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Universal Periodic Review

### Report of the Working Group on the Universal Periodic Review\*

Ethiopia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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\* The present document was not edited before being sent to the United Nations translation services.

## **Ethiopia's responses to the recommendations and questions made during the UPR**

1. It will be recalled that the Ethiopian delegation had promised to take some recommendations and consider them in detail and come back to this august body about its positions. All recommendations underwent a deep reflection and deliberation among relevant authorities. The Government has also further discussed bilaterally with a number of delegations regarding their recommendations. Moreover, in the light of the limited time available for the interactive dialogue during the Working Group, a number of questions were not sufficiently address.

2. Delegations have raised questions and made recommendations with respect to the abolishing of death penalty. Like in numerous other states, Ethiopia's criminal legal regime retains capital punishment. Pursuant to the revised federal criminal code, death penalty is only given for exceptionally grave crimes. Whilst the Government did not accept the recommendation on abolishing of death penalty, it should be pointed out that in Ethiopia actual executions rarely occur amounting to a *de facto* moratorium. Some delegations requested the Government to give favorable consideration to prohibit corporal punishment under the Constitution. The FDRE Constitution explicitly guarantees the rights of the child to be free from corporal punishment.

3. The signature and ratification of treaties of international human rights instruments was a subject of questions and recommendations. It should be pointed out at the outset that Ethiopia is signatory to all key international human rights instruments. With respect to the recommendation requesting the Ethiopian government to consider the ratification of some specific additional conventions, protocols and instruments, it is the view of the Government that ratification and accession to international instrument requires careful consideration and deliberations pursuant to domestic legal procedures and requirements. The Government indeed will continue to examine the request for consideration of ratification some of the international instrument as is necessary. Already a number of international and regional human rights instruments are under review for ratification. Concerning the Convention on the rights of Persons with Disabilities, my delegation wishes to inform the Human Rights Council that the government has already commenced the consideration of the process of ratifying the Convention on the Rights of Persons with Disabilities (CPRD). The Council of Ministers, in its meeting held on 7th March, adopted a decision recommending the ratification of the convention to be considered by the House of Peoples Representatives. Ethiopia therefore accepts the recommendation indicated in the report of the Working Group which urged the Government to consider the ratification of this instrument. Ethiopia also favorably considers the ratification of the Protocol on the Convention on the Rights of the Child. We would also pledge to consider the ratification of additional instruments to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on Discrimination Against Women allowing individual complaint. Ethiopia is also committed to sign the International Convention for the protection of All persons from enforced Disappearances and consider the ratification of the Convention in due course; the Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

4. Some delegations raised questions with regard to the steps taken by the Government in preventing, managing and resolving ethnic conflicts. The Government believes that the FDRE Constitution provides a holistic and systematic solution in addressing the structural root causes of conflicts. Ethiopia has one of the most progressive constitutions particularly in ensuring cultural diversity and accommodation. All human rights of the various 'nations, nationalities and peoples' have been incorporated in the Constitutions. All the aforementioned groups have the right to run their own affairs; promote and develop their

cultures and languages; use their mother tongue in the curriculum; and benefit equally from the country's natural resources. This constitutional dispensation is a radical break from Ethiopia's authoritarian past where Ethiopia's diverse ethnic groups seldom enjoyed equal recognition and protection. Its value in addressing some of the systematic and structural causes for tension and conflict cannot be overstated. It is true that occasionally resource competition particularly in the low-lands of the country trigger communal tension and conflicts. Various measures both at the federal and local levels have been taken with the view to giving swift and effective resolutions to these conflicts. The House of Federation is constitutionally mandated to resolve conflicts. It oversees the implementation of numerous projects aimed at promoting tolerance and co-existence among the various nations, nationalities and peoples. Also at the federal level, the Ministry of Federal Affairs established a key department on prevention, management and resolution of conflicts. Among many of its responsibilities, this portfolio provides technical assistance to regional states to develop the necessary institutional and legal framework on early warning, prevention and resolution of conflicts. My delegation therefore considers favorably the recommendation which requests the government to "strengthen efforts made to address the causes of ethnic conflicts.'

5. Some delegations recommended that the Ethiopian government raise the minimum age for criminal responsibility. The revised federal criminal code stipulates that different categories of minors, i.e. 9-15 and 15-18 years old, may assume certain responsibility. As the experience in other countries suggest, reforming criminal law requires deliberate consideration and study. We will continue to do so.

6. Some questions have been raised and recommendations given with respect to the commitment of members of defense forces for human rights violations. Contrary to some unfounded allegations, Ethiopia has a professional and well-disciplined national army. The minimum age for recruitment of individuals into the military is provided by legislation to be 18. The Ethiopian armed forces do not recruit children below the age of 18. The commitment of its members to international humanitarian law and human rights even during the context of armed conflict has been well proven. The recent findings of the Eritrea Ethiopia Claims Commission, for example in its Award on Prisoners of War, states that Ethiopia had shown 'commitment to the fundamental principles' of humanitarian law; 'conducted, organized official training programs to instruct their troops on procedures to be followed'; and 'endeavored to observe their fundamental humanitarian obligations.' Ethiopia is one of the most active contributors of peacekeeping force in Africa and the professional, disciplined and principled work of its troops is well recognized. The Ethiopian national defense force has a well-functioning system of ensuring the compliance of their conduct with international humanitarian law. Regular trainings have been held often in cooperation with ICRC to train members of the national defense force in human rights and humanitarian law. Necessary constitutional and legal frameworks have been put in place to ensure civilian control of the military. In few cases where credible cases surface indicating a possible involvement of individual members of the military in human rights violation, the Government has taken unequivocal step including helping and assisting the creation of an independent inquiry to investigate the allegation. As has happened in the case of the conflict in the Gambella national regional state in 2003, the outcome of such inquiry has resulted in the criminal prosecution of some members of the defense forces. While these exceptional situations are swiftly handled both by the military and competent constitutional bodies, the Government finds it difficult to accept recommendations imbued with the implication that members of the defense forces often violate human rights with impunity.

7. The Government welcomes many of the observations made during the review process aimed at helping the Government to achieve its primary goal in consolidating and consolidating democracy and good governance, i.e. holding a free and fair election. There are few issues which have been raised by several delegations including during the review

process and even during this session of the Human Rights Council. The Government wishes to reiterate its view that it has taken various measures which will ensure that the upcoming elections are free and fair. Both the ruling party and majority of opposition parties have signed a Code of Conduct which, through legislative measures by the House of Peoples' Representatives, has become the law of the land. Free and unrestricted political campaign, based on a mutually agreed framework on a fair and equitable use of publicly owned media, has already commenced. An independent and well-funded national electoral body, the National Electoral Board, has been established with the mandate to run the elections. A vibrant private media is engaged in the process. With the view to further bolstering the credence of the elections, the government has invited international observers to observe the elections. Ethiopia's commitment to a free and fair electoral process has been demonstrated its principled measures including by becoming the second country to ratify the African Charter on Elections and Good Governance. The Government is confident that all necessary measures are taken to ensure peaceful, fair and free elections.

8. Several delegations during the review raised questions regarding some few domestic legislations enacted by the Ethiopian House of Peoples' Representatives. These new legislations relate to the role of the media, functioning of NGOs and charities; and combating terrorism. While the Ethiopian Government is more than willing to engage in a constructive dialogue with all those concerned and interested, it sees no merit in strange recommendations which asks it to scrap legislations that enormous amount of resource is spent on to articulate issues that both the people and government of Ethiopia consider are vital for the interest of both the state and its people. These recommendations stem from disrespect to sovereign rights of states to design legislations and policies that are consistent with international human rights laws. The Government values the opinion of those who want to help us perfect our institutions and laws. We encourage and nurture programs designed to strengthen our capacity so that the implementation of our laws is also in full compliance with our commitment. This is indeed why the Government on numerous occasions acknowledged the technical assistance and support provided by the Office of High Commissioner for Human Rights and others. Sufficient time should be given to the implementation of these laws to identify possible gaps, if any, and see how these gaps can be filled.

9. Some of the criticisms expressed with respect to the Proclamation on Charities and Societies are quite unfounded. All existing NGOS have been registered without any restrictions in line with the procedures provided for under the Proclamation. The participation of the various NGOS in the preparation of Ethiopia's national report for the UPR and the continued engagement of the Government with civil society is testimony to their capacity to undertake their activity without any restriction. In the Government's view, the civic society law helps to further strengthens and implement international norms and principles governing the role of human rights defenders including the Declaration on Human Rights Defenders. Extreme care and deliberations have been taken to improve the drafting of not only the civil society law but also legislations on the media and the fighting of terrorism through extensive popular participation. The civil society law has seen dialogue and discussion among all the stakeholders at the level of the prime minster. The experience of countries, including those that recommended the total scraping of these legislations has been taken into account during the drafting of the legislation. By taking advantage of the inputs of all constitutionally established bodies including the national human rights institutions, efforts were made to ensure that Ethiopia's obligation under international human rights law are respected.

10. The Government wishes to address some of the questions raised in connection with so called 'detention and arrest of prisoners' including the case of Ms Birtukan Midekssa. Ms Midekssa was among a number of opposition leaders who were arrested following the 2005 may election violence and were tried and found guilty by a court of law for

masterminding, encouraging and actively participating in the violence which led to a regrettable loss of civilian life and that of members of the police force; and resulted in a wanton destruction of public property. Following an official request for pardon, these individuals including Ms Birtukan Midekssa were released after being granted a conditional pardon in line with Proclamation 395/2004 which governs the issuance and revocation of pardon. Unlike other beneficiaries of the pardon who continued to pursue the full enjoyment of their human rights including in a free and unrestricted participation in the political process in the country, Ms Midekssa has chosen to distinguish herself by publicly proclaiming to her supporters that she has never requested pardon. In her denial of the request for pardon, she also made a mockery of her publicly expressed deep repentance and her request for apology to the people and government of Ethiopia. Relevant government officials, consistent with the procedure for revocation of pardon as stipulated in the aforementioned Proclamation, gave sufficient warning and opportunity for Ms Midekssa to rectify her statement.

11. It will be recalled that during the meeting of the Working Group, the Ethiopian delegation had accepted many of the recommendations that were made. It was only a number of recommendations which the delegation could not accept. The Government did not favorably consider those recommendations which while not necessarily stemming from international human rights law; their implementation would contravene the Ethiopian constitution and undermine the culture and societal assets of the various nations, nationalities and peoples of the country. The delegation also found it difficult to accept those recommendations which, in our view, are not in compliance with the guiding principles of the Universal Periodic Review encapsulated in GA Resolution 250/60 and the institution building text adopted by the Council. The Ethiopian government wishes to underline the fact that not being able to accept for the time being some recommendations are not necessary reservations or policy pronouncements cast in stone. They only reflect current and existing difficulties and realities encountered by the Government to undertake commitment to implement these recommendations at the present time. The Government therefore reiterates its position to continue to study and seriously consider all recommendations given during the session of the Working Group.

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