1994, the State party has ratified or acceded to the following international and regional instruments:

- a) The Convention on the Rights of Persons with Disabilities, in 2010;
- b) The African Convention on Human and Peoples' Rights, in 1998.

6. The Committee notes the efforts undertaken by the State party to reform its legislation to ensure better protection of human rights, including the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment, in particular:

a) The adoption in 1994 of a Federal Constitution which prohibits all forms of torture and other cruel, inhuman or degrading treatment or punishment, provides for humane treatment of persons deprived of their liberty, and bars the application of the statute of limitation to crimes such as torture; and

b) The adoption in 2004 of the revised Criminal Code which criminalizes all acts of torture and cruel, inhuman or degrading treatment or punishment, sexual violence and harmful traditional practices.

7. The Committee notes the adoption by the State party of specific directives and regulations guiding the conduct of law enforcement officers, the breach of which entails disciplinary sanctions, dismissal or criminal prosecution:

a) The Federal Prosecutor Administration Council of Ministers Regulations No. 44/1998;

b) The Federal Police Commission Administration Regulations No. 86/2003;

c) The Federal Wardens Administration Council of Ministers Regulations No. 137/2007;

d) The Treatment of Federal Prisoners Council of Ministers Regulations No. 138/2007; and

e) The Defence Forces Administration Directive/Regulation.

8. The Committee notes with appreciation that the State party was able to submit its overdue reports to United Nations human rights treaty bodies under a joint treaty reporting project of the Ministry of Foreign Affairs, the Ethiopian Human Rights Commission and the Office of the United Nations High Commissioner for Human Rights.

C. Principal subjects of concern and recommendations

Definition of torture

9. The Committee notes that the Federal Constitution of Ethiopia prohibits torture and that article 424 of the revised Criminal Code contains a definition of the 'use of improper methods'. However, the Committee is concerned that this definition is more limited in scope than the definition of torture in article 1 of the Convention, as it only covers some of the purposes envisaged in article 1 and only applies to acts committed in the performance of their duties by public servants charged with the arrest, custody, supervision, escort or interrogation of a person under suspicion, arrest, detention or summoned to appear before a court or serving a sentence. The Committee notes that acts of torture falling outside the definition in article 424 of the revised Criminal Code are punishable only under the offence of 'abuse of power', although the Convention forms part of the domestic law in Ethiopia (arts. 1 and 4).

The State party should include torture as an offence in its Criminal Code, which must be punishable by appropriate penalties taking into account its grave nature, and incorporate a definition of torture that covers all of the elements contained in article 1 of the Convention. By naming and defining the crime of torture in accordance with the Convention and distinct from other crimes, the Committee considers that States parties will directly advance the Convention's overarching aim of preventing torture by, inter alia, alerting everyone, including perpetrators, victims and the public to the special gravity of the crime of torture, and by improving the deterrent effect of the prohibition itself.

Widespread use of torture

10. The Committee is deeply concerned about numerous, ongoing and consistent allegations concerning the routine use of torture by the police, prison officers and other members of the security forces, as well as the military, in particular against political dissidents and opposition party members, students, alleged terrorist suspects and alleged supporters of insurgent groups such as the Ogaden National Liberation Front (ONLF) and the Oromo Liberation Front (OLF). It is concerned about credible reports that such acts frequently occur with the participation, at the instigation or with the consent of commanding officers in police stations, detention centers, federal prisons, military bases and in unofficial or secret places of detention. The Committee also takes note of consistent reports that torture is commonly used during interrogation to extract confessions when the suspect is deprived of fundamental legal safeguards, in particular access to legal counsel (art. 1, 2, 4, 11 and 15).

The Committee urges the State party to take immediate and effective measures to investigate, prosecute and punish all acts of torture and to ensure that torture is not used by law enforcement personnel, including by unambiguously reaffirming the absolute prohibition of torture and publicly condemning practices of torture, especially by the police, prison officers, and members of the Ethiopian National Defense Force (ENDF), accompanied by a clear warning that anyone committing such acts or otherwise complicit or participating in torture will be held personally responsible before the law for such acts and will be subject to criminal prosecution and appropriate penalties.

Impunity for acts of torture and ill-treatment

11. The Committee is deeply concerned at numerous consistent reports about the State party's persistent failure to investigate allegations of torture and prosecute perpetrators, including members of the ENDF and military or police commanders. In this regard, it notes the absence of information on cases where soldiers and police or prison officers were prosecuted, sentenced or subjected to disciplinary sanctions for having committed acts of torture or ill-treatment. The Committee is also concerned about the reported exercise of police functions by the ENDF in the Somali Regional State, as well as by private militia groups (arts. 2, 4, 12, 13 and 16).

The State party should ensure that all allegations of torture and ill-treatment are promptly and impartially investigated, and that the perpetrators are prosecuted and convicted in accordance with the gravity of the acts, as required by article 4 of the Convention, without prejudice to appropriate disciplinary actions and sanctions. The State party should ensure that law enforcement functions are exercised by the police rather than the ENDF, including in areas of armed conflict where no state of emergency has been declared. The State party should prevent the circumvention by private militia groups of legal safeguards and remedies against torture and cruel, inhuman or degrading treatment or punishment.

Fundamental legal safeguards

12. The Committee is seriously concerned about information on the State party's failure in practice to afford all detainees with all fundamental legal safeguards from the very outset of their detention. Such safeguards comprise the right of detainees to be informed of the reasons for their arrest, including of any charges against them, to have prompt access to a lawyer and, when needed, to legal aid and to an independent medical examination, if

possible by a doctor of their choice, to notify a relative, to be brought promptly before a judge, and to have the lawfulness of their detention reviewed by a court, in accordance with international standards. In this respect, the Committee is concerned that, under Article 19(3) of the State party's Constitution, the maximum period of 48 hours within which anyone arrested or detained on a criminal charge must be brought before a judge "shall not include a reasonable time taken in the journey to a court of law" and that, under Article 59 (3) of the Criminal Procedure Code, remand in custody may be repeatedly prolonged for periods of 14 days each time. The Committee also notes with concern reports about the inadequacy of legal aid services provided by the Public Defenders Office and about frequent non-compliance by police officers with court orders to release suspects on bail (arts. 2, 12, 13, 15 and 16).

The State party should take prompt and effective measures to ensure that all detainees are, in practice, afforded all fundamental legal safeguards from the very outset of their detention. These include, in particular, the rights of detainees to be informed of the reasons for their arrest, including of any charges against them, to have prompt access to a lawyer and, when necessary, to legal aid, as well as to an independent medical examination, if possible by a doctor of their choice, to notify a relative, to be brought promptly before a judge, and to have the lawfulness of their detention reviewed by a court, in accordance with international standards. The State party should also consider amending Article 19(3) of its Constitution and Article 59(3) of its Criminal Procedure Code, with a view to ensuring that anyone arrested or detained on a criminal charge is brought promptly before a judge and preventing prolonged remand in custody, respectively. The Committee recommends that the State party provide mandatory training to police officers on the rights of detainees, ensure that court orders to release suspects on bail are strictly enforced, and strengthen the capacity of the Public Defenders Office to provide legal aid services, as well as the quality of such services.

Monitoring and inspection of places of deprivation of liberty

13. The Committee notes the information provided by the State party that regular inspections and evaluations of detention and prison facilities and other places of deprivation of liberty are conducted by the prison management and Parliamentarians, as well as by the Ethiopian Human Rights Commission and NGOs such as "Justice For All – Prison Fellowship Ethiopia". However, the Committee is concerned about the lack of implementation of the recommendations contained in the 2008 Correctional Facilities Monitoring Visit Report of the Ethiopian Human Rights Commission, and notes the lack of information about any unannounced visits to places of deprivation of liberty by independent mechanisms. The Committee is seriously concerned that, contrary to the information provided in the report (paras. 21 and 56), the International Committee of the Red Cross (ICRC) has no access to ordinary detention centres and prisons and that it was expelled from the Somali Regional State in 2007 (arts. 2, 11 and 16).

The Committee calls upon the State party to establish an effective independent national system to monitor and inspect all places of deprivation of liberty and to follow-up on the outcome of such systematic monitoring. It should strengthen the mandate and encourage the Ethiopian Human Rights Commission to undertake unannounced visits to prisons, police stations and other places of detention, and implement the recommendations contained in the Commission's 2008 Correctional Facilities Monitoring Visit Report. The State party should also strengthen its cooperation with and support to NGOs to enable them to independently monitor the conditions in places of deprivation of liberty. In addition, the State party should grant the ICRC and other independent international mechanisms access to prisons,

detention centres and any other places where persons are deprived of their liberty, including in the Somali Regional State. The State party is requested to include in its next periodic report detailed information on the place, time and periodicity of visits, including unannounced visits, to places of deprivation of liberty and on the findings and the follow-up on the outcome of such visits.

Anti-terrorism measures

14. The Committee is concerned about provisions of the Anti-terrorism Proclamation No. 652/2009 which unduly restrict legal safeguards against torture and ill-treatment for persons suspected or charged with a terrorist or related crime, in particular:

- a) The broad definitions of incitement to terrorism and of terrorist acts and related crimes (articles 2 to 7 of the Proclamation);
- b) The broad powers of the police to arrest suspects without a court warrant (article 19);
- c) The admissibility in court in terrorism cases of hearsay and indirect evidence and confessions of suspects of terrorism in writing or in recorded form (article 23), the permitted use of anonymous witnesses (article 32), and other procedural provisions undermining the rights of defense; and
- d) The determination of the status of a prisoner, captured by the Defense Forces during war, as a prisoner of war or other by the Primary Military Court rather than an ordinary court (article 31). (Arts. 2 and 16.)

The State party should ensure respect for fundamental legal safeguards and take all necessary measures to ensure that the provisions of the Anti-terrorism Proclamation No. 652/2009 are compatible with the provisions of the Convention, in particular that no exceptional circumstances whatsoever can be invoked as a justification for torture.

Extrajudicial killings, enforced disappearances and arbitrary arrests and detention

15. The Committee is gravely concerned about numerous allegations of extrajudicial killings by security forces and the ENDF, particularly in the Somali, Oromiya and Gambella Regional States, of civilians alleged to be members of armed insurgent groups. It is also gravely concerned at reports about high numbers of disappearances, as well as about the widespread practice of arrests without a warrant and arbitrary and prolonged detention without charges and judicial process of suspected members or supporters of insurgent groups and political opposition members. The Committee stresses that arrests without a warrant and the lack of judicial oversight on the legality of detention can facilitate torture and ill-treatment (arts. 2 and 11).

The State party should take effective steps to investigate promptly and impartially all allegations of involvement of members of security forces and the ENDF in extrajudicial killings and other serious human rights violations in different parts of the country, in particular in the Somali, Oromiya and Gambella Regional States. The State party should take all necessary measures to counter enforced disappearances and the practice of mass arrest without a warrant and arbitrary detention without charges and judicial process. The State party should take all appropriate steps to ensure the application of relevant legislation, to reduce further the duration of detention before charges are brought. The State party is requested to provide detailed

information on any investigations, and on their outcome, into reported cases of disappearances.

Rape and other forms of sexual violence in the context of armed conflict

16. The Committee is concerned about reports of rape and other forms of sexual violence against women and girls allegedly committed by members of the security forces and the ENDF in the context of armed conflict, in particular in the Somali Regional State (arts. 2, 12, 13 and 14).

The Committee calls on the State party to investigate, prosecute and punish members of the security forces and the ENDF responsible for rape and other forms of sexual violence in the context of armed conflict. The State party should take immediate steps to adequately compensate and rehabilitate the victims of such violence.

Investigations

17. Notwithstanding the explanations provided by the State party during the dialogue, the Committee continues to be concerned at numerous and consistent reports about:

a) The lack of a full investigation of the arrest of 3000 students at Addis Ababa University in April 2001, many of whom were reportedly ill-treated at the Sendafa police camp;

b) The prosecution and sentencing of only a small number of low-ranking army officials involved in the killings, torture, including rape, of hundreds of Anuak in Gambella town in December 2003, and the State party's failure to investigate the subsequent killings, torture and rape of Anuak in the Gambella Regional State in 2004;

c) The absence of an independent and impartial investigation of, as well as the lack of prosecutions and sentences for, the use of lethal force by members of the security forces during the post-election riots in 2005, when 193 civilians and 6 police officers were killed; and

d) The lack of an independent and impartial investigation into the extrajudicial killings, torture, including rape, other forms of sexual violence, as well as arbitrary arrests by the ENDF during its counter-insurgency campaign against the ONLF in the Somali Regional State in 2007 (art. 12 and 14).

The State party should urgently institute independent and impartial investigations of the above incidents in order to bring the perpetrators of violations of the Convention to justice. The Committee recommends that such investigations be undertaken by independent experts to examine all information thoroughly, to reach conclusions as to the facts and measures taken and to provide adequate compensation, including the means for as full rehabilitation as possible, to the victims and their families. The State party is requested to provide the Committee with detailed information on the outcome of those investigations in its next periodic report.

Complaint mechanism

18. Notwithstanding the information provided in the State party's report on the possibility for prisoners and detainees to present complaints to the prison administration at various levels, e.g. by using suggestion boxes, as well as to the courts, the federal crime

investigation department and the Ethiopian Human Rights Commission, the Committee regrets the lack of a dedicated, independent and effective complaint mechanism for receiving complaints and conducting prompt and impartial investigations into allegations of torture, in particular of prisoners and detainees, and for ensuring that those found guilty are appropriately punished. The Committee also notes the absence of information, including statistics, on the number of complaints, investigations, prosecutions and sanctions imposed on perpetrators of torture and ill-treatment, at both the penal and disciplinary levels (art. 2, 12, 13 and 16).

The State party should take urgent and effective measures to establish a specifically dedicated, independent and effective complaint mechanism to receive and ensure prompt and impartial investigations into all allegations of torture and ill-treatment committed by law enforcement, security, military and prison officials, and to initiate the prosecution of perpetrators. In particular, such investigations shall not be undertaken by or under the authority of the police or military, but by an independent body. The State party should ensure in practice that complainants are protected against any ill-treatment or intimidation as a consequence of their complaint or any evidence given. The Committee requests the State party to clarify whether acts of torture and ill-treatment are subject to *ex officio* investigation and prosecution and to provide information, including statistics, on the number of complaints filed against public officials on torture and ill-treatment, as well as information about the results of the proceedings, at both the penal and disciplinary levels. This information should be disaggregated by sex, age and ethnicity of the individual bringing the complaints, and indicate which authority undertook the investigation.

Refugees and asylum seekers

19. While acknowledging the State party's generous policy to admit and grant permission to stay to a significant number of nationals from Somalia, Eritrea and Sudan, the Committee notes with concern that decisions taken by the National Intelligence and Security Service (NISS) denying refugee status or ordering deportation can only be appealed to the Grievance Hearing Committee or to the Appeal Hearing Council, respectively, which are both composed of representatives of different government departments. The Committee also notes with concern that the State party has not acceded to the Convention relating to the Status of Stateless Persons (1954) or to the Convention on the Reduction of Statelessness (1961) (arts. 2, 3, 11 and 16).

The State party should ensure that foreign nationals whose refugee or asylum applications have been rejected by the NISS can appeal such decisions, as well as deportation orders against them, to court. The Committee recommends that the State party consider becoming a party to the Convention relating to the Status of Stateless Persons (1954) and to the Convention on the Reduction of Statelessness (1961).

Abductions

20. The Committee is concerned at reports that, under the pretext of fighting terrorism, the State party has allegedly abducted terrorism suspects from third countries, including Somalia, in breach of the Convention (art. 3).

The State party should refrain from abducting terrorism suspects from third countries where they may enjoy the protection of article 3 of the Convention. The State party should allow for an independent investigation into allegations of such abductions, in particular when followed by secret detention and torture in the State

party, and inform the Committee of the outcome of such investigation in its next periodic report.

Training

21. The Committee takes note of the information on trainings, seminars and courses on human rights for judges, prosecutors, police and prison officers, as well as soldiers, included in the State party's report and provided during the oral presentation. At the same time, it notes with concern the information in the report (para. 14) concerning the lack of awareness about the Convention on the part of law enforcement officials, the prevailing view that a certain degree of coercion is a necessary means of interrogation, and the lack of forensic expertise and skills and knowledge on adequate investigation techniques in the State party (art. 10).

The State party should further develop and strengthen educational programmes to ensure that all officials, including judges, law enforcement, security, army, intelligence and prison officials, are fully aware of the provisions of the Convention, especially the absolute prohibition of torture, that breaches of the Convention will not be tolerated and will be promptly and impartially investigated, and that offenders will be prosecuted. Furthermore, all relevant personnel, including medical personnel, should receive specific training on how to identify signs of torture and ill-treatment, including training on the use of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), published by the United Nations in 2004. In addition, the State party should assess the effectiveness and impact of such training/educational programmes.

Judicial proceedings and independence of the judiciary

22. While noting that the Constitution provides for an independent judiciary, the Committee expresses concern about reports on frequent interference by the executive branch with the judicial process, in particular in criminal proceedings, as well as about reported cases of harassment, threats, intimidation and dismissal of judges resisting political pressure, refusing to admit confessions extracted by torture or ill-treatment in court proceedings, and acquitting or ordering the release of defendants charged with terrorist or State crimes. The Committee is also concerned at reports about unfair court proceedings in politically sensitive cases, including violations of the right of defendants to have adequate time for the preparation of their defense, access to a lawyer, to have defense witnesses examined under the same conditions as witnesses of the prosecution, and to appeal their sentence (arts. 2, 12 and 13).

The State party should take the necessary measures to ensure the full independence and impartiality of the judiciary in the performance of its duties in conformity with international standards, notably the Basic Principles on the Independence of the Judiciary (GA resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985). In this respect, the State party should ensure that the judiciary is free from any interference, in particular from the executive branch, in law as well as in practice. The State party should promptly and impartially investigate and prosecute cases where judges were harassed, intimidated or unfairly dismissed, take effective measures, including training on the State party's obligations under the Convention, to strengthen the role of judges and prosecutors with regard to the initiation of investigation and prosecution of cases of torture and ill-treatment and the legality of

detention, and encourage judges and prosecutors to observe fair trial guarantees, in accordance with relevant international standards, including in political cases.

23. The Committee notes with concern that the jurisdiction of Sharia and customary law courts in family law matters, although subject to the consent of both parties, may expose women victims of domestic or sexual violence to undue pressure by their husbands, families and to have their case adjudicated by customary or religious rather than by ordinary courts (arts. 2 and 13).

The State party should provide for effective procedural safeguards to ensure the free consent of parties, in particular women, to have their case adjudicated by Sharia or customary courts, and ensure that all decisions taken by those courts can be appealed to higher courts (courts of appeal and Supreme Court).

Imposition of the death penalty

24. While noting the information provided by the State party concerning the de facto non-application of the death penalty and the “extreme reluctance” of the courts to impose such penalty and “only in cases of grave crimes and on exceptionally dangerous criminals [...] as a punishment for completed crimes and in the absence of extenuating circumstances” (see paras. 86 and 87 of the common core document), the Committee notes with concern reports about the recent increase in death sentences. In this regard, it refers to the so-called “Ginbot 7” case where the Federal High Court sentenced to death five officials of the former opposition party Coalition for Unity and Democracy, four of them (Andargachew Tsigie, Berhanu Nega, Mesfin Aman and Muluneh Iyoel Fage) in absentia and one (Melaku Teffera Tilahun) in his presence, after allegedly having subjected him to torture, for “conspiring to undermine the constitution and violently overthrow the government”. The Committee stresses that the conditions of detention of convicted prisoners on death row may amount to cruel, inhuman or degrading treatment, in particular owing to the excessive length of time on death row (arts. 2 and 16).

The Committee recommends that the State party consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty. The Committee also recommends that the State party consider extending its *de facto* moratorium on the execution of the death penalty and commuting death sentences for prisoners on death row. The State party should ensure that all persons on death row are afforded the protection provided by the Convention and are treated humanely. The Committee requests the State party to indicate the current number of persons on death row, disaggregated by sex, age, ethnicity and offence.

National human rights institution

25. The Committee notes with interest the information provided by the State party concerning the mandate of the Ethiopian Human Rights Commission (EHRC) to undertake visits to places of deprivation of liberty and to examine complaints about alleged violations of human rights, including those protected by the Convention. The Committee notes the lack of follow-up on the suggestions and recommendations made by the EHRC in its Correctional Facilities Monitoring Visit Report and the limited powers of the EHRC to initiate prosecutions in cases where torture or ill-treatment is found to have occurred (arts. 2, 12, 13 and 16).

The State party should strengthen the role and mandate of the EHRC to undertake regular and unannounced visits to places of deprivation of liberty and to issue

independent findings and recommendations on such visits. It should also give due weight to the conclusions of the EHRC on individual complaints, including by communicating such conclusions to the public prosecutor's office in cases where torture or ill-treatment is found to have occurred. The State party is requested to provide information, including statistical data, on the complaints examined by the EHRC in relation to alleged torture and other cruel, inhuman or degrading treatment or punishment, and to indicate whether any such cases have been submitted to the competent authorities for prosecution. Furthermore, the State party should intensify its efforts to ensure that the Ethiopian Human Rights Commission is in full compliance with the Paris Principles relating to the status of national institutions (GA resolution 48/134 of 20 December 1993).

Conditions of detention

26. The Committee notes the State party's efforts to reflect the Standard Minimum Rules for the Treatment of Prisoners (ECOSOC resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977), the Basic Principles for the Treatment of Prisoners (GA resolution 45/111 of 14 December 1990), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (GA resolution 43/173 of 9 December 1988), and the Code of Conduct for Law Enforcement Officials (GA resolution 34/169 of 17 December 1979) in its legislation and administrative regulations for the treatment of prisoners and detainees (see paras. 54-55 of the report). However, the Committee remains seriously concerned about consistent reports on overcrowding, poor hygienic and sanitary conditions, lack of sleeping space, food and water, the absence of adequate health care, including for pregnant women and HIV/AIDS and tuberculosis patients, the absence of specialized facilities for prisoners and detainees with disabilities, co-detention of juveniles with adults, and inadequate protection of juvenile prisoners and children detained with their mothers from violence in prisons and places of detention in the State party (arts. 11 and 16).

The State party should take urgent measures to bring the conditions of detention in police stations, prisons and other places of detention into line with the Standard Minimum Rules for the Treatment of Prisoners (ECOSOC resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977), as well as with other relevant standards, in particular by:

- a) **Reducing prison overcrowding, including by considering non-custodial forms of punishment, and, in the case of juveniles, by ensuring that detention is only used as a measure of last resort;**
- b) **Improving the quality and quantity of food and water as well as the health care provided to detainees and prisoners, including children, pregnant women and HIV/AIDS and tuberculosis patients;**
- c) **Improving the conditions of detention for minors and ensuring that they are detained separately from adults, in accordance with international standards for the administration of juvenile justice, and enabling incarcerated and detained mothers to stay together with their dependent infants, if appropriate beyond the age of 18 months;**
- d) **Ensuring that sufficient adequate facilities are available for prisoners and detainees with disabilities;**
- e) **Strengthening the judicial supervision of conditions of detention.**

Children in detention

27. The Committee is concerned that, under Articles 52, 53 and 56 of the revised Criminal Code, criminal responsibility starts at the age of nine years and that offenders above the age of 15 years are subject to the ordinary penalties applicable to adults and can be kept in custody with adult criminals (arts. 2, 11 and 16).

The State party should raise the minimum age of criminal responsibility according to international standards and classify persons above 15 and under 18 years of age as ‘young persons’ who are subject to the lighter penalties in Articles 157 to 168 of the Criminal Code and may not be kept in custody with adult criminals. It should ensure that its juvenile justice system is in conformity with international standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”; GA resolution 40/33 of 29 November 1985).

Corporal punishment of children

28. The Committee notes with concern that, while corporal punishment is prohibited in schools, child care institutions, and as a penal or disciplinary sanction in the penal system, it is not prohibited as a disciplinary measure in the home or in alternative care settings for purposes of “proper upbringing”, under article 576 of the revised Criminal Code (2005) and article 258 of the revised Family Code (2000) (arts. 2, 10 and 16).

The State party should consider amending its revised Criminal Code and Family Code, with a view to prohibiting corporal punishment in childrearing in the home and in alternative care settings and raise public awareness on positive, participatory and non-violent forms of discipline.

Deaths in custody

29. The Committee expresses its concern about the considerably high number of deaths in custody, while taking note of the State party’s explanation that such deaths are caused by the health condition of detainees rather than by the conditions of detention (arts. 12 and 16).

The State party should promptly, thoroughly and impartially investigate all incidents of death in custody and, in cases of death resulting from torture, ill-treatment or willful negligence, prosecute those responsible. It should also provide adequate health care to all persons deprived of their liberty. The State party should provide the Committee with information on any such cases, ensure independent forensic examinations, and accept their findings as evidence in criminal and civil proceedings.

Redress, including compensation and rehabilitation

30. The Committee notes the information on modalities of compensation for victims of torture and ill-treatment by the State party contained in the State party’s report (para. 60) and its common core document (paras. 184-186). It nevertheless regrets the lack of information on civil court decisions awarding compensation to victims of torture and ill-treatment, or their families, and on the amounts awarded in such cases. The Committee also regrets the lack of information on treatment and social rehabilitation services and other forms of assistance, including medical and psychosocial rehabilitation, provided to victims (art. 14).

The State party should strengthen its efforts to provide victims of torture and ill-treatment with redress, including fair and adequate compensation, and as full rehabilitation as possible. Furthermore, the State party should provide information on redress and compensation measures ordered by the courts and provided to victims of torture, or their families. This information should include the number of requests made and of those granted and the amounts ordered and actually provided in each case. In addition, the State party should provide information on any ongoing rehabilitation programmes for victims of torture and ill-treatment, and allocate adequate resources to ensure the effective implementation of such programmes.

Coerced confessions

31. While noting that constitutional guarantees and provisions of the Criminal Procedure Code prohibit the admissibility of evidence obtained through torture, the Committee is concerned at reports of cases of confessions obtained through torture and at the lack of information on any officials who may have been prosecuted and punished for extracting such confessions (arts. 2 and 15).

The State party should take the steps necessary to ensure that, in practice, confessions obtained under torture are not admitted in court proceedings, including in cases falling under the Anti-terrorism Proclamation, in line with relevant domestic legislation and the provisions of article 15 of the Convention. The Committee requests the State party to submit information on the application of the provisions prohibiting admissibility of evidence obtained through torture, and to indicate whether any officials have been prosecuted and punished for extracting such confessions.

Violence against women and harmful traditional practices

32. The Committee takes note of the criminalization of harmful traditional practices (HTPs) such as female genital mutilation, early marriage and abduction of girls for marriage in the revised Criminal Code, and of the information given by the State party during the dialogue concerning the establishment of special prosecution teams within the Ministry of Justice and in regional justice departments to investigate cases of rape and other forms of violence against women and children. However, the Committee is concerned about the lack of implementation of criminal law provisions criminalizing violence against women and harmful traditional practices. It is particularly concerned that the revised Criminal Code fails to criminalize spousal rape. It also regrets the lack of information on complaints, prosecutions and on the sentences imposed on perpetrators, as well as on victim assistance and compensation (arts. 1, 2, 12, 13 and 16).

The State party should strengthen its efforts to prevent, combat and punish violence against women and children and harmful traditional practices, in particular in rural areas. The State party should consider amending its revised Criminal Code, with a view to criminalizing spousal rape. It should also provide victims with legal, medical, psychological and rehabilitative services, as well as with compensation, and create adequate conditions for them to report incidents of HTPs and domestic and sexual violence without fear of reprisal or stigmatization. The State party should provide training to judges, prosecutors, police, and community leaders on the strict application of the revised Criminal Code and on the criminal nature of HTPs and of other forms of violence against women. The Committee also requests the State party to provide in its next periodic report updated statistical data on the number of complaints, investigations, prosecutions and on the sentences imposed on perpetrators, as well as on victim assistance and compensation.

Human trafficking

33. The Committee expresses concern about the low prosecution and conviction rates in relation to child abduction and human trafficking, in particular internal trafficking of women and children for forced labour and sexual and other forms of exploitation. It is also concerned at the general lack of information on the extent of trafficking in the State party, including the number of complaints, investigations, prosecutions and convictions of perpetrators of trafficking, as well as on the concrete measures taken to prevent and combat human trafficking (arts. 1, 2, 12 and 16).

The State party should increase its efforts to prevent and combat, in particular, child abduction and internal trafficking of women and children and provide protection for victims and ensure their access to legal, medical, psychological and rehabilitative services. In this regard, the Committee recommends that the State party adopt a comprehensive strategy to combat trafficking in human beings and its causes. The State party should also investigate all allegations of trafficking, and ensure that perpetrators are prosecuted and punished with penalties appropriate to the nature of their crimes. The State party is requested to provide information on measures taken to provide assistance to victims of trafficking, as well as statistical data on the number of complaints, investigations, prosecutions and sentences in relation to trafficking.

Restrictions on NGOs working in the field of human rights and the administration of justice

34. The Committee expresses serious concern about reliable information on the negative impact of Proclamation No. 621/2009 for the Registration of Charities and Societies, which bars foreign NGOs and those which receive more than 10 percent of their funds from foreign sources from working on human rights and the administration of justice (article 14), on the capacity of local human rights NGOs to facilitate prison visits and to provide legal aid and other assistance or rehabilitation to victims of torture and ill-treatment. The Committee notes with concern that local human rights NGOs previously active in those areas, including the Ethiopian Human Rights Council, the Ethiopian Women Lawyers Association, the Ethiopian Bar Association and the Rehabilitation Centre for Victims of Torture in Ethiopia, are no longer fully operational (arts. 2, 11, 13 and 16).

The Committee calls on the State party to acknowledge the crucial role of NGOs in preventing, documenting and assisting victims of torture and ill-treatment, consider lifting the funding restrictions on local human rights NGOs, unblock any frozen assets of those NGOs, and ensure their freedom from harassment and intimidation, with a view to enabling them to play a meaningful role in the implementation of the Convention in the State party, thereby assisting the State party in fulfilling its obligations under the Convention.

Data collection

35. The Committee regrets the absence of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment by law enforcement, security, military and prison personnel, as well as on extrajudicial killings, enforced disappearances, trafficking and domestic and sexual violence (arts. 12 and 13).

The State party should compile statistical data relevant to the monitoring of the implementation of the Convention at the national level, including data on complaints, investigations, prosecutions and convictions in cases of torture and ill-treatment, extrajudicial killings, enforced disappearances, trafficking and domestic and sexual violence, as well as on means of redress, including compensation and rehabilitation, provided to the victims. The State party should include such data in its next periodic report.

Cooperation with United Nations human rights mechanisms

36. The Committee recommends that the State party strengthen its cooperation with United Nations human rights mechanisms, including by permitting visits of, inter alia, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention, and the Special Rapporteur on the situation of human rights defenders.

37. Noting the commitment made by the State party in the context of the Universal Periodic Review (A/HRC/13/17/Add.1, para. 3), the Committee recommends that the State party consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as soon as possible.

38. The Committee recommends that the State party consider making the declarations envisaged under articles 21 and 22 of the Convention.

39. The Committee invites the State party to ratify the core United Nations human rights treaties to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention for the Protection of All Persons from Enforced Disappearance, and the Optional Protocols to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities.

40. The Committee recommends that the State party consider ratifying the Rome Statute of the International Criminal Court.

41. The State party is encouraged to disseminate widely the report submitted to the Committee and the Committee's concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.

42. The Committee requests the State party to provide, within one year, follow-up information in response to the Committee's recommendations contained in paragraphs 12, 16 and 31 of the present document.

43. The Committee invites the State party to present its next periodic report in accordance with its reporting guidelines and to observe the page limit of 40 pages for the treaty-specific document. The Committee also invites the State party to regularly update its common core document in accordance with the requirements of the Common Core Document contained in the Harmonized Guidelines on reporting under the international human rights treaties (HRI/GEN.2/Rev.6), approved by the Inter-Committee Meeting of human rights treaty bodies, and to observe the page limit of 80 pages for the updated common core document. The treaty-specific document and the common core document together constitute the reporting obligation of the State party under the Convention.

45. The State party is invited to submit its next periodic report, which will be the second periodic report, by 19 November 2014.
