The Federal Democratic Republic Of Ethiopia

National Human Rights Action Plan 2013 - 2015

June 2013
Addis Ababa

The Document was first drafted in Amharic and translated into English. Thus, the Amharic Version is the Official Document.

The Federal Democratic Republic of Ethiopia

National Human Rights Action Plan

2013-2015

UNOFFICIAL TRANSLATION

The Document was first drafted in Amharic and translated into English. Thus, the Amharic Version is the Official Document.

Contents

Contents i

Introduction 1

Decision to Draft the Action Plan 2

Objective of the Action Plan 3

Goal of the Action Plan 3

Structured Organization for the Preparation of the Action Plan 4

The Process and Methodology to Draft the Action Plan 5

Data sources and Inputs 7

Scope of the Action Plan 8

Chapter One 10

The Foundations of Human Rights Protection in Ethiopia 10

1.1. Introduction 10

1.2. Form and Structure of Government 10

1.3. Human Rights in Ethiopia 11

1.4. FDRE Constitution and Human Rights 13

1.5. International Human Rights Instruments 14

1.6. Institutional Framework 15

1.7. National Human Rights Institutions 16

1.7.1. The Ethiopian Human Rights Commission 16

1.7.2. The Institution of Ombudsman 17

Chapter Two 18

Civil and Political Rights 18

2.1. Right to Life 18

2.1.1. Constitutional Framework 18

UNOFFICIAL TRANSLATION

2.1.2. International Legal Framework 18
2.1.3. What Has Been Done 18
2.1.4. Problem and Challenges 21
2.1.5. Plans and Implementing Institutions 22
2.1.6. Monitoring and Evaluation 24
2.2. The Right of the Security of Person and Prohibition against Inhuman Treatment 24
2.2.1. Constitutional Framework 24
2.2.2. International Legal Framework 25
2.2.3. What Has Been Done 26
2.2.4. Problems and Challenges 30
2.2.5. Plans and Implementing Institutions 30
2.2.6. Monitoring and Evaluation 32
2.3. Rights of Persons Arrested, Persons Held in Custody and Convicted Prisoners 32
2.3.1. Constitutional Framework 32
2.3.2. International Legal Framework 33
2.3.3. What Has Been Done 34
2.3.4. Problems and Challenges 36
2.3.5. Plans and Implementing Institutions 38
2.3.6. Monitoring and Evaluation 40
2.4. The Rights of Persons Accused 40
2.4.1. Constitutional Framework 40
2.4.2. International Legal Framework 41
2.4.3. What Has Been Done 41
2.4.4. Problem and Challenges 44
2.4.5. Plans and Implementing Institutions 45
2.4.6. Monitoring and Evaluation 47
2.5. Right of Access to Justice 47
2.5.1. Constitutional Framework 47
2.5.2. International Legal Framework 47
2.5.3. What Has Been Done 48

UNOFFICIAL TRANSLATION

2.5.4. Problems and Challenges 50
2.5.5. Plans and Implementing Institutions 51
2.5.6. Monitoring and Evaluation 53
2.6. Right of Thought, Opinion and Expression 54
2.6.1. Constitutional Framework 54
2.6.2. International Legal Framework 54
2.6.3. What Has Been Done 55
2.6.4. Problems and Challenges 58
2.6.5. Plans and Implementing Institutions 59
2.6.6. Monitoring and Evaluation 61
2.7. Freedom of Association 61
2.7.1. Constitutional Framework 61
2.7.2. International Legal Framework 61
2.7.3. What has been done 62
2.7.4. Problems and Challenges 65
2.7.5. Plans and Implementing Institutions 66
2.7.6. Monitoring and Evaluation 68
2.8. Freedom of Religion and Belief 68
2.8.1. Constitutional Framework 68
2.8.2. International Legal Framework 69
2.8.3. What Has Been Done 69
2.8.4. Problems and Challenges 72
2.8.5. Actions and Responsible Institutions 72
2.8.6. Monitoring and Evaluation 73
Chapter Three 74
Economic, Social and Cultural Rights 74
3.1. The Right to Adequate Food 74
3.1.1. Constitutional Framework 74
3.1.2. International Legal Framework 74
3.1.3. What Has Been Done 74

UNOFFICIAL TRANSLATION

3.1.4. Problems and Challenges 81
3.1.5. Plans and Implementing Institutions 81
3.1.6. Monitoring and Evaluation 83
3.2. The Right to Health 83
3.2.1. Constitutional Framework 83
3.2.2. International Legal Framework 83
3.2.3. What Has Been Done 84
3.2.4. Problems and Challenges 89
3.2.5. Plan and Implementing Institutions 90
3.2.6. Monitoring and Evaluation 94
3.3. Right to Education 94
3.3.1. Constitutional Framework 94
3.3.2. International Legal Framework 94
3.3.3. What Has Been Done 95
3.3.4. Problems and Challenges 100
3.3.5. Plans and Implementing Institutions 101
3.3.6. Monitoring and Evaluation 104
3.4. Right to Work 105
3.4.1. Constitutional Framework 105
3.4.2. International Legal Framework 105
3.4.3. What Has Been Done 106
3.4.4. Problems and Challenges 111
3.4.5. Plans and Implementing Institutions 112
3.4.6. Monitoring and Evaluation 113
3.5. Right to Adequate Housing 114
3.5.1. Constitutional Framework 114
3.5.2. International Legal Framework 114
3.5.3. What Has Been Done 114
3.5.4. Problems and Challenges 117
3.5.5. Actions and Implementing Institutions 118

UNOFFICIAL TRANSLATION

3.5.6. Monitoring and Evaluation 120
3.6. The Right to Clean Water 120
3.6.1. Constitutional Framework 120
3.6.2. International Legal Framework 120
3.6.3. What Has Been Done 121
3.6.4. Problems and Challenges 123
3.6.5. Plans and Implementing Institutions 124
3.6.6. Monitoring and Evaluation 126
3.7. Right to Social Security 126
3.7.1. Constitutional Framework 126
3.7.2. International Legal Framework 126
3.7.3. What Has Been Done 127
3.7.4. Problems and Challenges 129
3.7.5. Plans and Implementing Institutions 130
3.7.6. Monitoring and Evaluation 130
3.8. Cultural Right 131
3.8.1. Constitutional Framework 131
3.8.2. International Legal Framework 131
3.8.3. What has been done 132
3.8.4. Problems and Challenges 135
3.8.5. Plans and Implementing Institutions 135
3.8.6. Monitoring and Evaluation 137
Chapter Four 138
Rights of Vulnerable Groups 138
4.1. Rights of Women 138
4.1.1. Constitutional framework 138
4.1.2. International Legal Framework 139
4.1.3. What has been done 139
4.1.4. Problems and challenges 142
4.1.5. Plans and Implementing Institutions 143

UNOFFICIAL TRANSLATION

4.1.6. Monitoring and evaluation 145
4.2. Rights of the Child 145
4.2.1. Constitutional Provisions 145
4.2.2. International Legal Framework 146
4.2.3. Measures and Actions Taken 146
4.2.4. Problems and Challenges 150
4.2.5. Plans and Implementing Institutions 151
4.2.6. Monitoring and evaluation 153
4.3. The Rights of Persons with Physical and/or Mental Disability 153
4.3.1. Constitutional Framework 153
4.3.2. International legal framework 154
4.3.3. What Has Been Done 154
4.3.4. Problems and challenges 157
4.3.5. Plans and implementing institutions 158
4.3.6. Monitoring and evaluation 159
4.4. Rights of Persons living with HIV/AIDS 159
4.4.1. Constitutional Framework 159
4.4.2. International Legal Framework 160
4.4.3. What has been done 160
4.4.4. Problems and Challenges 162
4.4.5. Plans and implementing institutions 163
4.4.6. Monitoring and Evaluation 164
4.5. Right of the Elderly 164
4.5.1. Constitutional Provision 164
4.5.2. International Legal Framework 164
4.5.3. What Has Been Done 165
4.5.4. Problems and Challenges 167
4.5.5. Plans and Implementing Institutions 167
4.5.6. Monitoring and Evaluation 168
Chapter Five 169

UNOFFICIAL TRANSLATION

Environmental Rights and the Right to Development 169
5.1. Environmental rights 169
5.1.1. Constitutional framework 169
5.1.2. International Legal Frame work 169
5.1.3. What has been done 170
5.1.4. Problems and Challenges 172
5.1.5. Plans and implementing institutions 172
5.1.6. Monitoring and Evaluation 173
5.2. The Right to Development 173
5.2.1. Constitutional framework 173
5.2.2. International Legal Frame 174
5.2.3. What has been done 174
5.2.4. Problems and Challenges 180
5.2.5. Plans and implementing institutions 181
5.2.6. Monitoring and Evaluation 181
Chapter Six 182
Implementation, Monitoring and Evaluation of the National Action Plan 182
6.1. Implementing Procedure 182
6.1.1. Detailed Performance Plan of the Implementing Institutions 182
6.1.2. Awareness Creation 183
6.1.3. The Role of Development Partners, Donor Organizations, and Civil Associations. 183
6.1.4. The Role of National Human Rights Institutions 185
6.1.5. Expansion of Human Rights Education 186
6.2. Monitoring and Evaluation Procedure 187

UNOFFICIAL TRANSLATION

Introduction

The government of the Federal Democratic Republic of Ethiopia /FDRE/ is diligently engaged to ensure the respect, protection and fulfillment of fundamental human and democratic rights recognized in the Constitution. To design and implement a strategy that reinforce the respect and protection of human rights enables nations, nationalities and peoples of Ethiopia to be a sustainable beneficiaries. The preparation and implementation of human rights Action Plan plays an internationally recognized role to respect, protect, and fulfill human rights at a national level in a structured and comprehensive manner.

The main reason for the preparation of human rights Action Plan is to ensure the full implementation of fundamental and democratic rights guaranteed under the Constitution the primary beneficiaries being the Ethiopian people. To-date, the Ethiopian government has attained encouraging success in respecting and protecting human rights recognized under the Constitution. The National Human Rights Action Plan, which is to be implemented in tandem with the Growth and Transformation Plan, is prepared to better realize human rights in a comprehensive and structured manner, to accelerate the process of building good governance and democracy, and to ensure the sustainability of economic development.

The National Human Rights Action Plan will be the first of its kind as it shall bring together all the separate efforts that were planed and accomplished within the different government departments. This will enable the Nation to conduct human rights protection and promotion activities in a coordinated and effective manner. Moreover, the preparation of the Action Plan shall be an opportunity to manifest the Government's determination to clearly translate the existing plans in this area into practice, which will in turn serve for the better protection and promotion of human rights. It should be noted that the Action Plan is to be executed by the government organs along with the relevant development partners, civil society associations and other stakeholders, as important part of the five years Growth and Transformation Plan.

The concept of National Human Rights Action Plan was first developed as part of the second world conference on Human Rights held in Vienna, in 1993 which culminated in the adoption of the Vienna Declaration and Program of Action. This document was later endorsed by the United Nations General Assembly and recommends in Part 11, Paragraph71 that each state "shall

UNOFFICIAL TRANSLATION

consider the desirability of drawing up a national plan Action Plan identifying steps whereby that State would improve the promotion and protection of rights". Hence, it is believed that the preparation of a National Human Rights Action Plan will prove to be a very good opportunity for the Nation to implement its international commitments in this regard. The preparation of the document assumed the political commitment to draw policies and programs, and effective budgetary allocation to advance the promotion and respect of human rights, to promote human rights education and trainings, to develop independent judiciary system, to ascertain rule of law, and particularly to provide educational, health, housing and social services.

The United Nations Human Rights Council has established the unique process of review of the human rights records of all member States every four years. One of the recommendations of the Universal Periodic Review accepted by Ethiopia was the necessity to prepare a National Human Rights Action Plan. The preparation of this document, in consistent with UPR recommendation accepted by Ethiopia, apart from depicting the government's political willingness and commitment to respect and protect human rights, and strengthen the government to discharge its international responsibility.

Decision to Draft the Action Plan

Preparation for the Ethiopian National Human Rights Action Plan/NHRAP/ began in earnest in the course of the National consultative workshop, which was held under the aegis of the Ethiopian Human Rights Commission, in cooperation with stakeholders, on March 2010, in Addis Ababa. This national forum was attended by representatives of government institutions, civil society organizations and international agencies. Subsequently, in November 2011, a general agreement on the benefits of developing a NHRAP was reached in the national consultative workshop convened to discuss on UPR recommendations accepted by Ethiopia. The workshop further concurred that the Ministry of Foreign Affairs, jointly with the Ethiopian Human Rights Commission submit to the government an initial proposal on the way to proceed in developing a NHRAP.

Based on the outcome of the two workshops, an initial proposal was prepared by Ethiopian Human Rights Commission, Ministry of Foreign Affairs and other government institutions, and submitted to the government. The government decided on the preparation of the Action Plan

UNOFFICIAL TRANSLATION

cognizant of its importance to advance the respect, protection and fulfillment of human rights. Therefore, a National Steering Committee to oversight the overall process, a National Coordinating Committee to ensure the nation-wide participatory nature of the plan, and a National Action Plan Coordinating Office composed of experts to prepare the document was established.

The formal decision of the Ethiopian Government to develop the National Human Rights Action Plan was publicly announced on 1st September, 2011 by H.E. Hailemariam Desalegn, Prime Minister of Ethiopia (the then Deputy Prime Minister and Minister of Foreign Affairs).

Objective of the Action Plan

The main objective of the NHRAP of Ethiopia is to develop a comprehensive and structured mechanism to advance the respect, protection and fulfillment of human and democratic rights guaranteed by the Constitution. The Action Plan reviews the present human rights situation of the country, identifies potential problems, and sets feasible solutions.

The specific objectives of the Action Plan are to:

- indicate the strategic guidelines to promote human and democratic rights in the country;
- set forth comprehensive, structured and sustainable strategies to respect and protect human rights in the coming three years;
- define means to raise public awareness of human rights; and
- indicate strategies on how the government could work in collaboration with NGOs legally allowed to work on human and democratic rights, development partners, civil societies and other international stakeholders.

Goal of the Action Plan

The goal of the Action Plan is to come up with a comprehensive and structured means for the better respect, protection and promotion of the fundamental human and democratic rights recognized under the FDRE Constitution.

UNOFFICIAL TRANSLATION

Structured Organization for the Preparation of the Action Plan

The Steering Committee composed of Ministry of Justice, Ministry of Foreign Affairs, Ministry of Federal Affairs, Ministry of Finance and Economic Development, Office of Government Communication Affairs and Ethiopian Human Rights Commission was established to nationally supervise the process of the preparation of the Action Plan. This Committee is chaired by the Minister of Justice.

Under the Steering Committee, a National Coordinating Committee composed of senior representatives of the Federal and Regional Governments and Non-Governmental Organizations was set up. This Committee, chaired by State Minister of Ministry of justice, has more than 200 members. The National Coordinating Committee has an executive Committee composed of senior members of the Ministry of Justice, Ministry of Foreign Affairs, Ethiopian Human Rights Commission, Ministry of Finance and Economic Development, Office of Government Communication Affairs, Ministry of Women, Children and Youth Affairs, and Ministry of Social and Labor Affairs. This executive Committee works closely with the National Action Plan Coordinating Office, comprised of experts from Ministry of Foreign Affairs, Ministry of Justice, Ethiopian Human Rights Commission, and other specifically recruited human rights experts. This Office has the responsibility to draft the National Action Plan based on the Constitution, national policies, laws, strategies, and programs, as predicated on UN handbook on National Human Rights Plan of Action. The Office has undertaken its task at its Secretariat Office in the Ethiopian Human Rights Commission. The Commission has provided the necessary technical and financial support for the office in its all rounded activities. Renowned human rights consultants were hired and assisted in the preparation of the document by providing the necessary technical support and guidance to enhance the quality of the Action Plan.

To ensure participation of Regions and City Administrations in the preparation of the Action Plan, Regional/City Administration Coordinating Committees were established in the Regional States. These Committees are chaired by Regional/City Administration Vice Presidents or Vice Mayors, and their members are the Heads of Regional Bureaus, civil society organizations and other stakeholders.

UNOFFICIAL TRANSLATION

The Process and Methodology to Draft the Action Plan

After launching the decision to prepare the National Action Plan in August 2011, the drafting of the Action Plan started with the Steering Committee adopting Terms of Reference listing down the responsibilities of the already established Committees and the expected relation and cooperation with Regional States.

A comprehensive assessment of the status of human and democratic rights situation in Ethiopia is necessary to identify the problems faced in the observance of each right. Accordingly, a detailed base line study was conducted by collecting data from offices at Federal, Regional and City Administration levels.

One of the directions designed by the Steering Committee was to make the process of developing the National Action Plan participatory and that it shall be a document reflecting the current situation in Ethiopia using as input the opinion of governmental and non-governmental organizations. To this purpose, different National Consultative meetings have been conducted.

The first National Consultative Workshop took place in Addis Ababa from May 3-4/ 2012. In this workshop, detailed discussions were made regarding the concept of National Action Plan and its preparation, and problems related to the proper implementation of human rights. In the course of discussion, apart from creating awareness to the participants on the preparation of the Action Plan was created; the means of cooperation on the process was established.

As part of the process of developing a National Action Plan, a comprehensive consultation was organized with Regional/City government officials and civic associations in the 9 Regions and 2 City Administrations. Trainings on concepts of human rights and data collection were given to data collectors in each Region and City Administration. As a result, government officials, civic associations and the public at large were made aware of the Action Plan and participated in the process.

The following are the main consultative meetings held in Regional states and City Administrations:-

UNOFFICIAL TRANSLATION

- Consultative meetings were held with Regional/City Administration Coordinating Committees in the 9 Regions and 2 City Administrations. This charged the Regional Councils' executive organs with responsibility and political commitment to prepare and implement the Action Plan.
- In order to facilitate the data collection process and have a close communication with the relevant institutions working in the Regions, the Regional coordinating Committee nominated one focal person for the National Human Rights Action Plan from each relevant office and bureau. Training has been given to data collectors on the concept of human rights, the National Action Plan and its preparation, and their role in data collection. Accordingly, the data collectors submitted the filled questionnaires with their respective bureau of performance reports, laws, policies, strategies and other necessary documents.
- Consultation meeting was organized in each Region and City Administration. The participants were representatives of women, youth, teachers, workers. Diverse civil associations, higher education institutions, religious and community leaders, and members of the private sectors were also invited to the consultative workshop. As a result, awareness and sense of ownership in the community about the Action Plan was created and it enabled wider participation at the grass root level.

Data collected from the above consultative workshops were taken as relevant input for the preparation of the document. Media members also took part in the consultative meeting to raise their awareness on the concept of National Human Rights Action Plan.

In addition to the above consultative meetings, media messages were broadcast to the general public, concerned civil societies and NGO's urging them to provide information on different issues of human rights to be used as input in the preparation of the Action Plan via email, telephone, in writing or in person. As a result, various inputs were submitted to the National Action Plan coordinating Office and incorporated in the document.

The Office has prepared the National Human Rights Action Plan using the inputs collected from different sources through different methodology. The first draft of the Action Plan was reviewed on consecutive stages by the National Coordinating Committee and Steering Committee, respectively.

UNOFFICIAL TRANSLATION

The Second National Consultative Meeting was held in May 14-15/2012 after the final draft of the Action Plan incorporating the status of human rights in the country; existing challenges in the implementation of each right; identified solutions and mechanisms to implement the Action Plan; and monitoring and evaluation. In the meeting, detailed discussion was made on the content of the Action Plan and numerous important inputs were given and the Action Plan was adopted at this level. In addition, decision was reached on the best strategy to use to effectively implement the Action Plan. After revising the document using inputs from this workshop, as well as from the relevant Ministries and other government institutions, the final draft was submitted to the Steering Committee. The document was endorsed after revision, incorporating the final comments from the joint meeting of the National Coordinating Committee and Steering Committee. On endorsement by National Steering Committee, the Action Plan was submitted to and approved by the Council of Ministers.

Data sources and Inputs

The following sources were used in the preparation of the Action Plan:

- federal and Regional Constitutions;
- government policies, laws, strategies, programmes and the National Growth and Transformation Plan;
- federal and Regional Offices Action Plan and performance reports;
- official government data and statistics;
- data from Ministry of Finance and Economic Development; as well as other Government executive institutions;
- Government research and study publications;
- diversified ideas and opinions from the proceedings of public conferences; from private, charity associations and civil societies;
- recommendations of UPR;

UNOFFICIAL TRANSLATION

- Ethiopian Government reports submitted to UN and AU Human Rights bodies and the corresponding feed-backs; and

- other relevant documents.

After collecting the relevant data using the above sources, using human rights indicators, problems and challenges in the full realization of each right were identified. Then, a National Human Rights Action Plan encompassing feasible solutions was developed.

Scope of the Action Plan

This Human Rights Action Plan is prepared to address in detail the issue of civil and political rights, economic, social and cultural rights, and rights of vulnerable groups (women, children, the elderly, persons with HIV/AID and persons with disabilities). The Plan further includes the right to clean environment and the right to development.

The important part of the Action Plan is prioritizing human rights problems and challenges under the principle of "human rights are interrelated, interdependent and indivisible." Therefore, the National Human Rights Action Plan encompasses feasible solutions to challenges in promoting and protecting human rights.

The Action Plan has six chapters. Chapter One assesses the general human rights protection in Ethiopia, while Chapter Two discusses in detail civil and political rights. Chapter Three and Four give emphasis to economic, social and cultural rights; and rights of vulnerable groups, respectively. The rights to clean environment and right to development are addressed under Chapter Five. The final Chapter is totally devoted to the system of implementation, monitoring and evaluation of the Action Plan.

In addressing human and democratic rights under Chapter Two, Three and Four, the Action Plan included the following points:-

- the scope of each right within the Constitutional and international legal frameworks;
- the national policies and laws that have direct relation to the specific right;

UNOFFICIAL TRANSLATION

- the major administrative and institutional actions taken by the Government to guarantee respect, to protect and to promote a specific right. It also addresses the results obtained due to such government actions;
- identification of problems and challenges observed in the respect, the protection and the fulfillment of each right; and
- finally, it determines actions to be taken to avert the problems and attend to the challenges under each right by the implementing institutions. The Plan also sets the system of monitoring and evaluation to be applied under each right.

UNOFFICIAL TRANSLATION

Chapter One

The Foundations of Human Rights Protection in Ethiopia

1.1. Introduction

Ethiopia is a country of pluralities of religion, culture and languages. To-day, Ethiopia is considered an admirable example of a country where many diverse nations, nationalities and peoples live in mutual respect and harmony. In its long history, Ethiopia is considered the cradle of civilization and has maintained its independence, and its culture of unity in diversity has survived the divisive efforts of the anti-democratic rulers over time. Geographically, Ethiopia lies in the northeastern Region of Africa, commonly known as the Horn of Africa and shares common boundaries with Somalia, Djibouti, Eritrea, Kenya, the Sudan and South Sudan. Based on the 2006 National Census, Ethiopia's population is currently estimated at 84,320,987 composed of 42,556,999 male and 41,763,988 female citizens.

1.2. Form and Structure of Government

The Federal Democratic Republic of Ethiopia/FDRE/ is a multi-party parliamentary democratic State. The members of the Federal State are nine national Regional States and two City Administrations and are delimited on the basis of settlement patterns, language, identity and consent of the people concerned.

At the Federal level there are two Federal Houses: the House of Peoples' Representatives and the House of Federation. The House of Peoples' Representatives (HPR) is the highest legislative organ of the State. The members of HPR are elected for a term of five years on the basis of universal suffrage and by direct, free and fair elections held by secret ballot. The HPR has the power of legislation in all matters assigned by the Constitution to federal jurisdiction, as well as the power to investigate the Executive's conduct and discharge of its responsibilities. The House of Federation is composed of representatives of nations, nationalities and peoples and its members are elected by the State Councils or they may hold elections to have representatives elected by the people directly. The House of Federation has the power: to interpret the Constitution; to decide, in accordance with the Constitution, on issues relating to the rights of nations, nationalities and peoples to self-determination; to strive to find solution to disputes and

UNOFFICIAL TRANSLATION

misunderstandings that may arise between States; and to determine the revenues derived from joint Federal and State tax sources, and the subsidies that the Federal Government may provide to the States.

The highest executive powers of the federal government are vested in the Prime Minister and in the Council of Ministers and are responsible to the House of Peoples' Representatives. Regarding the structure and powers of the courts, an independent judiciary is established by the Federal Constitution and supreme Federal judicial authority is vested in the Federal Supreme Court.

In accordance with the FDRE Constitution, the States have legislative, executive and judicial powers on matters falling under state jurisdiction. The State Council is the highest organ of State authority and is responsible to the people of the State who elect their representatives for a term of five years as part of the General Elections. All States have their own Constitution and can enact laws on issues falling within state jurisdiction. On the other hand the States executive authorities are responsible to implement the laws and policies of the State Councils as well as Federal laws. Similarly an independent judiciary is established in each State with the mandate to interpret laws.

1.3. Human Rights in Ethiopia

Over the past long years Ethiopia has suffered under the unrelenting oppression of anti-democratic and despotic rulers, with its Nations, Nationalities and Peoples, unable to demand their rights and protect their interests by legal and peaceful means. The country never had a multi-party system, nor was there any indication of democracy. Basic group and individual human rights and freedoms were not respected. Instead, the Ethiopian people were long victims of wars and subjected to political crises and never-ending conflicts deliberately instigated and exacerbated by undemocratic rulers. In effect the Ethiopian Nations, Nationalities and Peoples have faced poverty, backwardness and under-development and, most importantly, oppression. Bitter struggles were made in different parts of the country, which finally resulted in the overthrow of the eras of dictatorship in May 1991. The legacy of this dire history has posed major hurdles to be surmounted by the new federal system in the national endeavors to enforce respect for and promote human rights. For the first time in her history, Ethiopia was able to

UNOFFICIAL TRANSLATION

establish a Government guided by democratic principles in May 1991 upon the fall of the dictatorial *Derg* regime.

The process of building a system of government based on democracy, respect of human rights and rule of law commenced in 1991. In recognition that to achieve the above objective requires an instrument whose major thrusts would be full respect and protection of the fundamental freedoms and rights, a Constitutional conference of representatives, duly elected for the purpose, prepared and adopted the Constitution. Thus, an order and system which significantly guarantee respect and protection the fundamental rights of Nations, Nationalities and Peoples including civil and political, economic and cultural rights as well as the right to development was Constitutionally established. In addition the Ethiopian government is exerting constant effort to ensure respect and to promote the international principles of human rights. In the event, Ethiopia has achieved a historical and remarkable advance in the observance of human rights.

The Ethiopian Government is involved in major scale activities in all socio-economic sectors: to achieve the national vision of building, with peoples participation and their will to live together in harmony, a country founded on democracy and good governance, where social justice prevails and poverty is eradicated; to join the rank of middle income countries and, thereby, ensure and promote the enjoyment of benefits by the public at large. It is noteworthy that Ethiopia, in addition to the fast economic growth, is also recording encouraging results in terms of reinforcing social development and of meeting the Millennium Development Goals/MDG's/. With regard to the least advantaged Regional States, special assistance is being provided in order to encourage equitable development overall.

There is no gainsaying the fact the historical inequalities and natural disasters, particularly the residuals of wars, underdevelopment, droughts and poverty, as well as the low level of economic and human development, etc., have their negative impact. Nonetheless, the country has currently traversed a remarkable and creditable distance in all the lines of respecting, protecting and enforcing respect of human rights.

In order to translate into action and fulfill the dictates of the Constitution, in connection with the issues of respect and protection of human rights, the Government has prescribed appropriate policies and embarked on the implementation of a large number of activities to ascertain the

UNOFFICIAL TRANSLATION

observance of the right to development and the civil and political rights. In particular: the Five-Year Growth and Transformation Plan (2011-2015); the enactment and monitoring of laws of the reinforcement of peace, development, democracy and good governance; conducting free and fair, democratic, peaceful and credible General Election; rectifying human and administrative malfeasance; as well as strengthening the culture of human rights and of democracy; and the recognition of peoples' delegation; these are ample indicators of the remarkable degree of serious attention.

In addition to the above activities, the Government's capacity building efforts are devoting effective attention *inter alia* to the following processes: creation of a strong and capable government structure; overall transparency and elimination of corruption; inclusion of multi-facetted issues into the civil service; and reinforcing administrative decentralization through building the capacity of the *woreda* and area councils.

1.4. FDRE Constitution and Human Rights

The foundation of the observance of the human rights in Ethiopia is the FDRE Constitution, which was ratified in 1994. The Constitution is the supreme law of the land and the source and basis of legality of all other laws. The FDRE Constitution classifies human rights as one of its five fundamental principles and declares that human rights and freedoms, emanating from the nature of mankind, are inviolable and inalienable and that the human rights of citizens and peoples are respected. The Constitution further charges all Federal and State legislative, executive and judicial organs at all levels with the responsibility and duty to respect and enforce the Constitutional provisions of human rights.

About one-third of the Constitution is devoted to enshrining fundamental rights and freedoms. Accordingly, most civil and political rights and economic, social and cultural rights as well as environmental rights and the right to development are stipulated in detail. Further Article 9/4/ and Article 13 of the Constitution state that international agreements ratified by Ethiopia are an integral part of the law of the land and the fundamental rights and freedoms specified in the Constitution are to be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights, International Covenants on Human Rights and international instruments adopted by Ethiopia.

UNOFFICIAL TRANSLATION

Furthermore, the principles indicated, hereinabove, have been incorporated and articulated in detail in the various State Constitutions and the principles and guidelines established in other national policy frameworks, as well as in the various substantive and procedural laws issued at Federal House and State Councils stage, thereby providing a firm foundation on which to build and promote respect for human rights. The various laws promulgated in the House of Peoples' Representatives and the State Councils in line with the FDRE Constitution and the State Constitutions, conform with the human rights and freedoms enshrined in the Constitutions and as such, are part and parcel of the comprehensive framework.

1.5. International Human Rights Instruments

In addition to the fundamental rights and freedoms enshrined in FDRE and the State Constitutions, Ethiopia has adopted the following major international and Regional human rights agreements and instruments and has been acting upon them as integral part of the law of the land

- The Universal Declaration of Human Rights (UDHR)
- The International Covenant on Economic Social Cultural Rights (ICESCR)
- The International Covenant on Civil and Political Rights (ICCPR)
- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- The Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)
- The Convention on the Rights of the Child (CRC)
- The International Covenant on the Elimination of All Forms of Discrimination against Women. (CEDAW)
- International Convention of the Rights of Persons with Disabilities (ICRPD)
- African Charter on Human and Peoples' Rights (ACHPR)
- African Charter on the Rights and Welfare of the Child (ACRWC)

There are a number of international agreements and instruments, other than the major ones quoted above; covering human rights issues ratified and signed by Ethiopia, and have became part of the law of the land on the basis of Constitutional provision. Furthermore, in line with

UNOFFICIAL TRANSLATION

Article 13(2) of the FDRE Constitution, the fundamental rights and freedom, specified in Chapter Three of the Constitutions are interpreted in a manner conforming to the principles of the international human rights agreements and instrument adopted by Ethiopia.

1.6. Institutional Framework

The Ethiopian government has set up a number of institutions and organizations within the supreme organs of state, i.e the legislature, executive and judiciary, charged with the implementation of respect, protection and enforcement of all the fundamental rights and freedoms emanating from the FDRE Constitution and other laws and from the international agreements and instruments adopted by Ethiopia. And in line with the federal democratic structure, the institutions were established, as pertinent, in Federal and State structures. Further, national human rights institutions have been established to respect protect and fulfill fundamental rights and freedoms and thereby assure institutional guarantee.

The Federal and Regional legislative organs, in the form of the House of Peoples' Representatives and the Councils of the States and City Administrations are playing vital roles by enacting laws that reinforce the observance of human rights. And based on the legislative Proclamations, the Federal Council of Ministers and the Regional cabinets enhance the implementation of human rights through regulations and directives.

Similarly and in so far as the judiciary and quasi-judiciary organs have established organizational structures that attend to citizens' complaints, grievances and appeals and, in the event, ensure respect and protect peoples' human rights. In this regard the House of the Federation decides on all Constitutional disputes submitted to it by the Council of Constitutional Inquiry. The major judicial organs in this regard include: the Federal, Regional and City Administration courts; the military courts; the *sharia c*ourts, Employer/employee Decision Boards; the civil administration court; the Tax appeal Board; social security and the expropriation of landholding appeal courts.

The federal and Regional executive organs have decisive share in the observance and protection of human rights in the course of execution of the national laws. The salient members of the executive sector are: the Council of Ministers; the Regional Administrative Councils; the various ministries and Regional bureaus; the Federal and Regional and City police and correction

UNOFFICIAL TRANSLATION

Commission; the diverse Commission level authorities, agencies, etc. The Woreda Administrations, the basic components of Ethiopian's mode of governance play prominent role in the execution of the legal imperatives since they are closely associated with citizens.

Finally, there have been established institutions with the specific and prominent mandate of respect and promotions of human rights and the main organizations in this respect are: the Ethiopian Human Rights Commission and the Ethiopian Institution of the Ombudsman Furthermore, the Federal and Regional Ethics and Anti-Corruption Commissions and the Chief Auditor's Office are agencies that consolidate transparency and accountability. The National Election Board was established on the basis of the Constitution's dictum that state power can be assumed only through representatives elected by universal and equal suffrage held by secret ballot, guaranteeing the free expression of the will of the electors. The above structured nexus is designed to ensure respect, protection and promotion of human rights.

1.7. National Human Rights Institutions

In addition to the legislative, the executive and the judiciary, the government has set in place national human rights institutions and is giving them full support to enable them discharge their duties and responsibilities of respect and promotion of human rights. In the forefront of such institutions stand the Ethiopian Human Rights Commission and the Ethiopian Ombudsman Institution. Their respective powers and functions are briefly as follows.

1.7.1. The Ethiopian Human Rights Commission

The Ethiopian Human Rights Commission was established in accordance with sub-Articles 14 of Article 55 of FDRE Constitution and Proclamation No. 210/2000 as an autonomous organ of the Federal Government accountable to the House of Peoples' Representatives. The Commission is a national human rights institution whose main objective is to ensure that the national status of rights is protected, respected and fully enforced and the necessary measures are taken where they are found to have been violated.

The Commission has the powers and duties to ensure that human rights and freedoms provided for under the FDRE Constitution are respected by all citizens, organs of State, political organizations and other associations as well as by their respective officials; ensure that laws,

UNOFFICIAL TRANSLATION

regulations and directives as well as government decisions and orders do not contravene the human rights of citizens guaranteed by the Constitution; and educate the public, using the mass media and other means, with a view of, enhancing its tradition of respect for, and demand for enforcement of rights upon acquiring sufficient awareness regarding human rights.

The Commission undertakes investigations, upon complaints; makes recommendations for the revision of existing laws, enactment of new laws and formulation of policies; provides consultancy services on matters of human rights; forwards its opinion on human rights reports to be submitted to international organs; translates into local vernaculars, international human rights instruments adopted by Ethiopia; and has other powers and functions related to human rights. The Commission has its Head Office in Addis Ababa and six branch offices in Mekele, Bahir Dar, Jimma, Hawassa, Gambella and Jijiga, which are focal centers that effectively extend its national accessibility and expand the range of its service delivery.

1.7.2. The Institution of Ombudsman

The Institution of Ombudsman was established in accordance with Article 55/15/ of the FDRE Constitution and Proclamation No. 211/2000 and is accountable to the House of Peoples' Representatives. The Institution is an autonomous organ of the Federal government with the main objective to bring about good governance that is of high quality, efficient and transparent, and is based on the rule of law, by way of ensuring that citizens' rights and benefits provided by law are respected by the executive organs of Government. Furthermore, and inter alia, the Institution's powers and duties are to supervise that administrative directives issued, and decisions given, by executive organs and the practices thereof do not contravene the Constitutional rights of citizens and the law as well; to receive and investigate complaints in respect of maladministration; to undertake studies and research on ways and means of curbing maladministration; to make recommendations for the revision of existing laws, practices or directives and for the enactment of new laws and formulation of policies with a view to bring about better governance; and to perform such other functions as are related to this objective. The Institution has the power to monitor the mass media and access to Information Proclamation No. 590/2008.

UNOFFICIAL TRANSLATION

Chapter Two

Civil and Political Rights

2.1. Right to Life

2.1.1. Constitutional Framework

The Constitution of the Federal Republic of Ethiopia Article 14 provides that every person has the inviolable and inalienable right to life, and in Article 15 that every person has the right to life and no person may be deprived of his life except as a punishment of a serious criminal offence determined by law.

2.1.2. International Legal Framework

Ethiopia's international commitments on the right to life are guided by the following international instruments:

- Universal Declaration of Human Rights, Article 3
- International Covenant on Civil and Political Rights, Articles 4 and 6
- Convention on the Rights of the Child Article 6.
- African Charter on Human and Peoples' Rights, Article 4.
- UN Convention on the Prevention and Punishment of the Crime of Genocide.
- UN Convention on Status of Refugees, Article 33.
- African Charter on the Rights and Welfare of the Child, Article 5

2.1.3. What Has Been Done

Policy Measures

- FDRE Criminal Justice Policy /2011/
- Health Policy /1993 /; National Women Affairs Policy /1993 / and other related policies.

UNOFFICIAL TRANSLATION

National Laws

- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the FDRE No. 691/2010
- Criminal code of the FDRE 2004.
- Anti-Terrorism Proclamation No. 652/2009.
- Criminal Procedure Code Proclamation 1961.
- Procedure of Granting Pardon Proclamation No 395/2004.
- Labour Proclamation No. 377/2003.
- Employment Exchange Services Proclamation NO. 632/2009.
- Other relevant Federal and Regional Government Laws

In Draft Stage

- Draft Criminal Procedure Law

Institutional and Administrative Measures

Institutional Measures

In order to protect the right to life of every person; to prevent the Commission of acts that violate the right; to carry out complaint investigation when violations occur; to submit a case for trial in court and obtain court decision, Police Commissions, Ministries/ Bureaus of Justice and Courts of law have been established by law at Federal, Regional and City Administration levels. In addition, boards of pardon have been established at Federal and Regional government levels to enable all convicted persons including persons sentenced to death to submit requests for pardon.

Administrative Measures

The Federal Supreme Court has Issued Directive No. 1/2010 in order to ensure predictability of sentences and fines imposed by criminal benches across the nation. In relation to the death penalty, courts, in line with international human rights instruments and the Constitution, impose the death penalty only in the most serious cases and using similar standards set by the directive.

UNOFFICIAL TRANSLATION

Currently, the annual rate of incidence of crimes has been reduced through the reinforced application of community policing and regular crime prevention; building up investigation capacity; obtaining pertinent court sentences and strict application thereof; and working in close cooperation with the community.

Persons accused of serious criminal offences punishable by death have the right to be represented by legal counsel of their choice, and, if they do not have sufficient means to pay for it, are provided with free legal representation by the Government.

Directives have been issued at Federal and Regional levels to ensure that members of the police and prison administrations respect the right to life in their relations with persons in custody and imprisonment as well as with the general public. The directives enable the enforcement of the right and application of necessary measures when violations occur. With regard to the members of the defense force, the Council of Ministers has issued regulations prohibiting the violation of the right to life of civilians in the course of active duty. The Ministry of Defense has, on its part, issued directives in conformity with the laws to respect and ensure respect of the right to life. A robust system of monitoring has been set in place that enables any member of the defense force found in violation of the laws in the course of action, to be brought before military court. These laws and directives have been incorporated into the curriculums of the training institutions for the members of the police, prison administrations and of the members of the defense force, Through continuous training courses, a human resource aware and conscious of the right to life has been, and continues to be, produced.

The government has been implementing a number of projects aimed at reducing Infant mortality rate. Accordingly, over the period of 2005 and 2011 the rate dropped from 77/1000 to 59/1000, respectively.

With regard to road traffic fatal accidents, a Council of Road Traffic Safety was established in the Ministry of Transport by the Council of Ministers' Regulation No. 205/2011. This body, consisting of stakeholder organizations, has the responsibility of developing and establishing systems for reducing road accident fatalities and coordinates the activities of all concerned. The Secretariat of the Council has drafted a 10-year Road Security Action Plan, which is in implementation.

UNOFFICIAL TRANSLATION

Citizens' death from famine has been eliminated through developing the productivity of farmers, pastoralists and semi-pastoralists; successfully implementing developmental safety-net programme; raising the purchasing power of the rural society and putting in place disaster prevention and early warning systems.

A National Nutrition Programme was designed and successfully implemented, thereby reducing the death of children from malnutrition. The Government, by expanding health care institutions to the lowest levels of administration in line with its prevention- oriented health policy, has managed to increase life expectancy from 50.9 for women and 53.5 for men in 2002 to 60.4 for women and 58.4 for men in 2010.

2.1.4. Problem and Challenges

Notwithstanding the measures taken by the government to respect, enforce and promote the right to life, and the creditable results recorded, the following issues stand out as problems and challenges.

- inadequate provision of pre- and post-natal medical services,
- the high number of fatal road traffic accidents,
- harmful traditional practices resulting in a substantial number of deaths among women and children, and with regard to revenge killing, insufficient results attained in prevention and bringing attitudinal change in the society,
- lack of expertise of investigation officers and forensic experts in gathering and processing evidence in cases of homicide, and fact that forensic laboratory service is only available in Addis Ababa,
- the fact that post-mortem examination services are limited to Menelik II Referral Hospital in Addis Ababa restricts the effective medical determination of causes of homicide in places distant from the capital City,
- the absence to-date of regulations, guidelines and systems to implement the Proclamation to provide for the protection of witnesses and whistleblowers of criminal offence.

UNOFFICIAL TRANSLATION

2.1.5. Plans and Implementing Institutions

1. Activities aimed at achieving the goals set in the Growth and Transformation Plan /GTP/ for reducing infant mortality will continue reinforced. Special attention will be paid to extend coverage of pre- and post-natal health care. In this respect, special measures will be taken to improve coverage in Regions with noticeable shortfalls. [Ministry of Health]

2. With regard to changing the social attitudes on harmful traditional practices and revenge killings, efforts will continue reinforced with the cooperation and support of women's, youth and professional associations, religious institutions, *Idirs*, and other social organizations, through educating public and in the arrest, prosecution and conviction of offenders. Measures will be taken to keep the public informed of the convictions and sentenced imposed by courts. Furthermore, where such crimes are common, in addition to the legal indictment processes, the judicial organs will work together to formulate procedures to enable reconciliation. National Coalition Forms will be organized with the aim of eradicating harmful traditional practices. Alternative dispute resolution systems will be strengthened. [Federal and State Supreme Courts, Ministry and Bureaus of Justice; Federal, State and City Administrations Police Commissions, Ministry of Labour and Social Affairs and State Bureaus, Ministry and Bureaus of Women, Children and Youth Affairs and Ministry and Bureaus of Culture and Tourism]

3. Concerning the prevention of fatal road traffic accidents: efforts to improve the skills of drivers and awareness of pedestrians, increase road traffic monitoring, hold rule breakers accountable to the law, and ascertaining the application of existing rules and regulations will be intensified. To this end, research and studies of advanced operational systems and legal framework will be conducted and introduced. [Ministry of Transport and State Bureaus; Federal, State and City Administration Police Commissions; Ministry of Justice and State Bureaus; and Federal and State Supreme Courts]

4. Efforts will be made to ensure that all persons charged with a serious criminal offence punishable by death and unable to afford legal representation of their own choice, are provided with free legal counseling, from the moment of arrest. To this end, strong operational relationships will be created amongst relevant stakeholders to provide wide scale

UNOFFICIAL TRANSLATION

delivery of the service and to enable private practitioners to deliver *pro bono* services to persons charged with such crimes. [Federal and State Supreme Courts; Ministry of Justice and State Bureaus; Federal and State/City Administration Police Commissions; and Ethiopian Human Rights Commission]

5. Continuous training will be given to public defenders, in order to further develop their professional competence and capability. Further, measures will be taken to assign a sufficient number of public defenders to all High Courts. [Federal and State Supreme Courts; Justice Professionals' Training Intuitions]

6. Post-mortem examination centers will be established by the government, within its resource capacity in places accessible to all areas of the nation. Forensic pathology education will be commenced and expanded to ensure the provision of sufficient man power in the area. [Ministry of Health; Ministry of Education; Federal, State/City Administration Police Commissions]

7. Trainings in basic techniques of evidence collection will be provided to forensics professionals. Accordingly, efforts will be made to assign at least one professional with such training in all police departments responsible for investigating murder/ intentional or negligent/. [Federal, State and City Administration Police Commissions; Ministry of Justice and State Bureaus]

8. A National Crime Information System will be created in order to enhance the capacity to investigate murder and other serious crimes. In order to effectively build and administer the Information System, structures will be created at federal, Regional and City Administration levels. [Federal, Regional and City Administration Police Commissions; Federal and State Supreme Courts; Ministry of Justice and State Bureaus; Ethio-Telecom]

9. In order to implement the Proclamation to provide for the protection of witnesses and whistleblowers of criminal offences No. 699/2010, an operational system and necessary regulations and directives will be developed and implemented that will enable effective protection of witnesses on crimes against the right to life. [Ministry of Justice]

UNOFFICIAL TRANSLATION

10. n order to ensure better protection of the right to life, studies will be carried out to revise, develop and implement laws and regulations relating to the use of force. Measures will be taken to strengthen the existing system of accountability. [Ministry of Justice, Ministry of Federal Affairs]

11. The right to life will be given due attention in trainings offered to the general public and members of the Justice system. [Ministry of Justice and Regional Bureaus, Training Institutions of law; Federal, Regional, City Administration Police Commissions, Ethiopian Human Rights Commission.]

2.1.6. Monitoring and Evaluation

Leading Institution: The Ministry of Justice

The Ministry of Justice, State and City Administration Bureaus of Justice are the principal stakeholders and are responsible jointly and severally with the following bodies with regard to performance monitoring and evaluation of this particular right:- The House of Peoples' Representatives; the State Councils; The Ministry of Federal Affairs; the State/City Administration and Security Bureaus; The Ministry of Health.

2.2. The Right of the Security of Person and Prohibition against Inhuman Treatment

2.2.1. Constitutional Framework

The FDRE Constitution provides for the protection of this right under several Articles. Article 14 States that every person has the inviolable and inalienable right to security of person. Article 16 provides that everyone has the right to protection against bodily harm; while in Article 18 it gives details of this right stating that: everyone has the right of protection against cruel, inhuman or degrading treatment or punishment; no one shall be held in slavery or servitude and that trafficking in human beings for whatever purpose is prohibited; and that no one shall be required to perform forced or compulsory labor. However for the purposes of this last-mentioned right "forced or compulsory labor' does not include: any work or service normally required of a person who is under detention in consequence of a lawful order; or of a person during

UNOFFICIAL TRANSLATION

conditional release from such detention; in the case of conscientious objectors; any service exacted in lieu of compulsory military service; any service exacted in cases of emergency or calamity threatening the life or well-being of the community; or any economic and social development activity voluntarily performed by a community within its locality. under Article 19, the Constitution provides, in connection with the right of the security of person, that persons arrested have the right to be brought before a court within 48 hours of their arrest; that every person has the inalienable right to petition the court to order their physical release where the arresting police office or the law enforcer fails to bring them before a court within the prescribed time. With regard to rights of persons held in custody, Article 21 provides that all persons have the right of opportunity to communicate with, and be visited by, their spouses or partners, close relatives, friends, religious councilors, medical doctors and their legal counsel. Under article 93 of the Constitution, it is stated that the right to security of the person and prohibition of inhuman treatment may not be derogated from even in a state of emergency.

2.2.2. International Legal Framework

Ethiopia's International commitments on The Right of the Security of Person and Prohibition against Inhuman Treatment are guided by the following international instruments:

- Universal Declaration of Human Rights, Article 5
- International Covenant on Civil and Political Rights: Article 7
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Elimination of All Forms of Social Discrimination, Article 5
- 1926 Slavery Convention, Article 2
- Convention on the Rights of the Child, Article 37
- African Charter on Human and Peoples' Rights, Article 5
- African Charter on the Rights and Welfare of the Child, Articles 5 and 15

UNOFFICIAL TRANSLATION

- UN Convention against Transnational Organized Crime
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children
- Protocol against Smuggling of Migrants by Land, Sea and Air.
- 1930 ILO Convention concerning the Forced or Compulsory Labour /No. 29/

2.2.3. What Has Been Done

Policy Measures

- FDRE Criminal Justice Policy /2011/

National laws

- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the FDRE No. 691/2010
- Criminal code of the FDRE 2004
- Criminal Procedure Code Proclamation 1961
- Federal Prisons Commission Establishment Proclamation No. 365/2003
- Employment Exchange Services Proclamation NO. 632/2009
- Labour Proclamation No. 377/2003 /as amended/
- Anti-Terrorism Proclamation No. 652/2009

In Draft Stage

- Draft Criminal Procedural Law

UNOFFICIAL TRANSLATION

Institutional and Administrative Measures

Institutional Measures

In order to ensure the right of the security of person and prohibition against inhuman treatment; prevent the Commission of acts that violate the rights; to carry out effective investigations when violated; to take cases to court for trial and obtain court decision; Police Commissions, Ministry and Bureaus of Justice and courts of law have been established.

The Ministry of Women, Children and Youth Affairs, the Ministry of Culture and Tourism at the Federal level and their parallel Bureaus at the Regional level are fully engaged in prevention of harmful traditional practices particularly, against women and children.

The Ministry of Labour and Social Affairs works to ensure, in corporation with other Government bodies, the respect of labour rights and prevent related violations of the right of the security of person.

Administrative Measures

The Council of Ministers has issued a Regulation for Administration of the Federal Police Commission. The Regulation obliges the members of the Commission to respect the human rights enshrined in the Constitution in carrying out their duties and prohibits them from violation of these rights. Regulations for the administration of all Regional Police Commissions include similar provisions.

The detailed Draft Regulation to implement the provisions of the Proclamation No. 720/2004 establishing the Federal Police Commission has been submitted to the Government. The Draft Regulation stipulates that any member of the Federal Police Commission violating the rights enshrined in the Constitution will, notwithstanding more severe punishments under other laws, have committed serious disciplinary breach.

The government has issued regulations that ensure the human rights of persons held in custody in prisons throughout the country – in particular, the right to receive treatments respecting their human dignity.

UNOFFICIAL TRANSLATION

Regarding members of the National Defense Force, the government has enacted regulations prohibiting them from violation of the rights to protection against bodily harm and inhuman treatment of civilians in the course of active duty. The Ministry of Defense has on its part issued appropriate directives in conformity with the laws. A mechanism has also been put in place to bring before military courts, those members of the defense force violating these rights in the course of duty. The laws, regulations and directives have been incorporated in the curriculums of the training institutions of the defense force and through on-job training courses, a human resource aware and conscious of the right has been and continues to be produced.

Federal and Regional police Commissions as well as prison administrations have incorporated the right to security of the person and prohibition against inhuman treatment in the curricula of their respective training institutions and provide continuous on-job training to their members in order to ensure that they do not commit violations and are able to prevent violations by third parties.

Police Commissions in the country have established Ethics/Discipline Committees to investigate cases of violation of human rights and to take necessary administrative measures against perpetrators.

A large number of Police stations and investigation centers across the country have set up Ethics control and complaints reception offices within their premises to receive citizens' complaints of human rights violations.

Following the implementation of Business Process Engineering (BPR) at the federal level and in many Regions across the country, prosecutors have been assigned to police stations to assist in criminal investigations and ensure that human rights violations do not occur in the process.

Courts of law receive complaints of violation of human rights in the course of police investigations, and order proper investigations.

A national council has been established Constitution of high ranking federal and Regional government officials to prevent human trafficking.

UNOFFICIAL TRANSLATION

A group of relevant ministries is currently engaged in the preparation of a National Action Plan on Human Trafficking and Illegal Migration.

The Federal Police, Ministry of Justice and Federal courts have prepared training manuals on prevention and investigation of human trafficking and Illegal migration and gave intensive training to the members of security forces in Regions where the crime is widespread.

A national coordinating body consisting of ministers has been established with the objective of developing an integrated and nationally all-inclusive system of combating and preventing crimes perpetrated against women and children, and to ensure justice for children. In addition, an integrated care and justice center has been established in Gandhi Hospital in Addis Ababa to provide medical care and legal support in one site for victims of sexual violence.

The Ministry of Women, Children and Youth Affairs, in collaboration with stakeholders, has carried out successive annual campaigns against gender violence, throughout the country, to create and raise public awareness on violence against women and children.

The government has designed and implemented numerous packages and strategies aimed at eliminating violence against women and children and change negative social attitudes. Commendable results have been attained in reducing abduction, rape and female genital mutilation by focusing on areas where the practices are widespread.

The Ministry of Justice has prepared and implemented a manual designed enable the integrated and efficient investigation, charging and litigation of cases rape, battery and labour exploitation of women and children.

In the City Administrations of Addis Ababa and Dire Dawa and in some Regions, specialized centers of investigation for crimes against women and children have been established in police stations and staffed with prosecutors with special training.

The Ministry of Women, Children and Youth Affairs, in collaboration with donor organizations, prepared “Manual on Positive Child Disciplining” to prevent corporeal punishment of children in schools, in orphanages and by parents.

UNOFFICIAL TRANSLATION

2.2.4. Problems and Challenges

Notwithstanding the encouraging results attained through measures taken by the Government to protect the right to security of the person and prohibition of inhuman treatment, the following still standout as problems and challenges.

- Despite the fact that legal corrective measures continue to be taken, occasional human rights violations are committed by some police officers due to lack of awareness.
- The fact that efforts to curb domestic human trafficking have not yielded sufficient results.
- With regard to international human trafficking, inability to reduce the crime level satisfactorily, due to failure to establish closes operational collaboration with all the stakeholders in the country to tackle the problem.
- The less than desirable results attained in the creation of awareness among citizens, leaving the country to foreign destinations, of their rights and responsibilities.
- The fact that a satisfactory level of co-operation has not been established with foreign governments in order to ensure respect of for human rights of Ethiopian citizens abroad.

2.2.5. Plans and Implementing Institutions

1. In order to better ensure respect of the right to security of the person prohibition of inhuman treatment the legal provisions regarding the use of force, currently employed by members of the police will be developed and implemented on the basis of study findings. Measures will be taken to strengthen the system of accountability that is in place. [Ministry of Federal Affairs; Ministry of Justice]
2. Persons in custody will be allowed to make telephone calls to members of their family, their legal and religious counselors or any other person of their choice immediately after arrest. In places where telephones are unavailable they shall be allowed to send message through a third person or any other means of communication. Where none of these means is available, the police will provide the necessary assistance. [Federal, Regional and City Administration Police Commissions; Ministry and Bureaus of Justice]

UNOFICIAL TRANSLATION

3. At all times when interviews and interrogations are conducted on persons in custody, records of : names of police officers present, the exact place of interview/interrogation and time will be recorded on a register to be prepared for this purpose and presented to the courts of law and other authorized bodies whenever ordered. [Federal, Regional and City Administration Police Commissions]

4. Taking full advantage of the organizational structure put in place under the leadership of the Office of the Prime Minster, activities aimed at creating a nation-wide movement against human trafficking and illegal migration will be organized with the participation of all stakeholders. Awareness creation activities, particularly in the areas where the crime is prevalent, will be carried out using the mass media as well as social organizations. Work being done to keep Ethiopians travelling abroad for work, legally, informed of their human rights and the ways in which they may lodge complaints. Furthermore, the arrest and prosecute illegal human traffickers will continue strengthened. [Ministry and Regional Bureaus of Justice, Ministry of Foreign Affairs; Ministry of Labour and Social Affairs and Regional Bureaus; Federal, Regional /City Administration Police Commissions; Government Communication Affairs Office and Regional Bureaus; Ethiopian Human Rights Commission.]

5. Efforts will be made to enter into bilateral agreements with countries of transit and destination of human trafficking to combat the crime. Ethiopian embassies and consulates in countries where substantial numbers of Ethiopians are engaged in work/either legally or illegally/, legal counseling will be provided on labour affairs and close cooperation will be established with the Governments of host countries to protect citizens from labour exploitation and ensure better protection of their human rights. [Ministry of Foreign Affairs; Ministry of Labour and Social Affairs; Ministry of Justice].

6. Activities awareness creation, as well as preventing and arresting the spread of illegal internal human trafficking at the areas of its origin will be undertaken in collaboration with stakeholders. Similarly, in cities, work being done to support victims of labour and sexual exploitation and bring perpetrators to justice will be intensified. [Ministry and Regional Bureaus of Justice; Federal, Regional and City Administration Police Commissions; Ministry

UNOFFICIAL TRANSLATION

of Labour and Social Affairs and Regional Bureaus; Ministry of Women, Children and Youth Affairs and Regional Bureaus; Ethiopian Human Rights Commission]

7. Efforts will be made to further expand integrated care and justice centers (one stop service) for women and children victimized by sexual violence that enable the provision of support to victims and investigation of crimes. [Ministry and Regional Bureaus of Justice; Federal, Regional and City Administration Police Commissions; Ministry and Regional Bureaus of Women, Children and Youth Affairs; Federal and Regional Supreme Courts; Ministry and Regional Bureaus of Health]

8. Trainings offered to members of crime prevention and investigation sectors of the police will continue to be arranged and provided in collaboration with Stakeholders. [Ministry and Regional Bureaus of Justice; Federal and Regional Police Commissions; Training Institutions of Justice organs; Ethiopian Human Rights Commission]

2.2.6. Monitoring and Evaluation

Leading institution: Ministry of Justice

The Ministry of Justice and Bureaus of Justice are the primary stakeholders for monitoring and evaluation of the sector's performance in respect of the right. They are responsible jointly and severally for monitoring and evaluation along with the following authorities. The House of Peoples' Representatives; Regional Councils; Ministry of Federal Affairs; Regional Administration and Security Bureaus; Ministry of Labour and social Affairs; Office of Government Communication Affairs; Ministry of Foreign Affairs.

2.3. Rights of Persons Arrested, Persons Held in Custody and Convicted Prisoners

2.3.1. Constitutional Framework

The FDRE Constitution provides the following rights for arrested persons; persons held in custody and convicted persons.

UNOFFICIAL TRANSLATION

- Persons arrested have the right to be informed promptly, in a language they understand, of the reasons of their arrest and of any charge against them/Article 19/1/

- Have the right to remain silent and the right to be informed properly in a language they understand, that any statement they make may be used as evidence against them in court Article /19/2/

- Have the right to be brought before a court within 48 hours of their arrest and the right to petition the court to order their physical release when they fail to appear before the court within the prescribed time. Article 19/3 and 9.

- The right not to be compelled to make confession or admissions which could be used against them /Art. 19/5/

- The right to be released on bail /Art 19/6/. It is added that in exceptional circumstances prescribed by law, the court may deny bail or demand adequate guarantee for the conditional release of the arrested person.

- All persons held in custody and persons imprisoned upon conviction and sentencing have the right to treatments respecting their human dignity /21/1/

- All persons shall have opportunity to communicate with, and be visited by, their spouses and partners, close relatives, friends, religious councilors, medical doctors and their legal counsel. /Art 21/2/.

2.3.2. International Legal Framework

Ethiopia's international commitments on the right of Persons Arrested, Persons Held in Custody and Convicted Prisoners are guided by the following international instruments:

- Universal Declaration of Human Rights /Article 9/

- International Covenant on Civil and Political Rights /Art 9 and 10/

UNOFFICIAL TRANSLATION

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment /art 15/
- International Convention on the Elimination of All Forms of Racial Discrimination/Art. 5/
- Convention on the Right of the Child /Art 9/
- African Charter on the Rights and Welfare of the Child /Art 17/

2.3.3. What Has Been Done

Policy Measures

- FDRE Criminal Justice Policy /2011/

National Laws

- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the FDRE No. 691/2010
- Criminal code of the FDRE 2004
- Criminal Procedure Code Proclamation 1961
- Federal Prisons Commission Establishment Proclamation No. 365/2003
- Ethiopian Federal Police Commission Establishment Proclamation No. 720/2011
- Registration of Vital Events and National Identity Card Proclamation No. 760/2012
- Various Relevant laws enacted by Regional Councils

In Draft Stage

- Draft Criminal Procedure Law

UNOFFICIAL TRANSLATION

Institutional and Administrative Measures

Institutional Measures

In order to ensure Protection and respect of the human rights of persons arrested, held in custody and convicted prisoners, the Ethiopian Government has established and is actively engaged in capacity building of Police, Prison Administrations, Courts of Law, Ministry and Bureaus of Justice at the Federal, Regional and City Administration levels.

Administrative Measures

Particular attention was given to activities designed to better ensure respect of the human rights of persons arrested, held in custody and convinced persons and these were aptly incorporated in the National Growth and Transformation Plan (2010/11-2014/15)

By implementing intelligence led investigation in line with the National Criminal Justice policy, through the various BPR studies implemented at the federal and Regional levels, it has been possible to shorten the amount of time criminal investigations take by making sure that suspects are not arrested before the collection of sufficient evidence, and by putting in place time frames with in which criminal investigations must be completed through the common effort of investigators and prosecutors.

The human rights of persons held in custody have been included in the curriculum of Federal and Regional police training institutes and colleges and trainings are given accordingly. Numerous on-job trainings have been given to management and guard officers of Prison administrations on the rights of convicted persons.

Prosecutors and senior police officers conduct regular visits to police detention centers to ensure that the rights of persons held in custody are respected.

The Ministry of Justice has submitted draft Proclamation on community service sentencing and other alternative forms of punishments to the government.

Respecting the right of convicted persons to petition for pardon, over sixty-two thousand /62,000/ prisoners from federal and Regional prisons in the country were released on the basis of

UNOFFICIAL TRANSLATION

good behavior and moral rehabilitation through the period from 1993 to date. In order to ensure improved and wider access to the right, the Ministry of Justice is currently drafting a new Proclamation on the procedures for granting pardon to replace the one in force.

Prison Administrations across the country provide three meals a day to all prisoners and continuous revision and increase is made on the amount of money allocated to feed each convict in line with market prices.

The Council of Ministers has issued 'Council of Ministers Regulations on the Treatment of Federal Prisoners No. 138/2007' to ensure the respect of human rights of prisoners. The Regulation is designed to conform to UN Minimum Standard Rules for the Treatment of Prisoners and provides detailed rules for handling of prisoners.

In addition, the Council of Ministers Federal Prison Warden's Administration Regulation No. 137/2007 provides strong disciplinary punitive measures to be taken in cases of violation of the human rights of prisoners. Furthermore, the regulation stresses that the use of force in situations such as attempted escape of prisoners must be proportional.

Federal prison administrations, in collaboration with stakeholders, provide free legal aid services for prisoners upon request. In the year 2011, the Federal Prisons Administration arranged the provision of free legal aid service to 8,729 prisoners.

A National Prison Administrations Strategic Plan is being implemented in order to standardize the treatment of and provision of services to prisoners at federal and Regional levels.

The Ministry of Justice and the House of Peoples' Representatives and the Ethiopian Human Rights Commission at the federal level and, at the Regional level, the Bureaus of Justice and the State Councils, conduct regular visits to prisons to monitor the respect for human rights and submit their recommendations to the management of Prison Administrations and other relevant government bodies. Corrective measures are taken on the basis of these recommendations.

2.3.4. Problems and Challenges

Notwithstanding the measures taken by the government and the encouraging results gained, the following still standout as problems and challenges.

UNOFFICIAL TRANSLATION

- In so far as free legal aid service to persons who do not have the means to pay for representation by legal counsel of their choice begins only when their cases reach the court of law, it remains a challenge to protect their rights before charges are filed.

- In some cases, arresting officers fail to inform properly of their right to remain silent and that any statement they make may be used as evidence against them in court; that on appearing before a court, they have the right to be given prompt and specific explanation of the reasons for their arrest; and their right to legal counsel on arrest.

- The fact that there exists only one post mortem examination center in the country creates heavy work load and contributes the prolonged detention of suspects until results are obtained.

- Although encouraging results have been obtained in reducing the amount of time suspects are held in custody, the fact that police detention centers are not sufficiently organized to provide appropriate services to suspects.

- That the culture of informing suspects about the means by which complaints may be lodged has not been sufficiently developed in police detention centers.

- The fact that prisons are not sufficiently organized to ensure the rehabilitation of prisoners; the inadequate quality and the lack of universality of formal, technical and vocational education provided for prisoners; the lack of health services, clean water for drinking and sanitation, necessary provisions and congestion are observed in some prisons.

- The absence of monitoring and support system for persons released from prisons either on probation, pardon or upon completion of their sentence, makes it difficult to know whether former inmates have been rehabilitated.

UNOFFICIAL TRANSLATION

2.3.5. Plans and Implementing Institutions

1. In order to reduce the length of the pre-trial detention, time frames within which criminal investigations shall be completed will be set based on the seriousness of the crime. [Ministry of Justice]
2. The necessary legal and administrative framework will be put in place to enable the effective provision of follow up and support for persons released form prisons in order to assist them in becoming productive and law-abiding citizens. [Ministry of Justice and Regional Bureaus of Justice; Federal and Regional prison Administrations; Ministry of Labour and Social Affairs]
3. Where a person arrested on suspicion of having committed a medium or serious criminal offense is unable to afford a legal counsel of his/her choice, efforts will be made to provide free legal service before the person is interviewed by the police. To provide the service on a wide scale, close operational relations will be developed with relevant bodies. The Ministry and Regional Bureaus of Justice will assign private practitioners to provide free legal service /*pro bono*/. [Ministry of Justice and Regional Bureaus; Federal, Regional and City Administration Police Commissions; Federal and Regional Supreme Courts; Ethiopian Human Rights Commission.
4. Police officers will inform all arrested persons on suspicion of having committed a criminal offense promptly of the reasons of their arrest and any charges against them; their right to remain silent; the fact that any statement they make may be used against them as evidence in court; their right to be represented by legal counsel, in a language they understand. Provisions imposing administrative measures for failure to do the above mentioned tasks will be incorporated in police ethics regulations and appropriate trainings will be given. [Council of Ministers; Council of Regional administrations; Federal, City Administration and Regional Police Commissions, Ethiopian Human Rights Commission; Ministry of Justice.]
5. Regular visitations of police detention centers and prisons by senior police and prison administration officials, prosecutors and House of Peoples Representatives/Regional Council members and other relevant bodies will continue reinforced. The conduct of investigations into credible complaints of human rights violation and the taking of appropriate measures where violations are proved to have occurred will continue

UNOFFICIAL TRANSLATION

reinforced. [Federal and Regional prison Administrations; Federal, Regional City Administration Police Commissions; Ministry and Regional Bureaus of Justice; House of Peoples' Representatives and Regional Councils; Ethiopian Human Rights Commission.]

6. In order to ensure accelerated justice by eliminating the undue delays in receiving criminal investigation reports and autopsy and psychiatric examination results, easily accessible centers of post mortem examination and psychiatric examination will be established in the hospitals accessible to all areas of the country. Further, to build the human resource needed, education and training facilities and institutions of forensic pathology will be expanded. [Ministry of Health; Ministry of Education; Ministry of Justice; Federal Police Commission; Federal Prisons Administration]
7. To entertain juvenile victims and offenders in a manner consistent with the law, the National Vital records and National Identity card Proclamation will be implemented. Birth registration and medical examinations for the purpose of determining age will be expanded in hospitals. [Ministry and Regional Bureaus of Health; Federal and Regional Prison Administrations; Ministry and Regional Bureaus of Justice; National Intelligence and Security Service; Central statistics Agency]
8. Measures will be taken to improve the quality of services in police detention centers. Efforts being made to provide all persons in detention centers with three meals a day will continue intensified. The amount of money allocated for feeding each detainee per day will be revised in line with market prices. Work will also be made to improve the sleeping and sanitary supplies. [Federal, Regional and City Administration Police Commissions]
9. All persons held in police detention centers will be made aware of their right to submit their complaints of human rights violations. Notices explaining the methods of registration of complaints will be displayed at salient points visible to all detainees.
10. Efforts will be made to ensure that all prisons at Federal and Regional levels are better able to respect and enforce the human rights of every prisoner. Actions will be taken to enable all prisons to separate the juvenile offenders from the adults; the persons on pre-sentencing remand from convicted persons. With regard to congestion in prisons, the expansion, renovation and upgrade of old facilities as well as the construction of new centers will be conducted based on the findings of a need assessment study to be

UNOFFICIAL TRANSLATION

conducted. Federal and Regional Prison Administrations will undertake a review of the budget allocated to feed each prisoner in order to improve the quality of meals. [Federal land Regional Prison Administrations]

11. Clean water for drinking and sanitation will be made available to all prisons. Quality formal and vocational education offered in prisons will be expanded to enable prisoners to become productive and law abiding citizens and earn a living when they rejoin the society. A stronger working relationship shall be formed with the Ministry and Regional bureaus of Education. Further, work will be done to expand health services in prisons. [Federal and Regional Prison Administrations; Ministry of Water and Energy and the relevant Regional and City Administration bureaus; Ministry and Regional Bureaus of Education]
12. Trainings offered to the public and justice organs to raise awareness about human rights shall continue in earnest. [Ministry and Regional Bureaus of Justice; Federal and Regional Police Commissions; Justice Sector Training Institutions; Ethiopian Human Rights Commission]

2.3.6. Monitoring and Evaluation

Leading Institution: Ministry of Federal Affairs

The Ministry of Federal Affairs and Regional and City Administration and Security Bureaus are the primary stakeholders for monitoring and evaluation of the sector's performance in respect of the human rights. They are responsible jointly and severally for monitoring and evaluation along with the following authorities: The House of Peoples' Representatives; the Regional State Councils; Ministry and the Regional State and City Administration Bureaus of Justice.

2.4. The Rights of Persons Accused

2.4.1. Constitutional Framework

Article 20, of the Constitution of the Federal Democratic Republic of Ethiopia state that accused persons has the following rights. The First is that accused persons have the right to a public trial by an ordinary court of law within a reasonable time after having been charged. The court may hear cases in a closed session only with a view to protecting the right to privacy of the parties

UNOFFICIAL TRANSLATION

concerned, public morals and national security. During proceedings, accused persons have the right to be presumed innocent until proved guilty according to law and not to be compelled to testify against themselves. Accused persons have the right of full access to any evidence presented against them, to examine witnesses testifying against them, to adduce or to have evidence produced in their own defense, and to obtain the attendance of and examination of witnesses on their behalf before the court. Accused persons have the right to be represented by legal counsel of their choice, and, if they do not have sufficient means to pay for it and miscarriage of justice would result, to be provided with legal representation at state expense. All persons have the right to appeal to the competent court against an order or a judgment of the court which first heard the case. They have the right to request for the assistance of an interpreter at State expense where the court proceedings are conducted in a language they do not understand.

2.4.2. International Legal Framework

Ethiopia's international commitments on the right of accused persons are guided by the following international instruments:

- Universal Declaration of Human Rights: Article 10
- International Covenant on Civil and Political Rights Article 14
- African Charter on Human and Peoples' Rights; Article 7
- African Charter on the Rights and Welfare of the Child: Article 7
- Convention on the Rights of the Child: Article 40
- International Convention on the Elimination of All Forms of Racial Discrimination: Article 5

2.4.3. What Has Been Done

Policy Measures

- FDRE Criminal Justice Policy /2011/
- Ethiopian Democratic System Building Affairs /2002/

UNOFFICIAL TRANSLATION

National Laws

- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the FDRE No. 691/2010
- Criminal Code of the FDRE 2004
- Criminal Procedure Code Proclamation 1961
- Amended Federal Judicial Administration Council Establishment Proclamation No. 684/2010
- Federal Courts Advocates Licensing and Registration Proclamation No. 199/2000
- Relevant laws enacted by Regional States Councils

Institutional and Administrative Measures

Institutional Measures

The Government has established a series of institutions to ensure realization and respect of the rights of accused persons enshrined in FDRE Constitution and the international human rights instruments adopted by Ethiopia. Federal, Regional and City Administration Courts of Law; Ministry and Regional Bureaus of Justice and Offices of Public Defenders were established and are providing services.

Administrative Measures

The government has included plans to be implemented in order to better protect the rights of accused persons in successive five year development plans. In addition, new working strategies have been introduced through Business Process Reengineering to improve respect for the right.

The Growth and Transformation Plan has defined the set of multiple actions to attain a transparent and acceptable justice system capable of delivering satisfactory services to the public. Work continues to be done to implement these plans.

A Justice Sector Reform Programme aiming at building an effective and efficient justice sector capable of ensuring the rule of law is being implemented. The programme was designed to build the efficiency of law makers, Courts of Law and Law enforcement through trainings and the

UNOFFICIAL TRANSLATION

formulation and implementation of new working strategies. Part of the programme relating to Courts of Law is led by the Federal Supreme Court while the rest concerning other justice organs is overseen by the Ministry of Justice.

The Federal Supreme Court has been managing the Children's Justice Project, which aims to ensure respect for the rights of the child guaranteed by the Constitution and create a justice system adapted children's needs. In this respect, the Project Office has carried out numerous research studies on the justice system and children in the past ten years. The project office has also provided training courses on the treatment of the children entering the justice system to judges, prosecutors, police and prison administration officers from across the nation.

Federal and numerous Regional justice organs have jointly carried out Business Process Reengineering studies. By classifying crimes in to simple, medium, and serious offences and assigning time and quality indicators for their investigation, charging and litigation, it has been possible to dispense cases in a reasonable time.

Commendable results have been attained in ensuring speedy trial through the introduction of Real Time Dispatch in federal and numerous Regional courts, justice bureaus and police Commissions by the speedy investigation, charging and sentencing of particularly simple and medium criminal offences in which all relevant evidence is available. Due respect has been paid to the right of the accused to defend him/her self.

The Federal Supreme Court has issued a sentencing manual to be implemented in courts throughout the nation. Its application has improved the predictability and fairness of sentences.

The implementation of in the Federal and most Regional courts enabled significant reduction in the attrition rate, backlog and year-to-year carry-over of cases. Further, subsequent to the adoption of the Business Process Reengineering, all courts of law are open for service throughout the year.

Federal and some Regional courts have begun tape-recording and transcription of testimonies given during trial. The case and data management has been upgraded to database system.

UNOFICIAL TRANSLATION

A Federal Courts Reform Programme (2008-2015) is under implementation to ensure a fair, effective, efficient and equitable adjudication of cases.

Federal and all Regional courts have established offices of Public Defenders. Further, Federal and some Regional bureaus of justice have begun assigning private advocates *pro bono* to litigants in both criminal and civil cases where they demonstrate that they are unable to pay for the service.

Consecutive training courses have been provided to judges and prosecutors to their professional competence and reinforce their ability to respect and ensure respect of human rights. The trainings were provided with the collaboration of Ministry of Justice, the Courts and Justice Organs Professionals Training Institutes and other bodies.

In respect of the Constitutional right of persons accused to assistance of the interpreter in court proceeding conducted in a language they do not understand, interpreters have been assigned to all courts of law.

Preparations are being made by the Federal courts to introduce a 'pre-trial conference' system to enable accused to persons have full access to any evidence presented against them by prosecution in criminal cases.

The Ministry of Justice has established a directorate dedicated to crimes against women and children and similar structures have been set up in numerous Regions.

2.4.4. Problem and Challenges

Notwithstanding the measures taken by the government and the encouraging results attained, the following still standout as problems and challenges.

- The fact that the work of ensuring the uniformity of changes introduced by the Business Process Reengineering across the nation especially those requiring the amendment of laws has not been adequately performed.

- The fact that sufficient number of judges is not available at various levels of courts creates a challenge in rendering quality court decisions in a reasonable period.

UNOFFICIAL TRANSLATION

- The unavailability of Public Defenders in the First Instance Courts of Law, inhibits the provision of necessary legal support to persons accused of serious criminal offences.

- The shortage in the number of Public Defenders at both the Federal and Regional levels and their inadequate expertise makes it difficult to provide services to all accused persons consistently.

- The fact that legal follow up and enforcement of the *pro bono* obligations of private advocates is not being done sufficiently coupled with the inadequate number of Public Defenders make is a challenge to provide services to the public.

- Inefficiency of the police departments in charge of delivering court summons to the accused, contributes to delays in justice as cases await long periods of time for witness testimonies.

- The absence of a legal basis for review of judgment.

- The fact that psychiatric examination service is available only in Addis Ababa creates a long waiting list, causing long delays in judicial proceedings and makes the determination of their mental status at the time of the Commission of the crime challenging.

2.4.5. Plans and Implementing Institutions

1. Action will be taken to standardize and provide legal framework for new working systems introduced by Business Process Reengineering changes on a national scale. Similarly, the necessary laws and manuals for new working strategies defined by the Criminal Justice Policy will be put in place. [Ministry and Regional Bureaus of Justice; Federal and Regional Supreme Courts; Federal, Regional and City Administration Police Commissions; Federal and Regional Prison Administrations.

2. The legal and working systems will be put in place to enable private advocates at federal and Regional levels to provide *pro bono* services more extensively. [Ministry and Regional Justice Bureaus

UNOFFICIAL TRANSLATION

3. The numbers of judges and prosecutors will be increased to ensure that trials are completed in conformity with the time scale set forth in the Business Process Reengineering studies. Further, the delivery of trainings on new and existing laws judges and prosecutors to enrich their expertise and capabilities will continue reinforced. [Federal and Regional Supreme Courts; Ministry and Regional Bureaus of Justice; Justice Organs Professionals Training Centers]

4. Efforts will be made to make available sufficient numbers of Public Defenders in the Federal and Regional Supreme and High Courts. As regards the first Instance courts, conditions will be devised to provide accused persons with Public Defenders in serious cases. For this purpose, Public Defender's Offices will be established within First Instance Courts and consecutive training courses will be provided to develop the expertise of relevant personnel. [Federal and Regional Supreme courts].

5. Robust and sustainable action will continue to be taken to ensure the independence accountability of the courts. [Federal and Regional Supreme Courts]

6. Laws will be passed to introduce review of judgment. [Ministry of Justice, House of Peoples' Representatives]

7. Efforts will be made to expand medical centers for psychiatric and age determination services. [Ministry and Regional Bureaus of Health; Federal, Regional and City Administration Police Commissions; Ministry of Justice]

8. Police departments in charge of delivering court summons to the accused and witnesses and effecting arrest for court appearances will be strengthened in equipment and man power to assist in ensuring speedy trials. [Federal, Regional and City Administration Police Commissions]

9. Continuous human rights awareness education and training courses will be given in collaboration with stakeholders to persons arrested in police detention centers and to prisoners, as well as to members of police and prison administrations. The training courses will be designed to give specific stress to the human rights of persons, accused and persons, imprisoned upon conviction and sentencing. [Ministry and bureaus of Justice; Federal,

UNOFFICIAL TRANSLATION

Regional and City admin. Police Commissions; Training Institutes of the legal sector, Ethiopian Human Rights Commission]

2.4.6. Monitoring and Evaluation

Leading Institution: Ministry of Justice

The Ministry of Justice is the primary stakeholder for monitoring and evaluation of the sector's performance in respect of this right. The Ministry is responsible with the following authorities jointly and severally for the monitoring and evaluation. The House of Peoples' Representatives and the Regional State Councils; Federal and Regional Supreme Courts; Ministry of Federal Affairs and the Regional administration and security affairs bureaus.

2.5. Right of Access to Justice

2.5.1. Constitutional Framework

Article 37 of the FDRE Constitution states everyone has the right to bring a justiciable matter to, and to obtain a decision or judgment by, a court of law or any other competent body with judicial power.

As regards the right to equality the FDRE Constitution provides, under Article 25, that all person are equal before the law and are entitled, without any discrimination, to the equal protection of the law. It adds in this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth or other status.

2.5.2. International Legal Framework

Ethiopian's responsibilities to ensure the right of access to justice are covered under the following international agreements.

- Universal Declaration of Human Rights: Article 8
- African Charter on Human and Peoples' Rights: Article 7

UNOFFICIAL TRANSLATION

- International Convention on the Elimination of All Forms of Racial Discrimination: Article 5.

2.5.3. What Has Been Done

Policy Measures

- Issues on Democracy Building System in Ethiopia /2002/
- FDRE Criminal Justice Policy /2011/

National Laws

- Federal Courts Proclamation No. 25/1996 /as amended/
- Federal Courts Advocates Licensing and Registration Proclamation No. 199/2000
- Amended Federal Judicial Administration Council Establishment Proclamation No. 684/2010
- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the FDRE No. 691/2010
- Ethiopian Federal Police Commission Establishment Proclamation No. 720/2011
- Various relevant laws enacted by Regional State Councils

Institution and Administrative Measures,

Institutional Measures

With the objective to ensure that human rights of citizens are respected, protected and fully enforced and to take the necessary measures where they are found to have been violated, the Government has established institutions with the responsibility of investigating, charging and render judgments at Federal and Regional City Administrations levels, Police Commissions, Ministry and Bureaus of Justice, and courts. Boards of Pardon have been established at the federal level and in many Regional states. Ethics and Anti-Corruption Commissions have been established at Federal and Regional levels to combat corruption within the justice system and contribute considerably towards access to justice.

UNOFFICIAL TRANSLATION

Administrative Measures

The Growth and Transformation Plan has defined a set of actions to be taken to better ensure the right of access to justice through expanding the accessibility of laws and the institutions of justice.

A Court Reform Programme and plan has been prepared to ensure the independence, effectiveness, efficiency, accessibility, transparency, accountability and all-inclusiveness of the courts of law and is already being implemented.

A Children's Justice Project is being implemented by the Federal Supreme Court to promote respect of Constitutional rights of children who become involved with the justice system nation-wide. Accordingly, a number of child-friendly benches have been established equipped with CCTV technology.

Police stations have been set up in urban and rural areas down to the lowest administration level and are serving the public. The Federal Police have also opened criminal investigation sectors in Addis Ababa and Dire Dawa.

The Ministry of Justice has active offices in all the sub-cities of Addis Ababa. Further, prosecutors have been assigned in every police criminal investigation center. In consequence, remarkable success has registered in accelerating the decision-making process. Similarly, the justice bureaus of all the Regional States have offices at Regional, zonal and woreda levels, and in some cases at the sub-Woreda stage.

Through the application of Real Time Dispatch in the Federal Courts and, in a number of Regional Courts; Ministry and Regional Bureaus of Justice and Police Commissions, particularly in simple and medium Criminal offences, in which complete evidence is available, fast investigation, litigation and sentencing have been achieved thereby contributing to the effectiveness and accessibility of the legal system.

The efficiency of the justice system has also been improved through the implementation of Community Based Policing in which the community works hand in hand with the police in crime prevention.

UNOFFICIAL TRANSLATION

With the utilization of modern video conference technology the accessibility of the courts has been enhanced and prisoners are able to submit their petitions and appeals to Federal courts, without being subjected to the rigors of transportation and physical presence. CCTV technology is currently used to allow children to testify from a special, properly equipped room assisted by a social worker without entering the court room and being subjected to psychological and emotional pressures.

Substantial costs and time as been saved and the access to justice improved in some Regions by the use of "plasma courts" which allow litigation to be conducted without physical attendance by the parties.

With the aim of attaining speedy trail, reduce repetitive trips to courts, and augment the accessibility of courts, all Regional State courts, appoint circuit courts. In addition, some supreme courts of Regional States have instituted permanent courts in selected towns to improve access to justice/ e.g. More Supreme Court benches in remote areas/.

In order to ensure that laws are accessible to the citizens, all federal laws are published in the Negarit Gazette. Similarly, all Regional State laws will be published in various official State Gazettes. Rulings and decisions of the Court of Cassation of the Supreme Court are printed and made available to the public. The Constitution and international treaties have also been translated into Amharic and other local languages.

Traditional reconciliation systems have been organized in a bid to implement Alternative Dispute Resolution. Currently, the Ministry of Justice is in process of drafting a Proclamation on out-of-court conflict resolution mechanisms.

2.5.4. Problems and Challenges

Notwithstanding the measures taken by the government and the encouraging results attained in fulfilling the right of access to justice, the following still standout as problems and challenges.

- The fact that the establishment of court branches is not based on the number and density of population negatively affects access to justice.

UNOFFICIAL TRANSLATION

- The lack of an effective system of dissemination and distribution of old and new laws and the decisions and rulings of the Court of Cassation of the Federal Supreme Court has created shortages in availability of documents and publications of law in the environs of courts.

- The efforts to make laws available to the society on time are unsatisfactory.

- Offices of public defenders do not exist at the Woreda level and are sufficiently available even at the High Court level.

- Free legal aid provided by various governmental and non-governmental organizations is not offered in a coordinated manner.

- The fact that translation of national and international human rights laws into the various local languages has not been adequately done.

- Work on codification the laws is satisfactory.

- The limited use of the mass media and other means to increase public awareness on human rights.

- The extremely limited efforts to ensure the accessibility of laws to persons with disabilities especially to the blind.

2.5.5. Plans and Implementing Institutions

1. In order to improve the accessibility of courts, studies will be conducted using pattern and demographic concentration as additional criterion to the administrative structure. On the basis of the findings of these studies, Federal and Regional Supreme, high and first instance courts will establish additional branches. Similarly, additional justice bureaus and police stations will be opened after studies are conducted on demographic concentration. [Federal and Regional Supreme Courts; Ministry and Regional Justice Bureaus; Federal, Regional and City Administration Police Commissions]

UNOFFICIAL TRANSLATION

2. A distribution system of Federal and Regional Proclamations and regulations will be set in place to improve access for judges at both federal and Regional levels, and to ensure strict adherence to the law in making decisions. Further, all new laws enacted by the House of Peoples' Representatives and Regional State Councils as well as the decisions of the Court of Cassation of the Federal Supreme Court, will be made to reach all courts promptly and appropriate trainings will be provided. In the same manner, a system will be devised to ensure accessibility of laws other justice organs and public. [Federal and Regional Supreme Courts; Justice Organs Professionals Training Centers, House of People's Representatives; House of Federation and Regional Councils]

3. Additional personnel will be employed to adequately staff Public Defender's Offices in the Federal and Regional Supreme and High courts. Public Defender's Offices will be established to ensure access to legal support for the accused in serious criminal charges adjudicated by First Instance courts. Their expertise and capability will be developed through consecutive trainings. [Federal and Regional Supreme Courts; Justice Organs Professionals Training Centers; Ethiopian Human Rights Commission.]

4. Sales centers will be expanded to provide access to existing and new laws to the society. Translation, codification of laws into the various working languages of the country as well their distribution will be systematized and reinforced. In this respect, particular attention will be given to oft-required laws, such as Criminal Law, Civil Code and the Criminal procedure Law /which is currently being drafted/. [House of Peoples' Representatives; House of the Federation; Ministry of Justice]

5. Efforts will be made to establish additional branches of Supreme and High Courts in places to be identified by studies; to increase the number of circuit courts and to expand quality e-litigation services to all Regions. [Federal and Regional Supreme Courts; Ethio-Telecom]

6. Strategy will be developed and implemented to coordinate and integrate the free legal aid service disparately given by Government and non-governmental organizations. [Ministry of Justice; Ethiopian Human Rights Commission]

UNOFFICIAL TRANSLATION

7. Action will be taken, on the basis of study findings, to translate the national laws and the international human rights instruments ratified by Ethiopia in to various local languages; to codify and distribute as well as them available in Braille. [Ministry of Justice; Ethiopian Human Rights Commission;]

8. In order to raise public awareness about the law, extensive use will be made of the mass media and other means. [Ethiopian Human Rights Commission; Ministry and Regional Bureaus of Justice; Federal and Regional Supreme Courts]

9. Alternative Dispute Resolution systems will be put to use extensively. A law on ADR will be enacted and implemented.[Ministry of Regional Bureaus of Justice; Federal and Regional Supreme Courts; House of People's Representatives]

10. Work done by courts and other Justice organs will be given media coverage to enhance the credibility and acceptance of the justice system and to create a public that resolves disputes through the law. [Federal and Regional Supreme Courts; Ministry and Bureaus of Justice; Federal, Regional State and City Administration Police Commissions, Government Communication Affairs Office and Regional Bureaus]

2.5.6. Monitoring and Evaluation

Leading Institutions: Federal Supreme Court and Ministry of Justice.

The Federal and Regional Supreme Courts, The Ministry and Bureaus of Justice are the primary stakeholders of the in relation to this right. They are responsible with the following authorities, jointly and severally for the monitoring and evaluation. The Legal and Administration Affairs Standing Committee of the House of Peoples' Representatives; Regional States Councils Legal and Administration Standing Committees; Ministry of Federal affairs Regional Security and Administration Affairs Bureaus.

UNOFFICIAL TRANSLATION

2.6. Right of Thought, Opinion and Expression

2.6.1. Constitutional Framework

The FDRE Constitution provides in article 29 that everyone has the right to hold opinion without interference. Everyone also have the right to freedom of expression, and this shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any media of his/her choice.

The Constitution guarantees freedom of the press and other mass media and prohibits any form of censorship. It further protects access to information of public interest and assures freedom of artistic creativity. The Constitution states that any propaganda for war as well as the public expression of opinion intended to injure human dignity shall be prohibited. It further States that legal limitations can be laid down in order to protect the well-being of the youth and the honor and reputation of individuals.

2.6.2. International Legal Framework

Ethiopia's international commitments to respect, protect and fulfill the right of thought, opinion and expression are guided by the following international instruments.

- Universal Declaration of Human Rights: Article 13
- International Covenant on Civil and Political Right: Articles 19 and 20
- International Convention on the Elimination of All forms of Racial Discrimination: Article 5
- Convention on the Elimination of all forms of Discrimination against Women: Article 3 (by interpretation)
- Convention on the Rights of the Child: Article 13
- African Charter on Human and Peoples' Rights: Article 9
- African Charter on the Rights and Welfare of the Child: Article 7

UNOFFICIAL TRANSLATION

2.6.3. What Has Been Done

Policy Framework

- Issues of Democratic System Building in Ethiopia /2002/

National Laws

- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of FDRE No. 691/2010
- Broadcasting Service Proclamation No.533/2007
- Freedom of the Mass Media and Access to Information No 590/2008
- A Proclamation to Consolidate the House of the Federation of the Federal Democratic of Ethiopia and to Define its Powers and Responsibilities, Proclamation No. 251/2001
- Criminal Law Proclamation No. 414/2004
- Civil Code Proclamation No. 1/1961
- Advertisement Proclamation No. 759/2012

Institutional and Administrative Measures

Institutional Measures

In order to protect the Constitutionally enshrined right of thought, opinion and expression, the Government has established Ethiopian Broadcast Authority and Office of Government Communication Affairs.

Administrative Measures

Government has taken various administrative measures to ensure effective fulfillment of citizens' Constitutional right of thought, opinion and expression, and freedom of information; to create multi-facetted mass media capable to contribute to the development process; to internalize government transparency and accountability; and to advance building of democracy.

UNOFFICIAL TRANSLATION

With the aim of respect, protection and fulfillment of this right, the 5-year Growth and Transformation Plan /2010/11-2014/15/ endorses the expansion of the services of mass media in type, quality and in number. The Plan further indicates the need to diversify the language of the media and provide the public with current and credible information.

With regard to the press, with the exception of technical registration, licensing and renewal processes are not required. In the event, the number of publications rose to 211 in 2011. In addition, the increase in the number of printing presses; the uniformity of services and costing by distributing agencies have contributed to the growth of the sector.

Concerning the broadcasting services, the licensing service has been widened and facilitated. Diverse domestic and foreign programme broadcasters obtain licenses easily as soon as they are proven capable and competent. Further, broadcasting services wishing to broaden their wave range obtain appropriate licenses. In order to expand the citizens' access to mass media, a system has been set in place that provides news, educational programmes and entertainment programmes by modern means.

Another administrative step taken to ascertain the citizen's right to current information is the development of mass multimedia. Thus, governmental, commercial and community broadcasting services are available. In addition, through diversifying the language of mass media; including international languages, nations, nationalities, and peoples are enabled to access information using their language. To ensure neutrality, government mass media are accountable to House of Peoples' Representative and concerned State Councils; and they are administered by a Board.

In order to prevent monopoly practices i.e. one owner-to-many mass media or the prevalence of a single content in numerous types of media, care has been taken to avoid media monopoly.

Related to the right of thought, opinion and expression, the media have the right, without any form of censorship, to gather, receive and impart news or information, criticize ideas and record public opinion via different means. In order to enable them to make proper use of this right to provide current and correct information to the public, training courses and awareness creation workshops have been provided to enhance the competence and expertise of professionals.

UNOFFICIAL TRANSLATION

Apropos the role of Government in protecting the right of citizens to obtain correct information, it has set a system whereby citizen's complaints against information and statements given or made by media are entertained. The offending media is obliged to create the necessary conditions to acknowledge and correct the error at its own expense.

With regard to accusations of defamation against the media by private citizens and organizations, the case will be entertained upon private complaint; unless it is against an appointee of any of the Constitutionally established legislative, executive or judiciary organs of government, which will be in the hands of the public prosecutor. These provisions are closely observed to ensure the right of freedom of expression. On the other hand, a person suspected of committing a criminal offence using the mass media will be brought directly before the court on charges without waiting in remand for purposes of additional investigation.

On receipt of the case, the court in the presence of the defendant, if the defendant is absent by the issuing the same on the newspaper, will give decision within a period of one month. Further, any admissible complaint against the media will have a short period of limitation, to enable the media to properly carry on their legitimate work and to protect their right of freedom of expression.

In commitment to ensure respect of the right to freedom of expression, the Government has undertaken diverse actions. Of primary reference is the provision of enabling conditions for candidates of political parties in times of elections, or any other, to present, explain and discuss their programmes objectives and goals in free radio and television airtimes. Political parties can campaign freely in public squares, or in any other legitimate way, and present their manifestos.

Above all, no member of the parliament may be prosecuted on account of any votes he casts or opinion he expresses in the parliament; nor any administrative action may be taken against any member on such grounds. Thus, members of parliament can express their opinions during meetings freely and without any fear and, in the event, reinforce the building of democratic system in the country. Furthermore, prior to the enactment of laws, public discussion and forums are conducted in the relevant institutions, as well as in the House of Peoples' Representatives for open and free participation of the citizens.

UNOFICAL TRANSLATION

Recognizing the effect of absence of law regulating the rights and duties of advertisers, advertising agents and distributors has on citizens' rights and image of a country, the government recently have come up with a comprehensive advertisement law.

With respect to ensuring the Constitutional right of citizens to freedom of information, anyone who wishes to obtain information from any government institution can do so, without explaining the purpose, in the form he wishes by paying a specified service charge. If the person does not have the means to pay, the information will be provided freely. Should the information be available in the language of the person who requests, it shall be given as is. However, if the information is available in a language other than that of the request, it will still be provided in its original form. Details of information under limitation are incorporated in the law. If a person is denied access to information not prohibited by law, the person can appeal to the chief executive of the institution, to the ombudsman and, as final recourse to court of law. Such established systems have the dual benefits of ensuring respect to the right to freedom of information; and to ensure transparency, accountability and productivity of government and the prevalence of good governance.

The Ombudsman Institution, in collaboration with stakeholders is currently engaged in drafting the complementary provisions to the laws relating to mass media.

Full respect, effective protection and fulfillment of the right to freedom of thought, opinion and expression can be ascertained if the boundaries of limitations can be clearly defined. Therefore, the right does not include any propaganda for war, and expression of opinion intended to injure human dignity and reputation.

2.6.4. Problems and Challenges

Measures taken by the government have achieved a great deal in respecting, protecting and fulfilling the right of thought, opinion and expression of citizens. However, there still exist problems and challenges, which are stated below, that need attention.

- Delay in finalizing the preparation laws and systems required for the proper implementation of the Proclamation for the freedom of mass media and access to information.

UNOFFICIAL TRANSLATION

- The absence of legal regulation on hate speech made against individuals and groups.
- The fact that truthfulness of a statement is not a ground to be free from crime of defamation.
- Gaps in the ethics and competence of mass media owners and professionals.
- Though many have been done, a gap still exists regarding access to information sources, like TV and radio, and quality of internet services.
- Gap in mass media accessibility for people with disabilities.
- The limited number of diverse media languages.

2.6.5. Plans and Implementing Institutions

1 Supplementary laws and procedures needed for the implementation of Proclamation on Freedom of the Mass Media and Access to Information will be adopted. [Institute of Ombudsman; Office of Government Communication Affairs; Council of Ministers; all government offices]

2 The strengthening and expansion work regarding the area of coverage, quality and quantity of services of mass media will continue. Simultaneously, community radio broadcasting stations will be encouraged to expand and supporting conditions will be created for them. [Broadcasting Authority, Office of Government Communication Affairs]

3 Manuals to support and monitor the mass media will be developed and applied. [Broadcasting Authority; Office of Government Communication Affairs]

4 Diverse and wide-range trainings will be arranged and provided to the human resources of all Federal and Regional mass media organizations, at all levels from leadership, down the scale, to enhance their work, competence and to develop their expertise and capability to use and apply modern media applications. Furthermore, experience sharing forums will be arranged. [Broadcasting Authority; Office of Government Communication Affairs]

UNOFFICIAL TRANSLATION

5 Government will provide necessary support for the establishment of Press Council where-at the mass media organizations self-regulate ethical and professional standards of work and behavior. [Office of Government Communication Affairs]

6 Training courses will be provided to build the competence and professional ethics of mass media owners and journalists. Further training courses will be arranged on the Proclamation of Freedom of the Mass Media and Access to Information and its implementation to members of the justice organ and mass media professionals. [Ministry of Justice; Institute of Ombudsman; Ethiopian Human Rights Communication]

7 Activities will continue to educate and make the society aware of the right of thought, opinion and expression. In particular, schools, community radio, and other mass media will be used. [Ethiopian Human Rights Commissions; Institute of Ombudsman; Ministry of Education; Mass Media]

8 Government will continue to strengthen measures taken to provide quality and accessible information sources to the majority. [Broadcasting Authority; Office of Government Communication Affairs.]

9 Government will provide necessary conditions to draft and adopt laws that regulate hate speech and defamation. In addition, the recently enacted Advertisement law will be put into practice. [Office of Government Communication Affairs; Ministry of Justice; House of Peoples' Representatives]

10 With respect to crime of defamation, the indicated criteria will be revised subsequent to careful study. [Office of government communication Affairs; Ministry of Justice; House of Peoples' Representatives]

11 In order to enable persons with disabilities exercise their right of thought, opinion and expression, sign-based broadcasting services will be expanded. Further, conditions will be created to provide, distribute, and widen the reach of information in Braille. [Broadcasting Authority, Office of the Government Communication Affairs]

UNOFFICIAL TRANSLATION

2.6.6. Monitoring and Evaluation

Leading institution: Office of the Government Communication Affairs.

The Office of Government Communication Affairs, Regional States and City Administrations Communication Office are the primary stakeholders to respect and protect the Right of Thought, Opinion and Expression. They are responsible with the following authorities, jointly and severally, to monitor and evaluate implementation of the right Ministry of Justice; Ministry of Education; Federal and Regional State Supreme Courts; Institute of Ombudsman; Ethiopian Human Rights Commission; Council of Ministers; House of Peoples' Representatives; Regional States Councils].

2.7. Freedom of Association

2.7.1. Constitutional Framework

The Constitution of the Federal Democratic Republic of Ethiopia, Article 31 provides that every person has the right to freedom of association for any cause or purpose. It also limits the freedom stating that "organizations formed, in violation or appropriate laws, or to illegally subvert the Constitutional order, or which promote, such activities are prohibited".

2.7.2. International Legal Framework

Ethiopia's international commitments regarding Freedom of Association are guided by the following international instruments:

- Universal Declaration of Human Rights: Article 20
- International Convention on Civil and Political Rights: Article 22
- International Convention on Economic, Social and Cultural Rights: Article 8
- International convention on the Elimination of All Forms of Racial Discrimination: Article 5 /d//9/
- Convention on the Rights of the child: Article 15

UNOFICIAL TRANSLATION

- African charter on Human and Peoples' Rights: Article 10
- African charter on the Rights and Welfare of the Child: Article 8
- ILO Agreements: Freedom of Association and Protection of the Right to Organize Convention No 87/1948,Right to Organize and Collective Bargaining Convention No. 98/1949

2.7.3. What has been done

Policy Measures

- Ethiopian Democratic System Building Policy/1994 E.C./
- Rural and agricultural development policy and strategy /2001/

In addition, the Government, regarding freedom of association, has incorporated analytic statements into national policies and promoted the right for legal purposes and objectives.

National Laws

- Charities and societies Proclamation No. 621/2009
- Political Parties Registration Proclamation no. 573/2008
- Labour Proclamation No. 377/2003
- Proclamation No. 274/2002 for the Establishment of Cooperatives Commission; Cooperative Societies Proclamation no. 147/1998; and Cooperative Societies Proclamation/ Amendment/ No. 402/2004
- Proclamation to provide for the definition of powers and duties of the executive organs of FDRE, Proclamation No. 691/2010
- Trade Registration and Licensing Proclamation No. 686/2002
- Micro-finance Proclamation No. 626/2001

UNOFFICIAL TRANSLATION

- Criminal Code Proclamation No. 414/2004
- Civil Code Proclamation no. 1/1960
- Commercial Code 166/1960

Institutional and Administrative Measures

Institutional Measures

In order to provide the proper conditions for the enforcement of freedom of association the following institutions were established by the Government: Federal Charities and Socialites Agency; Federal and City Administration Cooperative Societies Agency/Bureaus; Micro and Small-scale Enterprises Development Agency/Commission; Ministry and Bureaus of Trade; National Election Board and Branch Offices and Ministry of Federal Affairs.

Administrative Measures

In conformity with the Constitutional provision that every person has the right to freedom of association for any legal purpose; the country's various policies, strategies and related detailed laws have internalized reference and adherence to this right. Thus, citizens, in strict adherence to the law, and on bases of: politics, gender, age, profession, trade, development, charity, special needs and diverse matters have formed associations of their choice. These social formations include: political organizations; micro and small-scale development enterprises; mass based and cooperative associations like;, farmers' cooperatives, housing associations, consumers and saving and credit cooperatives; trade unions , women's associations, youth associations, elders associations, association of persons with disability; children parliaments, various professional associations; and others at Federal, Regional States and City Administration Levels.

Political parties, which are one of the manifestations of freedom of association of citizens, contribute to the building of democracy and good governance. Making full use of this freedom, Ethiopian citizens formed numerous political parties, which grew up to 77 over the period of 1995-2011 E.C. To this end, the enactment and enforcement of political parties' registration Proclamation No 573/2008 with its simple criteria, enable citizens organized lawfully and

UNOFFICIAL TRANSLATION

establish political parties. Parties that fulfilled the registration requirements listed in Proclamation No. 573/2008 have participated in the four successive national general elections in the years 1995 to 2010. Government encouraged the parties and supported their election campaigns financially, in accordance with the directive issued for the purpose. Furthermore, the parties have instituted, Joint Consultation Councils in all Federal and Regional election zones to solve complaints, perceived irregularities and other issues of common interest.

Proclamation for registration and regulation of charities and societies was enacted *inter alia* to ensure better application of the freedom of association enshrined under the Constitution; to create conducive conditions for charities and societies to participate in, and contribute to all-inclusive and comprehensive development activities of the country; and to ascertain the prevalence of transparency and accountability in their activities. To this end, the Charities and Societies Agency developed and set an uncomplicated fast-track registration system and enabling them launch their programmes, quickly. It is worthy of note that in the wake of the enactment of the Charities and Societies Proclamation in 2008 to-date, 2670 such organizations were registered and are active. The fact that out of the total, 1,060 are new entrants, indicates that an annual intake of 352 charities and societies in contradistinction with the annual average of 76 in previous 50 years, or half-century. Further, of the over 2,670 charities and societies 472 are registered to engage in activities related with respect and protection of human rights.

Concerning registration and regulation of charities and societies, Regional states enacted and enforced their own regulations and handled it by their respective by Agencies.

Furthermore, the Agency has set an appeal system in which the Charities and Societies Board receives and adjudicates complaints of violation of its rights by any aggrieved charity or society. The Agency's Board consists of seven members, two of whom are representatives of the charities and societies, an arrangement which provides a better bargaining power to the societies and further ensures their Constitutional rights are respected. The Agency has enacted and applied diverse and detailed regulations and directives to facilitate the activities of Charities and Societies.

UNOFFICIAL TRANSLATION

Additionally, in connection with resolving common problems and challenges of the charities and societies, there has been established Civil Society Working Group inclusive of: the Government, charities, societies and development partners.

Micro and small-scale enterprises are considered as productive examples of citizens' application of their Constitutional right of freedom of association. In so far as these enterprises form a base for industrial development and create wide income generating and job opportunities, they play fundamental roles in the country's socio-economic development. It is in belief of this fact that the government designed and implemented the development strategy and policy for micro and small-scale enterprises. Besides so as to enable the micro and small scale enterprises attain their objectives in successful manner, the government provided the citizens of the sub-sector with credit facility, training, production and market facilities, information services, technology and other support. Currently 167,835 enterprises are established and created 1.46 million jobs which in a way positively contributed for economic and social development of the country.

For the attainment of sustainable social and economic development and realization of democracy and good governance in the country, public participation has decisive role. Public participation would be more productive if conducted in an organized manner. To this end, cooperative societies are important developmental instruments. Over and above the acknowledgement of their role, the Government established: Federal, Regional State and City Administration Cooperative Agencies/Bureaus; organized and expanded the scope of cooperative societies, reinforced and built their capacity and conducted consecutive audits of their accounts In the event, by the year 20012 over 43,255 basic cooperative societies were established in both rural and urban areas, with over 6,566,694 members and their families and capital exceeding 2,927,656,020 birr.

2.7.4. Problems and Challenges

The government's operations and activities in the protection and respect of the citizen's freedom of Association have achieved encouraging results. However, certain issues, detailed below are apparently problems and challenges

UNOFFICIAL TRANSLATION

- The non existence of broad based Civil societies and Cooperative associations in sufficient availability and strength

- The uncertain outlook and poor awareness on the part of the public regarding Cooperative Associations and the Micro and small-scale enterprises.

- In spite of the wide-ranging and robust activities to expand and strengthen the micro and small-scale enterprises and Cooperative Societies, there is still shortage of resources, especially in regard of financial and technical inputs.

- At the national level, the non-integrated and haphazard organization and management of work process and accountability of the Cooperative Societies Agencies, has impacted negatively on the development of the sector.

- With regard to charities and societies that are active solely in one Regional State, the absence of clear and developed system of registration, while in the case of federally registered charities and societies the non-existence of clear operational regulations to enable them work in the Regions.

- Weakness in follow-up of charities and societies performance in line with their objectives and providing with needed support, beyond registering and licensing.

- In respect of the issue of fund-raising by the charities and societies, although a directive defining detailed conditions and requirements has been issued, the operational systems expected from the Ministry of Trade and Investment Agency are yet to be delivered.

2.7.5. Plans and Implementing Institutions

1 The government will provide an increasing support to mass based societies and cooperative societies so as to enable them attain the required efficiency and enhance their contribution.[Ministry of Federal Affairs, Charities and Societies Agency, Federal Cooperative Societies Agency and Bureaus, Ministry and Bureaus of Agriculture]

UNOFFICIAL TRANSLATION

2 Supporting and strengthening the Ethiopian societies, particularly the mass-based associations, is an imperative of the assurance of the right to freedom of association. Therefore, continuous attention will be given to building their operational capacities. [Charities and Societies Agency; Sector Administrators; Regional State Bureaus]

3 Broad-based activities will be undertaken to eliminate the negative outlook among the public regarding micro and small-scale enterprises and cooperative associations and broaden the citizens' awareness and generate positive perspective. [Cooperatives Associations Agency and Bureaus; Micro and Small-scale Enterprises Development Agency and Bureaus; Government Communication Bureau]

4 In order to increase the supply of funds at the disposal of Micro and small-scale enterprises and cooperative Associations Government will raise its subsidy and technical support continually. On the national scale the accessibility of credit associations will be expanded and the existing associations operations enhanced. Furthermore, financial and technical support from development partners will be sought and applied. [Cooperative Association Agency and Bureaus, Micro and Small-scale Enterprises Development Agency and Bureaus; Ministry of Finance and Development; Ministry of Foreign Affairs]

5 At the national level, the organization and management of work process and accountability of the Cooperative Associations Agencies will be established on similar levels.[Federal Cooperative Associations Agency, Regional states and City Administrations, Ministry and Bureaus of Agriculture]

6 In the case of the charities and societies registered federally, a clear operational system will be developed in cooperation with the concerned Regional states and will be set in place in the Regions. In relation to the charities and societies registered in a single Region and with 90% domestic fund resource, , a strong and transparent legal system will be established in the Region concerning registration. [Ministry of Federal Affairs; charities and societies Agency; Regional States Councils; Regional/City Administration Justice Bureaus; Appropriate Regional Bureaus]

UNOFFICIAL TRANSLATION

7 Operational system to enable better application of legal process of the fund raising by the charities and societies will be instituted. [Charities and Societies Agency; Ministry of Trade]

8 In as far as one of the main objectives of establishment of the Charities and Societies Agency is to promote and fulfill freedom of association, its abilities and capacity will be rebuilt and reinforced. The scope of its duties will be extended to follow-up and support, beyond registration and licensing. [Ministry of Federal Affairs; Charities and Societies Agency; Sector Administrators]

9 Government will support the charities and societies to institute a Joint Consultation Forum to discuss and solve common problems, to self-criticize and generate ideas, etc. [Charities and Societies Agency; Regional State and City Administration, Appropriate Bureaus]

10 Educate and make aware the charities and societies of the right to freedom of association, its related laws and operational systems. [Charities and Societies Agency; Ministry of Justice.]

2.7.6. Monitoring and Evaluation

Leading Institution: Charities and Societies Agency

Charities and Societies Agency is the primary responsible institution in the protection of this right. It is responsible with the following authorities, jointly and severally, for the monitoring and evaluation:

Cooperative Associations Agency/Bureaus Micro and Small-scale Enterprises Development Agency/Bureaus; Ministry and Bureaus of Trade; Ministry and Bureaus of Justice; National Election Board, Ministry of Federal Affairs; House of Peoples' Representatives; Regional State Councils.

2.8. Freedom of Religion and Belief

2.8.1. Constitutional Framework

The Constitution of the Federal Democratic and Republic of Ethiopia provides under Article 27 that everyone has the right to freedom of thought, conscience and religion. This right shall

UNOFFICIAL TRANSLATION

include the freedom to hold or to adopt a religion or belief of his choice, and the freedom, either individually or in community with others, and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. It further provides that believers may establish institutions of religious education and administration in order to propagate and organize their religion, and that parents and legal guardians have the right to bring up their children ensuring their religious and moral education in conformity with their own convictions.

In Article 11, the Constitution states that the state and religion are separate; there shall be no state religion; and the state shall not interfere in religious matters and religion shall not interfere in state affairs.

Thus, the right of every one to adopt a religion or belief of his or her choice; the equality of all religions and the separation of state and religion are Constitutionally guaranteed. These three principles ensure the respect, protection and fulfillment of the freedom of religion and belief of citizens.

2.8.2. International Legal Framework

Ethiopia's international commitments to respect, protect and fulfill the freedom of religion and belief are guided by the following international instruments.

- Universal Declaration of Human Rights: Article 18
- International Covenant on Civil and Political Rights: Article 18
- Convention on the Elimination of All Forms of Racial Discrimination: Article 5(d)(2)
- Convention on the Rights of the Child: Article 14 and 30
- African Charter on Human and Peoples' Rights: Article 22
- African Charter on the Right and Welfare of the Child: Article 5

2.8.3. What Has Been Done

Policy Framework

- Issues of Democratic System Building in Ethiopia /2002/

UNOFICIAL TRANSLATION

National Laws

- Proclamation to Provide for the Registration and Regulation of Charities and Societies Proclamation No.621/2009
- Civil Code Proclamation No. 1/1960
- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of FDRE No. 691/2010
- Criminal Law Proclamation No. 414/2004

Institutional and Administrative Measures

Institutional Measures

The Ministry of federal affairs has been given the authority to act, in collaboration with relevant government organs, religious institutions and other stakeholders, to ensure that peace and harmony prevail among the followers of the diverse religions and beliefs and to prevent conflicts. The Ministry is also authorized to register religious organizations, societies and associations.

Fully committed to serve, jointly and in common, their followers, to promote their respective beliefs in freedom, and to ensure mutual respect and tolerance, the National Council of Religions is established. The government is extending the appropriate support to the Council taking into account the relevance it has to ensure religious tolerance and respect.

Administrative Measures

To ensure the respect of freedom of religion and belief enshrined in the Constitution and to enable religious followers practice and promote their respective faiths, a conducive conditions have been provided and a large number of institutions of worship have been build in an accelerated rate. Furthermore, procedural systems have been set in place for each religion followers to establish institutes of religions education, and to publish and disseminate religious books, newspapers and magazines. And, in strict conformity with the Constitutional principle of

UNOFFICIAL TRANSLATION

separation of state and religion, all religions are able to elect their leaders using their internal regulation.

The government has ensured all requirements for the administration of refugees and persons under custody in conditions that guarantee respect and observance of their right to freedom of religion. A systematic procedure has been established to ensure the right of all institutions of religion and belief without any discrimination, to propagate their religions, including organizing religious associations.

Furthermore, the followers of any religion can, and do, observe and celebrate their religious holidays inside their religious institutions or in public. On such occasions, the Government, in consultation with the concerned religious institution, provides the necessary arrangements for peace and security.

As a matter of course, religious organizations and associations are registered and given legal recognition. And, the Ministry of federal Affairs, which is assigned such authority as of the year 2010, is currently in the course of finalizing the draft directive to introduce a better registration procedure.

Religious institutions administer their internal affairs in accordance with a regulation adopted by their General Assembly. The government registers and gives legal recognition to these institutions based on their report and annual plan as approved by the General Assembly. Furthermore, diverse awareness creation activities have been carried out to reinforce the mutual and traditional respect and religious tolerance among citizens.

Although individual members of the civil service can profess their personal religions or beliefs, Government employees are inculcated with the principles of neutrality and non-discrimination in the carriage of their duties and responsibilities. Thus, Government institutions and organizations are free from interference of religion.

On occasions of intra-religion misunderstandings and disagreements among its followers, council and advice of harmony is provided by Ministry of federal Affairs; whereas at times of inter-religions conflicts, recourse to mutually accepted arbiters or the Ethiopian Council of Religions will be made for peaceful and harmonious solution.

UNOFFICIAL TRANSLATION

In Ethiopia, religious questions have been resolved satisfactorily overtime. Nonetheless, on the occasions when individuals, groups, and organizations attempt to incite and create, under the cover of religion or belief, conflict among citizens or inter-religions confrontations, the Government endeavors to teach and correct the offenders to mend their ways. However, if they persist on their criminal activity, strict corrective measures are taken to ensure the supremacy of the law.

2.8.4. Problems and Challenges

Although measures taken by the Government to-date to respect and protect freedom of religion and belief have shown good results, the following problems and challenges require specific attention.

- Limited awareness of the society regarding the content and implementation of freedom of religion and belief.
- Religious extremism and politicization of belief.
- The absence of a Constitutionally based revised law for registration and regulation of religious organizations and associations.

2.8.5. Actions and Responsible Institutions

1. Extensive and continuous activities will be undertaken to create the awareness of religious followers and leaders and the members of the diverse societal sectors of the content and implementation, as well as the benefits, of freedom of religion and belief enshrined in the Constitution. [Ministry of Federal Affairs, Ethiopian Human Rights Commission]
2. Promotion of the already started work of development and good governance, the provision of education of high standard to citizens, inclusion of mutual respect and tolerance in the curriculum of education, and enriching the culture of democracy are sustainable strategies to combat the danger of religious extremism. In parallel, by developing Constitutional awareness of citizens, assisting religious institutions to develop and expand religious knowledge of their followers, and taking other integrated measures government will exert effort to reduce religious extremism. [Ministry of Federal Affairs; Ministry of Education, Ministry of Justice, Ethiopian Human Rights Commission]

UNOFFICIAL TRANSLATION

3. With regard to the registration and regulation of religious organizations and associations a modern legal system consistent to the Constitution will be adopted and implemented. Further, a directive incorporating the registration procedure will be enacted and applied. The religious organizations and associations will be invited to contribute their input in the preparation of the relevant laws, thereby ensuring their awareness of the laws and its proper implementation. [Ministry of Federal Affairs, Council of Ministers, Ministry of Justice, House of Peoples' Representatives].
4. The prevailing good values of inter-religious respect and collaboration will be further enriched, as will the forums of discussion and consultation be expanded and strengthened. [Ministry of Federal Affairs]

2.8.6. Monitoring and Evaluation

Leading institution: Ministry of Federal Affairs

The Ministry of Federal Affairs is the primary stakeholder responsible for monitoring and evaluation of the implementation of this right jointly and severally with the following bodies: House of Peoples Representatives; Council of Ministers, Justice Organs and Ethiopian Human Rights Commission.

UNOFFICIAL TRANSLATION

Chapter Three

Economic, Social and Cultural Rights

3.1. The Right to Adequate Food

3.1.1. Constitutional Framework

The FDRE Constitution states in article 90/1/ under social objectives, that, to the extent the country's resources permit, policies shall aim to provide all Ethiopians access to food. Further, the Constitution states in Article 41/4/ that, the state has the obligation to allocate ever increasing resources to provide to the public social services, including food.

3.1.2. International Legal Framework

Ethiopia's international commitments on the right to adequate food are guided by the following international instruments:

- Universal Declaration of Human Rights: Article 25
- International Convention on Economic, Social and Cultural Rights: Article 11
- Convention on the Rights of the Child: Article 24
- Convention on the Rights of Persons with Disabilities: Article 28(1)
- Convention on the Elimination of all forms of Discrimination Against Women: Article 12, 14

3.1.3. What Has Been Done

Policy Measures

- Rural and agricultural development policy and strategy /2001/

National Laws

- Proclamation to provide for the definition of powers and duties of the executive organs of FDRE, Proclamation No. 691/2010

UNOFFICIAL TRANSLATION

- Ethiopian Organic Agriculture system Proclamation No. 488/2006
- Seed Proclamation No. 206/2000
- FDRE Rural land Administration and Land use Proclamation No. 456/2005
- Proclamation to provide for the establishment of the institute of agricultural research No 382/1996
- Proclamation to provide for the establishment of the institute of livestock Proclamation and research No 381/1996.
- Fertilizer production and trade /revised/ Proclamation No 381/1996.
- National Disaster Prevention and Preparedness Fund Establishment Proclamation No. 212 /2000
- Proclamation to provide prevention and control of animal diseases no. 267/2002
- Fisheries Development and Utilization Proclamation. 315/2003
- Plant breeders Right Proclamation No. 481/2006
- Proclamation to provide for Access to Genetic resources community knowledge and community right—Proclamation No. 482/2006
- Proclamation to provide for the development, conservation and utilization of forests no. 542/2007
- Proclamation to Transfer of rights and obligations of disaster prevention and preparedness Commission to the ministry of agriculture and rural development No. 593/2008
- Bee resource development and bee keeping Proclamation no.602/2002
- Proclamation to provide for the registration and control of Pesticide Proclamation No.674/2010

UNOFFICIAL TRANSLATION

- Animal feed and medicine administration control Proclamation No. 728/2004
- Cooperative's Commission establishment Proclamation No 274/2002
- Relevant laws and Proclamations of the various Regional states.

Institutional and Administrative Measures

Institutional Measures

The government has taken a number of institutional measures to protect respect and progressively realize the right of citizens' to adequate food. The institutions established for the purpose are: at the federal level, the Ministry of Agriculture; at the Regional states and City Administrations, Bureaus of Agriculture. In addition, the Ethiopian agricultural research institute, the Ethiopian select seeds (hybridization) enterprise, cooperatives agency, agricultural transformation agency, the horticultural development agency, meat and milk technology institute and Ethiopian Environmental Protection Authority have been established.

Administrative Measures

Government has designed and effectively implemented policies, strategies and programs which are with vital importance for the development of the agricultural sector and better integration of disaster prevention and preparedness operations and succeeded in ensuring food security for not less than 76.2 million citizens out of the total population against famine without any foreign aid.

Regarding protection, respect and progressive realization of the right of its citizens to adequate food, government has taken many administrative measures, of which the following are major.

The 2010/11-2014/15 growth and transformation plan/GTP/ is a primary national development plan, with the main objective of achieving the Millennium Development Goals/MDGs'/ through accelerated, sustainable and equitable economic growth. GTP provides for the continuation of the earlier sustainable development and poverty reduction programme and, hence aims to build the capacity of the citizens engaged in the agricultural sector by preparing appropriate training programmes and introducing scientifically researched high yield technologies. The plan further aims to create the necessary market conditions to identified and market oriented agricultural

UNOFFICIAL TRANSLATION

commodities, both cereal and animal products, for the domestic and international markets, and enhance their quality and quantity up to the exacting world standards. And through rational utilization of the country's natural resources-particularly land and water-and maintaining macro-economic stability, ensuring national food security, thereby realizing the right of citizens to adequate food progressively and assisting the governments' objective of poverty reduction are the goals of the plan.

The agricultural extension programme, which was initiated in mid-1998 and is still in operation, aims to identify the knowledge gap and shortcomings in expertise on the part of the main actors of the agricultural sector, farmers, semi-pastoralists and pastoralists and accordingly, build their expertise and functional capabilities. The extension programme's fundamental objective is to raise, effectively, the agricultural sector production and productivity, which is the *sine qua non*of national food security. The programme achieves its objective through providing farmers with improved agro machinery and equipment; natural /organic/ fertilizers and improved and select seeds; with intimate assistance of agro-experts prepare experimental stations, carry out hybridization, select, test and expand best results and technology; and assisting farmers obtain financial credit for their operations. As a sample of the programme's encouraging efforts, in 2010, 5.09 million households benefited from agricultural extension services and the number of agricultural extension workers reached 52,023. With the implementation of the GTP, 9,044,000 households benefited from the programme in 2011.

The Productive Safety Net programme is in place to assist chronically food insecure families to prevent their assets from depletion and wastage, and enable them participate in community work and earn food or money to cover their food shortages. Out of the beneficiary families of the Productive Safety Net Programme, a situation has been facilitated so that these families are able to self sustain in food and build assets at household and community level through Household Asset Building and Complementary Community Investment Programs. Since beneficiary families of the Productive Safety Net programme are unable to ensure their food security, Household Asset Building Program is designed and implemented to prepare and provide these families profitable family packages and business plans taking in to consideration the area they are living with, trainings and loan services so as to make these families engage in income generating various agricultural or non agricultural activities, and enable them ensure food

UNOFFICIAL TRANSLATION

security. In this program the government has granted loans amounted to 4.3 million ETB for beneficiaries more than two million and from 2008 up to the end of 2011, the government was able to graduate 496 thousand 438 households from the programme. Therefore, the government, as the result of the implementation of GTP, was able to participate 7 million 748 thousand and 305 beneficiaries in the productive safety net program in 2011, and graduate 1.8 million food self sufficient beneficiaries from household asset building program.

The agricultural technical and vocational education programme was instituted and come into effect in 2002 to provide agricultural extension workers in parallel with agricultural research, practical trainings and education /especially in plant science, animal science, natural science and cooperatives/; to adopt and improve agro-technologies and use them to enhance production and productivity of the agricultural sector and ensure its sustainability which in turn result in food security. Further, these agricultural education and training institutes serve, as information and data centers for farmers, semi-pastoralists and pastoralists. In the program the government has build 25 agricultural technical and vocational institutes and trained 52 thousand 023 agricultural extension workers up to 2009/10. And by assigning those trained agricultural extension workers three in each kebele, the government has provided the required agricultural support for farmers, semi-pastoralists and pastoralists. Beyond that, the government has established 9 thousand 265 farmers training centers developed the skills of a considerable number of the beneficiary farmers on new agricultural technologies,

The important strategy of the agricultural sector is the federal food security strategy, which endeavors to achieve its fundamental objective by taking the following measures: supporting farmers in rain-fed areas to offer to the market, a specified surplus portion of their agricultural product beyond their consumption; enabling farmers in drier areas to supplement their limited food production by devising diverse income generating activities; supporting pastoralists to develop and raise the productivity of their livestock sufficiently to pro-actively participate in the market; and to expand and extend the disaster pre-warning and food supply system; and by building the national capacity of disaster preparedness and relief. In order to execute this strategy more fruitfully, the government has lay down and implement Productive Safety Net, Household Asset Building and Complementary Community Investment Programs.

UNOFFICIAL TRANSLATION

Under agricultural-led industrial development strategy, a cluster of programmes have been developed to attain food security along side with accelerated and sustainable economic growth and development. These include measures: to highly increase production and productivity through usage of human-powered technologies with improved seeds and fertilizers; to diversify the agricultural products and to create a viable link between the product of the smallholder farmers with the market; to concentrate more on high market-value crops that generate foreign currency incomes; to support the large-scale commercial farms; to enable the farmers to develop productive relations with domestic and foreign markets; and importantly, to prepare all necessary conditions for the agricultural products to supply the industrial sector..

The government, with the view of creating integrated and accelerated development within and outside the administrative Regions, and further strengthen the linkage between the agricultural products and the market, as well as the umbilicus of agro-product market interflow, has established growth "corridors" along geographical boundaries, with their respective centers or nodes in the various Regions of the county.

The national agricultural and rural development policy clearly provide for the participation of private investors in agricultural development. On this basis, and in awareness of the substantial share the private sector can have in the development of agricultural sector, as well as full confidence its contribution will make to national food security, the government has been providing diverse incentives to the private investor. In this respect, the government has vested in 2011, 1.89 million hectares of land in Federal Land bank and earmarked it for utilization in large-scale commercial farms. Of this land 255,528 hectares have been passed to private investors for agricultural investment.

In its commitment to ensure the right of its citizens to adequate food, by assuring food security, the government has done a great deal by implementing the above-detailed programmes and strategies of the agriculture sector, an essential contributor to food security. Among the programmes, the natural resources development and use, agricultural research and disaster prevention and preparedness are of major relevance. And in consequence, the area covered by the major food crops which was 11.25 million hectares in 2010 increased to 13.45 million hectares in 2011. And the production of major food crops increased from 72 million quintals

UNOFFICIAL TRANSLATION

in1991 to 221.82 million quintals in 2011. The average productivity of the major food crops increased from 15.38 quintals /hectare in 2010 to 17.0 quintals /hectare in 2012. With regard to livestock production and productivity, meat product was 805,000 tons at year 2010 and milk and dairy products were 326,000 tons for the same period. In addition, as the result the of governments' effort to improve agricultural methods and inputs used by farmers, the fertilizers usage of the farmers has increased from 1.4 million in 19901 to 11.7 million in 2012 and the usage of improved seeds has showed an increment for more than 400 percent for the same period.

Regarding conservation and utilization of natural resources, by quarantining the degraded lands against human and animal inroads, the lands were rehabilitated to their original state of productivity. By these recuperation and rehabilitation works, rehabilitated land raised from 3.2 million hectare .in 2010 to 4.5 million hectares of productive land. Concerning forest administration and protection, the land area covered with multipurpose trees in 2011 reached 7.0 million hectares. As far as irrigation is regarded, by 2011 year-end, 1.1 million hectares of land was irrigated using small-scale modern irrigation schemes.

In consideration of the high contribution that timely and adequate disaster prevention and aid has to ensure the citizens' right to adequate food, the government with the objective of strengthening the capacity of national disaster prevention and preparedness based on early warning system, prepared the disaster vulnerability profile on fifty-nine selected weredas in 2011.and raised disaster mitigation and management budget reserve, from 115 million ETB in 2010 to 118.23 million ETB, and reserve food supply has reached 410,000 tons.

With regard to agricultural research, twenty-seven crop and animal researches and agro-technologies had been carried out in 2010. In 2003 E.C. the number increased to sixty.

Furthermore, in addition to the effort being exerted by the government to develop the agricultural sector in order to ensure food security, the government works on market stabilizing activities through supplying major food crops in the market as subsidy to protect food price inflation.

UNOFFICIAL TRANSLATION

3.1.4. Problems and Challenges

Notwithstanding the many measures taken by the government and the encouraging results obtained to respect, protect and fulfill to the extent possible citizens' right to adequate food, the following issues need to be considered.

- Although there is no doubt that agro-technologies assist in the development of the agricultural sector and its capacity to ensure food security, the country's ability to apply the technologies effectively; to spread them in the country in the degree and the speed desired.

- The negative impact of climatic changes and natural and man-made disasters and crises on the development of agriculture and its productivity.

- The appearance and fast spreading of diverse plant and animal diseases, parasites and outsider herbs in the country; and the weak resistance of hybridized, diverse research seeds to diseases.

3.1.5. Plans and Implementing Institutions

1 In as far as the development of the rural and agricultural sector is essential for: the assurance of food security; the reduction of poverty, and, ultimately, for the growth of the general economy, the government will, to the extent possible, provide to the sector steadfast support and ever increasing budget allocations. [House of people's representatives; council of ministers; ministry of fiancé and economic development; ministry of agriculture]

2 A result-oriented system will be set and spread to deliver improved and research supported agricultural and natural resources development and protection technologies in the quantities and prompt times as needed for development activities; to replicate foreign technologies and adapt them to diverse habitats and spread them domestically and to enable citizens to use them appropriately. [ministry of agriculture, agricultural transformation agency; ministry of science and technology; institutions of research and higher education]

UNOFFICIAL TRANSLATION

3 In order to withstand the damaging impact climate change has on the country's agricultural development and productivity, the government, over and beyond maintenance of the strong measures it has been, so far, taking, will design various projects and use the agricultural extension workers to make the citizens aware of, and educate them about, natural resources management and utilization; communal participatory irrigation; and protection of forest, grazing and degraded land. Furthermore, monitoring and development activities will be maintained *in tandem.* [Ministry of agriculture; bureaus of agriculture; Ethiopian Environmental Protection Authority; office of government communication affairs]

4 Agricultural research institutes and institutes of higher education will carry out extensive researchers, and studies on the diseases, pests, parasites and herbs that inflict, damage and destroy plant and animal life; develop hybridized resistant genus, seeds, etc and by passing them on to the farmers assist in the enhanced production and productivity of the sector. And, government will continue its reinforced support and aid to these institutions. [Ministry of agriculture; bureaus of agriculture; ministry of science and technology; agricultural Research and higher education institutes.]

5 Government will give steadfast support to functional systems of experimentation in agricultural productivity, development and protection of natural resources, carried out by specified groups of farmers, pastoralists and semi-pastoralists in their respective environments, tested and proved capable of introducing positive change in, and remarkable impulse of improvement to, the developments of the sector. The results of such experiments will be formulated and readied for replication throughout. [Ministry of agriculture; Bureaus of agriculture]

6 In addition to reinforced application of the food security strategy, government will prepare and implement projects that will create employment that generates livelihoods to citizens and raise their purchasing power to enable them secure their own food. [Ministry and bureaus of agriculture; ministry and bureaus of industry; ministry and bureaus of trade; ministry and bureaus of urban development on construction; ministry and bureaus of labour and social affairs]

UNOFFICIAL TRANSLATION

7 Agricultural technical vocational education and training institutions, and farmers training centers and their training programmes will be better supported and organized with human resources and financial and material assistance to enable them produce and graduate experts of high quality and in sufficient numbers, who will contribute best to the development of the agricultural economic sector. And, finally, government will raise the expertise and functional competence of the farmers and pastoralists to ascertain the ever increasing production and productivity of the sector. [ministry and bureaus of agriculture; ministry of education]

3.1.6. Monitoring and Evaluation

Leading Institution: Ministry of Agriculture

Ministry of agriculture and the Regional states and City Administration bureaus of agriculture are the primary stakeholders of the protection of this right. They are responsible with the following authorities, jointly and severally, for the monitoring and evaluation:

The House of Peoples' Representatives, the Council of Ministers, the Regional states councils.

3.2. The Right to Health

3.2.1. Constitutional Framework

The Constitution of the Federal Democratic Republic of Ethiopia (FDRE) states in article 41/4/ that the state has the obligation to allocate ever increasing resources to provide to the public health services. It further adds in Article 90/1/ that to the extent the country's resources permit, policies shall aim to provide all Ethiopians access to public health.

3.2.2. International Legal Framework

Ethiopia's international commitments to respect, protect and progressively fulfill the right to health are guided by the following international instruments.

- Universal Declaration of Human Rights: Article 25
- International Covenant on Economic Social and Cultural Rights: Article 12

UNOFICIAL TRANSLATION

- International Convention on the Elimination of All Forms of Racial Discrimination: Article 5(7) and Article 4
- International Convention on the Elimination of all Forms of Discrimination Against Women: Article 12
- International Convention on the Rights of Persons with Disability: Article 25
- Convention on the Rights of the Child: Article 24
- African Charter on the Human and Peoples' Rights: Article 16
- Africa Charter on the Rights and Welfare of the Child: Article 14

3.2.3. What Has Been Done

Policy Framework

- National Health Policy/1993/
- National HIV/AIDS Policy/1998/
- National HIV/AIDS Medical Supply and Application Policy/2002/
- National Women Policy/1993/
- National Health Science and Technology Policy/1994/
- Environmental Protection Policy/1989 E.C./
- Ethiopian Federal Democratic Republic Government Execution Capacity Building Strategies and Programmes/1994 E.C/

National Laws

- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, No. 691/2010

UNOFFICIAL TRANSLATION

- National HIV/AIDS Prevention and Control Council and HIV/AIDS Prevention and Control Office Establishment Proclamation No. 276/2002
- Drug Fund and Pharmaceuticals Supply Agency Establishment Proclamation No. 553/2007
- Food, Medicine and Health Care Administration and Control Proclamation No. 661/2009
- Environmental Pollution Control Proclamation No. 300/2002
- Solid Waste Management Proclamation No. 513/2007
- Social Health Insurance Proclamation No. 690/2010
- Regional State Health Service Provision, Administration and Management Proclamations.

Institutional and Administration Measures

Institutional Measures

In order to assure progressive realization of right to health, institutions directly related to the health sector have been established. Specifically: Ministry of Health; Federal HIV/AIDS Prevention and Control Council and Office of Prevention and Control of HIV/AIDS; Medicine Fund and Medicine Supply Agency; Centre of Public Health Education; National Health Research Institute, Ethiopian Food, Medicine, Health Service Administration and Control Authority; Environments Protection Authority; as well as Regional and City Administration Bureau of Health.

Administrative measures

The core principles of the National Health Policy are to expand primary health services, to design community-based health services delivery system, and to prioritize preventive health care.

In order to ensure full realization of the right to heath, it is necessary to promote health services. Accordingly, the government is undertaking various administrative measures.

UNOFFICIAL TRANSLATION

Of primary mention is the 20-years Health Sector Development Program /HSDP/ designed to be implemented in 5 consecutive phases. Currently, the fourth phase of this program has started and is under implementation. The programme was prepared with the objective to accelerate progressive realization of the "minimum health conditions" set in various international human rights instruments, and to attain the Millennium Development Goals /MDGs/ of the health sector. Furthermore, the programme gives due attention to health risks associated with poverty as well as communicable diseases such as HIV/AIDS, malaria, lung cancer, etc. Mother and child health is another area underscored in the programme.

In compliance with the national health policy and right to health indicators, the government is fully devoted to prevent and control communicable diseases. Accordingly, the Ministry of Health is implementing various strategies and programmes, the following being some of the main ones.

Regarding HIV/AIDS, an Action Plan named "For Intensifying Multisectoral HIV and AIDS Response in Ethiopia" has been drafted. The Action Plan is prepared with the aim to expand HIV/AIDS health services and make it accessible to all in need, to take wide-scale HIV/AIDS preventive measures, and to involve public participation in the process. In addition, a programme to prevent mother to child transmission of the HIV/AIDS virus is under implementation. As a result, the prevalence of HIV/AIDS, which was 3.5% in 2005 dropped to 2.3% [1.9% for male and 2.9% for female] in 2011.

In terms of prevention and control of malaria, the Ministry of Health has initiated and implemented the "National Strategic Plan for Malaria Prevention and Control in Ethiopia" which conforms to World Health Organization/WHO/ Malaria Reduction Strategy. As such, the number of persons infected, and the spread of the disease has substantially declined.

Concerning the prevention and control of tuberculosis and leprosy diseases, the Ministry of Health is implementing its own programme. According to this programme in tandem with other health related strategies, the number of persons diagnosed with the disease and its prevalence, which was 168/100,000 in 2007 declined to 101/100,00 in 2011.

Among the minimum conditions stipulated in relation to the right to health and to be included in the policies and programmes are non-discrimination in the provision of health care and

UNOFFICIAL TRANSLATION

inclusiveness of the participation of the citizens. The Government has prepared and applied the Health Sector Extension Programme which mainly targeted the individual, the family and the community. In effect, the programme's main focus is to enable the society to take charge of its own health issue and through preventing diseases lead healthy and productive life.

The objective of Health Extension Programme is to ensure that primary health services are accessible to every citizen using health extension workers. In this connection, the number of health extension workers in rural areas, which was 8, 901 in 2006 considerably elevated to 34, 382 in 2011 thereby increasing the health extension workers-to-service recipient ratio of 1:23, 775 in 2006 to 1:2500 in 2011. Furthermore, measures are being taken to provide similar service to urban dwellers and the pastoralists.

The other government administrative measure to be mentioned in relation to the full realization of right to health is the 2010/11-2014/15 Growth and Transformation Plan /GTP/. GTP is a document that enables the continuation of developmental strategies under the Accelerated and Sustained Development to End Poverty /PASDEP/, and set guidelines for the achievement of the Millennium Development Goals /MDG/ with regard to the respect and protection of right to health. Hence, it underlines the provision of accelerated and up-to-dated primary health services in all rural and urban areas; and it also gives particular emphasis on the health of mothers and children.

The Ministry of Health came up with various strategies, packages and Action Plans that help to assure the achievement of MDGs regarding the reduction of child and maternal mortality rate, and adequate provision of health services in rural areas.

To reduce maternal and child mortality rate, the government has put into practice the National Child Survival Strategy and Integrated Management of Childhood Illness Strategy. The National Balanced Nutrition Programme is under implementation to curb children health problem due to malnutrition. With the implementation of these programmes highly encouraging results have been obtained. As a result, the under-five mortality rate of 123/1000 in 2005 has declined to 88/1000 in 2011. Similarly, infant mortality rate dropped from 77/1000 in 2005 to 59/1000 by 2011.

UNOFFICIAL TRANSLATION

The assurance of the health of mothers and the provision of healthy obstetrics services are intrinsic elements of right to health. In this respect Government has developed and is guided by "National Obstetrics Health Strategy" and "National Child and Youth Health Care Strategy. Due to the application of these strategies, the number of maternal mortality rate during birth has been reduced from 871/100,000 in 2005 to 676/100,000 in 2011.

In thorough awareness of the basic relevance of the infrastructured capacity to the fulfillment of the right to health, the government established comprehensive primary health service centers that are easily accessible to the citizens through the Strategy on the Expansion of Primary Health Care. To this end, it increased the number of the health stations which was 5955 in 2005 to 15,095 in 2011; and that of health centers from 412 in 2007 to 2,660 in 2011.

The government exerts a lot of effort to produce adequate number of middle level medical experts. However, the problem of shortage still persists. Hence, to fill this gap and reduce the brain drain, the government has designed a system where the professionals can get payment for overtime work. Additionally, a system where private health service can be provided inside government medical institutions has been arranged. This, other than assuring government commitment to promote private health sectors, creates a means of additional income for medical professionals. Furthermore, through pre-assignment discussion regarding station of service and providing opportunities for further training and scholarships for education in medicine efforts are made to eliminate shortage of medical practitioners.

One of the most important factors to enable the Government to discharge its duty as stipulated in the FDRE Constitution and its commitment in the international agreements regarding the right to health is the allocation of ever increasing resources to provide to the public health service. In this respect, the annual resource allocation to the health sector has more than doubled to reach 10% of the total national budget to date. Furthermore, the Government has passed a law to establish health insurance schemes with the main objective to generate financial resources from Government and the beneficiaries to provide primary health care and other essential medical services to the citizens.

UNOFFICIAL TRANSLATION

3.2.4. Problems and Challenges

Given the encouraging and positive results achieved by Government to respect, protect and progressively realize the right to health, the following still stand out as challenges and problems.

- The high rate of outflow of health professionals in search of more profitable work and the greater opportunities for more advanced trainings have created shortage of specialists, doctors, obstetrics nurses and anesthetists.

- Occasional shortcoming in the accessibility of services provided by higher health institutions; and difficulties in the expediency and quality of services provided by health sectors.

- Shortage of supply of medicines and of modern medical equipments, which are definitive inputs in fulfilling the right to health of citizens.

- With respect of the health of mothers, the unsatisfactory availability of trained obstetrics. Further, although the death rate of mothers and children has been noticeably reduced, the problem still persists.

- The low operational performance of Regional states that need special support, i.e. Afar, Somali, Gambella and Benishangul-Gumz, regarding health services to mothers, health care to children and prevention and control of communicable diseases.

- The prevalence of community negative attitudes and harmful traditional practices that create obstacles to ensure women's access to obstetric and mothers' health services.

- Although measures have been taken to control and prevent tuberculosis (TB), the spread of the disease still apparent.

- The limited number of mental health institutions and of professionals in the field. Related to this area, the extreme scarcity of health institutions that provide medical treatment to children with mental disability.

UNOFFICIAL TRANSLATION

- The large-scale crowding of patients in health centers due to the absence of 24-hours service.

- The insufficient number of health institutions that are accessible to persons with disabilities. In addition, health institutions that have center of prosthetic are rare.

- Although efforts are made to develop and strengthen emergency health services, there is still shortage of ambulances.

- The absence of timely renovation of health institutions; and in particular the occasional lack of sanitation in hospitals.

- The occasional lack of ethics and dedication among medical professionals.

- The low level of citizen's awareness and knowledge about balanced nutritious dieting.

3.2.5. Plan and Implementing Institutions

1 In collaboration with Ministry of Education and hospitals, measure to train large number of doctors with adequate professional competence and ethics, and the coordinated and sustainable training programs to raise expertise of professionals will be strengthened. In order to reduce the migration of highly qualified medical doctors, the working conditions will be improved. Remedial solutions will also be proposed to any other causes of outflow that are identified based on a study. [Ministry and Bureaus of Health; Ministry of Education; Ministry of Civil Service]

2 With the aim to adjust the scarcity and uneven spread of health professionals in the rural areas of the country, "rural-centered" systems of assigning health professionals will continue. Furthermore, awareness creation programs and activities to enhance professional dedication will continue reinforced. [Ministry and Bureaus of Health, Ministry of Education; Ministry of Civil Service.]

3 Coordinated and sustainable support will be provided to Regional states in need of special assistance, in terms of assignment and distribution of health experts, supplies of medicine and medical equipments as well as expansion of health institutions. Furthermore, obstacles in

UNOFFICIAL TRANSLATION

the area of obstetric services and health care for children will be identified and remedies will be taken. [Ministry and Bureaus of Health, House of Federation; Ministry of Industry; Investment Agency and Investment Bureaus.]

4 In addition to ensuring sufficient supplies of imported medicine and other medical equipment, measures to promote production institutions in the country will continue. Further, the quality control on imported or domestically produced medicines and other medical equipment will be strengthened. [Ministry and Bureaus of Health; Ministry of Industry; Investment Agency and Investment Bureaus]

5 The strategic guideline to increase the number of primary health care institutions will continue. Renovation of health institutions will be kept promptly as needed. Measures to assure sanitation in hospitals will be taken. Further, measures to make for medical institutions to employ modern health technologies will continue reinforced. [Ministry and Bureaus of Health; Ministry of Urban Development and Construction; Ministry of Federal Affairs]

6 In order to further expand the national coverage of health service, the participation of the private sectors in rural and urban areas will be encouraged. Concurrently, a firm monitoring and control system will be put in place to ensure that the private sector health service is all-inclusive, non-discriminatory, and up to professional and ethical standards. [Ministry and Bureaus of Health; Ministry of Industry]

7 Strong effort will be made to increase the number of professionally assisted deliveries. To this end, large-scale training courses will be provided to large numbers of health officers; obstetric and anesthesia nurses. In addition, traditional midwives will be given training as well as basic birth delivery supplies and equipments. [Ministry and Bureaus of Health; Ministry of Education]

8 The implementation activities for the planned reduction of the rate of maternal deaths will continue reinforced. In this context, expansion of family planning service, control of deficiencies and causes of death related to delivery and child health care will be exercised.

UNOFFICIAL TRANSLATION

Awareness creation activities will be carried out to reduce illegal abortion. [Ministry and Bureaus of Health]

9 The current programme of control of HIV/AIDS virus transmission from mother to child will continue reinforced. Awareness creation activities to educate HIV/AIDS infected mothers about medications to be taken to avoid virus transmission to child will be undertaken. [Ministry and Bureaus of Health; Office of Prevention and Control of HIV/AIDS].

10 The Government's activities in the prevention and control of diseases using health extension workers will continue reinforced. In this aspect, to strength public participation extensive awareness creation activities will be taken. Furthermore, measures to considerably reduce the spread of tuberculosis through the wider access to sputum and phlegm examination service will continue. Here along, creation of awareness of the disease as well as raising the service competence of the laboratories will continue.

11 A coordinated system among the existing health institutions will be set to make mental health services accessible to the public. Special care centers will be established for children with mental problems. In addition, arrangements will be made to provide mental health education and training in centers established under Institutions of Higher Education and Health Institutions and produce mental health experts. [Ministry and Bureaus of Health; Ministry of Education]

12 In order to eliminate the crowding in health institutions, particularly in health centers and hospitals, 24-hours service giving system will be set in place. [Ministry and Bureaus of Health]

13 Regarding the satisfactory delivery of emergency health services, the number of ambulances in service will be increased. Studies will be conducted on the possibilities of involving the less expensive vehicles for the service and put into practice. [Ministry and Bureaus of Health]

14 The organization and construction of health institutions will be rendered friendly with persons with disabilities. To this end, all health institutions to be built anew will be designed and the existing ones will be made to be compatible with modern standards. Effort will be

UNOFFICIAL TRANSLATION

made to establish centers of prosthetic in all hospitals. [Ministry and Bureaus of Health; Ministry and Bureaus of Urban Development and Construction]

15 In order to fulfill citizens' need to health services, primarily, to the extent available, Government will allocate ever-increasing resources to the sector. Furthermore, the government, in collaboration with non-governmental organizations, international aid institutions and other stakeholders, will work on building the health sector's source of funding. Also, the health insurance scheme will be fully implemented. [House of Peoples' Representatives and State Councils; Ministry and Bureaus of Health, Ministry and Bureaus of Finance and Economic Development; Council of Ministers.]

16 With the objective of promoting obstetrics and mothers' health services, community-wide and house-to-house awareness creation, education and training will be provided. Simultaneously, extensive awareness creation work will be done to eliminate negative attitude of the public. [Ministry and Bureaus of Health; Ministry of Women, Children and Youth Affairs; Ethiopian Human Rights Commission]

17 As regards, organs and blood donation, all necessary and relevant studies will be done for the preparation of a detailed law. [Ministry and Bureaus of Health; Ministry and Bureaus of Justice; House of Peoples' Representatives]

18 Work will be done to gather and collate laws related to the professional ethics of health experts; identify lacunae and made necessary amendments. In addition, the system of monitoring professional ethics will be reinforced and stern measures will be taken on ethical violations in the course of health care. [Ministry and Bureaus of Health; Ministry and Bureaus of Justice; House of Peoples' Representatives]

19 Extensive awareness creation and education of citizens on the issue and vital relevance of balanced and nutritious food intake. [Ministry and Bureau of Health]

UNOFFICIAL TRANSLATION

3.2.6. Monitoring and Evaluation

Leading institution: Ministry of Health

The Ministry of Health, the Health Bureaus of Regional States and the City Administrations Health Bureaus are the primary stakeholders to protect, promote and fulfill the right to health and are jointly and severally responsible for monitoring and evaluation along with the following institutions: House of Peoples' Representatives; Regional State Councils, Council of Ministers; House of Federation.

3.3. Right to Education

3.3.1. Constitutional Framework

The Constitution of the Federal Democratic Republic of Ethiopia, states in article 41/4/ under economic, social and cultural rights that the state has the obligation to allocate ever increasing resources to provide for education. It further provides in Article 90/1/ under, Social Objectives, that to the extent the country's resources permit, policies shall aim to provide all Ethiopians access to education.

3.3.2. International Legal Framework

Ethiopia's international commitments on the right to education are guided by the following international instruments:

- Universal Declaration of Human Rights: Article 26
- International Covenant on Economic, Social and Cultural Rights: Articles 13 and 14
- Convention on the Rights of the Child: Articles 28 and 29
- African Charter on Human and Peoples' Rights: Article 17 (1)
- African Charter on the Rights and Welfare of the Child: Article 11

UNOFFICIAL TRANSLATION

- International Convention on the Elimination of all Forms of Discrimination against Women: Article 14(2) (d)
- International Convention on the Elimination of All Forms of Racial Discrimination: Article 5(5) (e)
- International Convention on the Rights of Persons With Disabilities: Article 24

3.3.3. What Has Been Done

Policy Measures

- Capacity Building Strategy and Programmmes of the Federal Democratic Republic of Ethiopia (2002)
- Education and Training Policy(1994)
- Education Sector Policy and Strategy on HIV and AIDS (2009)

National Laws

- Higher Education Proclamation No. 650/2009
- Revised Family Code Proclamation No. 213/2000
- Technical and Vocational Education and Training Proclamation No. 391/2004
- Registration of Vital Events and National Identity Card Proclamation No.760/2012.
- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, Proclamation No. 691/2010

Institutional and Administrative Measures

Institutional Measures

Ministry of Education was established in order to respect, protect and to progressively fulfill the right to education of citizens. The Ministry is endowed with the authority to ensure the accessibility, relevance, equity and high standard of national education. The education bureaus of the Regional states and City councils are also given similar responsibilities.

UNOFFICIAL TRANSLATION

Further, the Government has instituted, in order to discharge its obligations regarding the right to education, the following organizations:

National Educational Assessment and Examination Agency which prepares and administrates national examinations; Higher Education Strategy Centre; Higher Education Relevance and Quality Agency, as well as Information Communication and Technology/ICT/ Centre.

Administrative Measures

The 2010/11-2015 Growth and Transformation Plan has set guidelines regarding the assurance of respect of the citizens' right to education and the achievement of Millennium Development Goals of the education sector. On this basis, the government has wide-ranging plans to develop equitable and accessible education.

The Government has exerted tremendous efforts that the provision of education services is designed in such a way that it can arm citizens with the necessary knowledge and skills. Moreover, the delivery of education services is designed in such a way that it produces school communities that are aware and respectful of the individual and group human and democratic rights.

Therefore, in order to ensure respect of the right to education of the citizens and to produce, in the education sector, citizens imbued with advanced democratic culture, conscious of respect of human rights, the Government has designed, based on the education policy, four successive education sector development programmes. Currently, the forth programme is in the course of implementation.

With regard to the general education sector, a general education improvement package was developed in November 2008, in the course of the third education development programme. The package contains six programmes, viz. education management, organization and implementation; school improvement; teachers development; civic education and ethics, curriculum, text books, assessment and inspection improvement; and information and communication technology programmes. These programmes are being applied in federal, Regional and City council levels.

UNOFFICIAL TRANSLATION

Further, different programmes and standards have been designed to better ensure respect for the right to education of citizens along the education levels/from pre-primary to higher education/.

With the aim of ascertaining the availability of education to every sector of the society, strategies and programmes based on age and social status, living environment condition were developed and applied. These include: alternative basic education programmes; function-oriented adult non-formal education programme strategies; and special need and inclusive education programmes.

The government has paid wide attention to women's participation in education. The Constitutional right to affirmative action to women has been effectively applied. An example worthy of note in this regard is that in the requirement for entry to institutions of higher education, the GPA for female students is lower than that is expected from male applicants. In addition, in each department of institution of higher education, 30% of places are reserved for female students, who can also compete with male students in the remaining 70%.

In further respect of the Constitutional affirmative support in the case of Regional states and other areas that need special support, applicants to institutions of higher education from such areas are accepted with 0.2 points less when compared to students who apply from other Regions. In this manner, their participation has been substantially increased.

The right to education of persons with disabilities is assured with the development and implementation of special need and inclusive education programmes.

The participation of the private sector in education, contributes meaningfully to respect of the right to education of citizens. In Ethiopia, this sector is not only assured of participation in all the education levels, but is further given incentives should it decide to build, own and manage education facilities.

In 1991, the budget allocated to the education sector was below 9% of the total national budget. In adherence to the Constitutional precept of ensuring the right to education to citizens by allocating ever increasing resources, the education budget has increased quite remarkably to rise to the current 25% share of the national budget. It should be further noted that in parallel with

UNOFFICIAL TRANSLATION

the proven continuous annual rise of the country's budget, the share of the education will continue to grow.

Primary education is free to all citizens, and all children of school age are encouraged to go to school. Further, in 1991, education in the elementary school level was given in one language only. In 2011, primary education was given in over 25 "mother-tongues" in the country. The number of schools and of teachers has risen very substantially. And, as such, primary/elementary education participation is growing steadily.

In 1991, primary school/grades 1-8/ enrolment was 2.06 million students, but in 2011, it reached to a total of more than 16.7 million /16,718,111 students/. Simultaneously, the number of elementary schools, which stood at 8,432 in 1991 rose to 28,349 schools in2011. Accordingly, gross enrolment rate of national elementary education, which was at 19.6% in 1991 rose to 96.4% in 2011.

In comparative terms, the 5-year/2007-2011/ average growth in elementary education enrolment was 4.5% per annum. Furthermore, the gross enrolment, which was 91.7% in 2007 rose to 96.4% in 2011, while net enrolment of elementary education/grades 1-8/ which was at 79.1% ,the same year, increased to 85.3%.

Government has done a great deal of work to provide secondary level education to all sections of the society. As a result of these endeavors, the participation in secondary school education/grades 9-12/ which were less than 500,000 in 1991 dramatically increased to 1.75 million in 2011. The number of secondary schools in 1991 was only 284, whereas by 2011 the number of secondary schools rose to 1,517, which showed a remarkable growth as well.

Considering the 5-year period, 2007-2011, the gross enrolment in 9^{th}-10^{th} grades was 37.3% in 2007, which grew to 38.4% in 2011; and gross enrolment in 11th -12^{th} grades which was 5.5% in 2007 rose to 8.1% in 2011. Regarding net enrolments, the growth in the 1^{st} cycle /grades 9-10/ was 14.7% in 2007 and it grew to 16.3% in 2011.

The expansion of teacher training colleges and enrichment of the quality of the training they provide play a key role in the production of capable and knowledgeable teachers. The growth in the number of teacher training colleges has shown a noticeable increase in a short period. In

UNOFFICIAL TRANSLATION

2011, the number of these colleges country-wide reached to 32. In the same period, the teacher training colleges' gross enrolment /fulltime, evening, summer and distance programmes/ reached 164,501 trainees; of which, 67,451 or 41% were women.

The government has developed a technical and vocational education and training programme to expand the sector not only with the objective of ensuring the right to education, but also to improve the expertise and capacity of the trainees for employment opportunities. The number of trainees registered for technical and vocational education in 1992 was less than 2,600 but it grew to 371,347 in 2011. In the sector, an average annual enrolment rate of 30% has been registered and the share of female trainees has reached to 42.6%.

Regarding the higher education sector, extensive work of expansion has been carried out. In 1991, only two state universities had existed in the whole country, whereas in the year 2011, the number of state universities reached to 32, thereby enhancing the availability and access to university education immeasurably. In 2011, enrolment capacity of higher education institutions in general, in under-and post-graduate programmes/full-time, evening, summer and distance programmes/ was 467,000, according to the following shares:

- 79,314 in private higher education institutions which is 17%, and
- 447,693 in under-graduate programme which is 95.7% of the gross enrolment.

In general, from 2007 to 2011, with regard to the growth of the number of education institutions and of teachers /inclusive of both government and private/ the following growth rates were registered.

With regard to the number of education institutions:

- growth rates were 10.3% in pre-primary schools; 8.2% in primary schools; 12.4% in secondary schools; 10.1% in teacher training institutions; 6.8% in technical and vocational training institutions; and 11.8% in institutions of higher education, and with regard to number of teachers:

UNOFFICIAL TRANSLATION

- growth rates were 14.9% in pre-elementary schools ;8.2% in primary schools ; 17.0% in secondary schools; teacher training institutions teachers 26.2%; technical and vocational institutions teachers 16.1%; and teachers of higher education institutions 20.1%.

As is obvious from the data above, the growth in the number of education institutions and teachers has increased in line with the increase in enrolment capacity of the education institutions.

3.3.4. Problems and Challenges

In spite of the fact that a great deal of work has been done to respect, protect and fulfill the right to education of the citizens, the following can be taken as problems and challenges and need to be attended to:

- lack of the required standard of quality in all the levels in the education system;
- Although great efforts have been made to improve the competence and knowledge of teachers, there still needs a lot to be done to reach at the required level;
- Enrolment of children of school age in the rural and pastoralist areas of the country is unsatisfactory, and even then the number of dropouts for various reasons is noticeable;
- According to data obtained at the end of 2010, pre-elementary school enrolment rate was extremely small at 6.9%, and that the greater portion of this was in the urban areas;
- Conditions in which children are burdened with household duties, affected by labour exploitation and illegal migration impact negatively on the children's right to education;
- The weak infrastructure of the sector in terms of classrooms, libraries, student/teacher textbooks, laboratories, information communication technology/ICT/, sports areas, clean water, electricity and toilet facilities for both genders. With regard to persons with disabilities in school, the limited facilities are rarely appropriate for their needs;

UNOFFICIAL TRANSLATION

- In addition to lack of necessary follow-up and provision care for education institutions by the government and the public at large, there is lack of rehabilitation management system so that the institutions can render continuous and necessary services;

- In the case of Regions that require special support, their enrolment capacities are low when compared with the other Regions;

- With the increase of school levels, there is a tendency of reduction in the number of women teachers and female students. In particular, in rural and pastoral areas, the enrolment rate of female students is lower than that of boys;

- In order to ensure adult education, its own specially designed education programmes have been developed and are operational. However, they are not sufficient for the existing need;

- The shortage of qualified and competent human resource for the newly established institutions of higher education;

- The insufficiency of the capacity to monitor the private education sector's operational activities.

3.3.5. Plans and Implementing Institutions

1. With the objective of implementing the planned activities in this sector, the government will continue allocating ever increasing resources as usual. It will also create conducive conditions for the country's development partners to provide additional financial support. Furthermore, the activities of the sector will be anchored on the participation of the citizens at large. [Ministry and Bureaus of Finance and Economic Development; Ministry and Bureaus of Education; Ministry of Foreign Affairs; Council of Ministers; House of Peoples' Representatives and Regional State Councils]

2. The general education improvement package will continue reinforced, in order to solve the existing quality problems of the general education sector. Deficiencies and gaps within the package will be identified and improved. The improvement activities that are under way in

UNOFFICIAL TRANSLATION

education sectors not covered in the package will also be continued as strengthened. [Ministry and Bureaus of Education]

3. Training and skill improvement will be given to all teachers in coordinated and sustainable manner in all education levels [Ministry and Bureaus of Education]

4. All programmes and activities related to increasing accessibility to pre-elementary school level will continue reinforced. Work to extend the education country-wide will continue within available means. [Ministry and Bureaus of Education)

5. In order to increase the enrolment capacity of elementary education in the rural and pastoral areas, water based villagization programmes, based on the free and voluntary acceptance of the people, will be effected. Further, taking in to account the conditions of the areas, the construction of mobile schools will be reinforced. [Ministry and Bureaus of Education, Ministry and Bureaus of Agriculture]

6. With the regard to infrastructured reinforcement:

    - Effort will be made to add sufficient numbers of class rooms, libraries and laboratories; to repair and renovate the existing ones on schedule. As much as possible, the services of these facilities and mode of utilization will be made capable to accommodate the specific needs of the disabled. [Ministry and Bureaus of Education]

    - Effort will be made to provide within or the surrounding areas of schools clean water services, toilet facilities for both genders and the disabled, and within the means available, and electric power supply. [Ministry and Bureaus of Education; Ministry of Water and Energy and Relevant Regional and City Administration Bureaus]

    - Games and sports areas will be readied in all schools. In secondary schools and higher institutions, ICT will be provided/expanded/ for use by all students. [Ministry and Bureaus of Education]

UNOFFICIAL TRANSLATION

- As much as possible, preparation, printing and distribution of learning/teaching books in all the levels of education will be done in improved and efficient way. [Ministry and Bureaus of Education]

7. Necessary care and follow-up will be provided for education institutions by the government and the public at large. Further, the required rehabilitation management system will be set in place so that the institutions can render continuous and necessary services.(Ministry and Bureaus of Education)

8. In order to reduce the gap in participation in education among the Regions, the federal government and Regional states requiring special support, will coordinate efforts to enhance/increase the latter's participation in education. [Ministry and Bureaus of Education]

9. In order to reduce the gap of participation in education on the basis of gender, the efforts of the relevant government authorities will be coordinated and integrated to ioncrase enrolment of women, example, to facilitate the girl's access to tutorial classes; to reinforce affirmative action and other supportive measures. [Ministry and Bureaus of Women, Children and Youth Affairs; Ministry and Bureaus of Education]

10. Planned efforts will be exerted to increase enrolment of women teacher trainees so that the share of women teachers will be increased in all education levels, from kindergarten and above. Teacher training institutions throughout the sector will be required to focus and pay due attention to the plan. [Ministry and Bureaus of Education]

11. In order to ensure effective adult education, the function-based adult and non-formal education programme strategy will be further reinforced and continued. [Ministry and Bureaus of Education]

12. Large numbers of new teachers will be trained for the newly established institutions of higher education. Existing teachers will be given continuous opportunities to develop their capacities. [Ministry and Bureaus of Education]

UNOFFICIAL TRANSLATION

13. All private education organizations at all levels will undergo education quality control and assessment. Investment incentives will be given to all investors, be it individual or organization, who wish to open private schools and education institutions. [Ministry and Bureaus of Education]

14. Large-scale and broad-based awareness creation work will be activated:

    - to make all parents and guardians of school age children understand the necessity and their obligation to send their children to school and to educate them; and,

    - to assist in the effort to increase the enrolment of women, and of the rural and pastoralist areas in the enrolment of women, and of the rural and pastoralist areas in the elementary education and further to assist in the elimination of exploitation of child labour, the burdensome household chores on girls and of illegal migration. [Ministry and Regional Bureaus; Office of Government Communication Affairs and Public Relations Bureaus; Ministry of Women, Children and Youth Affairs; Ministry of Labour and Social Affairs and Bureaus; the Ministry of Foreign Affairs; Ethiopian Human Rights Commission]

3.3.6. Monitoring and Evaluation

Leading Institution: Ministry of Education

The Ministry of Education, Regional State and City Administration Bureaus of Education are the primary stakeholders of the right to education, and are jointly and severally responsible for monitoring and evaluation along with the following:

Office of Government Communication Affairs and Public Relations Bureaus; Ministry of Finance and Economic Development; Ministry of Foreign Affairs; Ministry of Civil Service and Civil Service Bureaus; Ministry and Bureaus of Agriculture; Ministry and Bureaus of Women, Children and Youth Affairs; Ministry and Bureaus of Labour and Social Affairs; Ministry of Water and Energy and Bureaus of Water Resources and Sewerage; Council of Ministers; House of Peoples' Representatives and Regional States and City Administration Councils.]

UNOFFICIAL TRANSLATION

3.4. Right to Work

3.4.1. Constitutional Framework

The Constitution of the Federal Democratic Republic of Ethiopia states in article 41 that: every Ethiopian has the right to engage freely in economic activity and to pursue a livelihood of his choice anywhere within the national territory; every Ethiopian has the right to choose his or her means of livelihood, occupation and profession; the State shall pursue policies which aim to expand job opportunities for the unemployed and the poor and shall accordingly undertake programmes and public works projects, and all measures necessary to increase opportunities for citizens to find gainful employment.

Article 42 of the Constitution provides particularly for the right of labour of citizens. On the basis of this provision factory and service workers, farmers, farm laborers, other rural workers and government employees whose work compatibility allows for it and who are below a certain level of responsibility, have the right of association to improve their conditions of employment and economic well-being. This right includes the right to form trade unions and other associations to bargain collectively with employers and other organizations that affect their interests. Furthermore, categories of persons referred to above and government employees who enjoy the rights by law, the right to express grievances, including the right to strike. In addition workers have the right to reasonable limitation of working hours, to rest, to leisure, to periodic leaves with pay, to remuneration for public holidays as well as healthy and safe work environment and women workers have the right to equal pay for equal work.

3.4.2. International Legal Framework

Ethiopia's international commitments on the right to work are guided by the following international

- Universal Declaration of Human Rights: Articles 23 & 24
- International Convention on Economic, Social and Cultural Rights: Articles 6, 7 and 8
- International Convention on the Elimination of All Forms of Racial Discrimination: Article 5/

UNOFFICIAL TRANSLATION

- African Charter on Human and Peoples' Rights : Article 8 and 15
- Convention on the Rights of the Child: article 32
- Convention on the Elimination of All Forms of Discrimination against Women: articles 8 and 11
- Convention on the Rights of Persons with Disabilities: Article 27
- ILO Conventions: Unemployment Convention No. 2/1919; Right of Association (Agriculture) convention No. 11/1921; weekly rest (Industry) Convention No. 14/1921; Forced Labour Convention No 29/1930 Abolition of Forced Labour Convention No.105/957; Freedom of Association and Protection of the Right to Organize Convention, No. 87/1948; Employment Service Convention No. 88/1948; Right to Organize and Collective Bargaining Convention No. 98/1949; Equal Remuneration convention No. 100/1951; weekly rest (Commerce and Offices) Convention No. 106/1957; Discrimination (Employment and Occupation) Convention No. 111/1958; Minimum Age Convention No. 138/1973; Occupational Safety and Health Convention No. 155/1981; Workers with Family Responsibilities Convention No. 156/1981; Termination of Employment Convention No. 158/1982; Vocational Rehabilitation and Employment (Disabled Persons) Convention No. 159/1983; Private Employment Agencies Convention No. 181/1997; Worst Forms of Child Labour Convention No. 182/1999; Tripartite Consultation (International Labour Standards) Convention No. 144/1976; Final Articles Revision Conventions No. 80/1946, 116/1961

3.4.3. What Has Been Done

Policy Measures

- Developmental Social welfare Policy /1996/
- Industrial Development policy /2001/
- Urban development Policy /2005/
- National Population Policy/2001/

Draft Policies

- National Employment Policy and Strategy

UNOFFICIAL TRANSLATION

- Ethiopia Occupational health, safety and working environment policy.
- Developmental Social Welfare Policy /revised/

National laws

- Labour Proclamation No. 377/2003 /revised/
- Employment Exchange Services **Proclamation** No. 632/2009,
- Federal civil servants Proclamation No. 515/2007,
- Right to Employment of Persons With Disability **Proclamation No**.**568**/2008,
- Public servants pension Proclamation no. 714/2011/revised/,
- Private organization employees pension Proclamation no. 715/2011,
- Private Employment Agency Proclamation No. 104/1998 /revised/,
- A Proclamation to provide for Social health insurance No. 690/2010
- Proclamation to provide the definition of powers and duties of the executive organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010,
- Cooperative Societies Proclamation No. 147/1998,
- A Proclamation to provide for a technical and vocational education and training system No. 391/2004,
- Higher education Proclamation No. 650/2009,
- Proclamation on Radiation Protection No. 571/2008,
- The revised Family code Proclamation No. 213/2000,
- Civil code Proclamation No. 165/1960,
- Commercial code Proclamation No. 166/1960,
- Criminal code Proclamation No. 414/2004

Institutional and Administrative Measures

Institutional Measures

With the objective of protecting, ensuring respect and fulfilling the right of citizens to work provided in FDRE Constitution and international agreements, and further assure a prevailing industrial peace, protection of health and safety of the workers, improvement of work

UNOFFICIAL TRANSLATION

environment and expanding employment opportunities; particularly, equal opportunity for, and enhanced participation of, women and persons with disability, the government has established: Ministry of labour and social affairs at the federal level, agencies/bureaus of labour and social affairs in all the Regional states and City Administrations; and a federal ministry and Regional and City Administration bureaus of civil service. Furthermore, the government has instituted Labour Relations Advisory Board, Labour Relations Board, public servants social security agency, Private Organizations Employees Social Security Agency. In particular, civil servants administrative tribunals and labour benches of regular courts are established to handle labour litigations.

Administrative Measures

Of all the administrative measures taken by the government to protect, respect and fulfill citizens' right to work, the 5-year Growth and Transformation Plan /2010/11-2014/15/ stands foremost. The Plan designed a system by which the data on the supply and demand of the labour market is collected, analyzed and classified and made available to: policy makers, employers, economically active citizens, research institutions, education and training centers etc. to expand employment service; develop work place ,bilateral /employer-employee/ and trilateral/employer- employee- government/dialogue and discussion forums to provide support to solve misunderstandings and labour disputes; Improve working conditions by ensuring the safety and health of workers; strengthening monitoring and evaluation of working environments: adherence of both employers and employees to their duties and rights to each other; ensure industrial peace by reducing workplace risks, accidents; develop productivity and healthy competitive spirit, and in total, contribute effectively to the worthy socio-economic development of the country.

This is no gainsaying the fact that protection of the health and safety of the workers is a main factor in the respect, protection and fulfillment of the right to work. In this regard, ministry of labour and social affairs, in line with article 87 of Proclamation no. 377/1997, issued directives with detailed list of the types of work that are arduous or harmful to the health of women. Similarly, the ministry issued detailed directives prohibiting specific types of work to young workers. Further, in conformity with the provisions in article 170 of Proclamation on. 377/1997

UNOFFICIAL TRANSLATION

on occupational health and safety, the ministry issued the occupational safety, health and protection of work environment directive. The directive includes the terms of reference and organization of the occupational health and safety committee established with the cooperation of employers and employees. Pursuant to the implementation of the Growth and Transformation plan, work environment monitoring have been carried out in 9,725 small, medium and large scale organizations.

Regarding the strengthening of workplace cooperation and consultation by solving work place misunderstandings and labour disputes through bilateral /employer-employee/ and trilateral/employer- employee- government/dialogue and discussion forums , governmental conciliation service entities have been rendering service in the ministry and Regional bureaus of labour and social affairs.

Another important factor, in ensuring respect and protection of the right to work, is the steady expansion of employment services. Of particular relevance in this aspect, is the assurance of equal opportunity and full participation of persons with disability. In the event, the government has issued implementation directives on: the Proclamations, Right to Employment of Persons With Disability; and Employment Exchange Services. Further, directives for system of registration of employment seekers and vacancies, and guidelines of support to private employment agencies have been issued to assist citizens earn their livelihood, thereby discharging its responsibility to create opportunities and legal options for its citizens. In its determination to further expand employment opportunities for its citizens in the last five years, the government paid serious attention to the micro and small-scale enterprise development sub-sector of Trade and Industry Development Sector. It provided the citizens of the sub-sector with credit facility, training, production and market facilities, information services, technology and other support. Currently 167,835 enterprises are established and created 1.46 million jobs.

Unlawful termination of service and contract of employment is direct violation of the right to work. In this respect, the government has issued a procedural directive on a system of reduction of workers and a regulation regarding disciplinary measures and grievance procedure of civil servants. Thus, the government is endeavoring respect and protection of the right of citizens.

UNOFFICIAL TRANSLATION

In so far as the ministry of labour and social affairs is the primary institution responsible to ensure comprehensive respect and protection and fulfillment of the right of work of citizens, it has developed and implemented various programmes and plans to discharge its duties.

The ministry of labour and social affairs has designed and set in place, in collaboration with various national and international stakeholders, the programme to expand cooperation and coordination with development partners in effective protection and promotion of the right of work. At the domestic level, the programme engaged with employer's associations' federation, trade unions and relevant government organs representatives in developing modes of reinforcing system of management of labour affairs. Regarding the conditions of the legal procedure for, foreign employment and the solution lines for the problems and challenges that had occurred in the course of implementation, consultations took place with the legally licensed private employment agencies. Furthermore, the programme incorporates the activities agreed to, jointly by the ministry of labour affairs and the international labour organization (ILO), for prevention of illegal human trafficking to Ethiopia or abroad, geared to employment. An added note: a national committee for the prevention of illegal human trafficking has been established consisting of members representing relevant government agencies, employers and employee organizations.

In the final analysis, a programme of labour affairs sector development has been designed and is being implemented by the ministry and the Regional bureaus in a coordinated and strengthened mode: to raise the operational capacity of the sector; to strengthen national and continental cooperation and coordination; to design national labour market information system; expand the scope of employment exchange services and to improve occupational health and safety services and labour inspection services , build work place support, cooperation and consultation systems; and prevent and control child labour exploitation.

In conformity with their Constitutionally enshrined right of freedom of association, workers have established trade unions, national trade unions federations, and up-the-range, the national confederation, and negotiate to improve working and economic conditions.. The confederation represents Ethiopian workers in the country and internationally in the ILO and continental

UNOFFICIAL TRANSLATION

meetings. Above all, they contribute to the deeper respect, protection and promotion of the right of work in the country.

In consequence of the administrative and institutional measures, actions and activities, the government has scored positive results in its endeavor to enforce respect, promote and ever-increasing fulfillment of the right to work of citizens. According to the study made in April 2011, 49.4% of citizens who reached the working age are employed. In contrast the urban unemployment rate of 22.9% in 2010 dropped to 18% in 2011.

3.4.4. Problems and Challenges

The government's operations and activities in the protection and respect of the citizen's right to work have achieved encouraging results. However, certain issues, detailed below are apparently problems and challenges.

- Unemployment in the country, in general, and in the cities, in particular as well as the presence of expectations, choosiness and selective attitude to work.
- Insufficient action to create opportunities, conditions and work environment concerning the needs of persons with disability.
- Absence of laws governing conditions of work applicable to personal services.
- The absence of monitoring and assessment standards and directives relevant to occupational safety and health for diverse employment sectors in the country.
- Inappropriate and ineffectual implementation of provisions against violations of operational safety, health and work environment and insignificance of sanctions imposed when violations take place.
- The uncoordinated activities of inspectors of occupational safety, health and work environment assigned in the federal and Regional offices of labour inspection and control.
- The still draft status of the national employment policy and strategy

UNOFICIAL TRANSLATION

- The still draft status of occupational health, safety and working environment policy
- The non-elimination of illegal human trafficking, particularly the exploitation of women and child labour.

3.4.5. Plans and Implementing Institutions

1. In addition of spreading micro and small-scale enterprises in urban areas and agricultural activities in the rural areas government will develop and implement new projects that create ever-increasing employment opportunities thereby reducing unemployment at national level. Awareness developing campaign of eliminating work expectation and choosiness outlooks will be conducted. [Ministry and bureaus of Industry; ministry and bureaus of trade; ministry and bureaus of urban development and construction, ministry and bureaus of labour and social affairs; ministry of finance and economic development.]

2. With regard to private employment agencies, the government will make sure their legality and develop their operational capacity along side with strengthening employment exchange service centers activities and functional process. [Ministry of labour and social affairs; bureaus of labour and social affairs]

3. The government will, in addition to strengthening and expanding existing measures and operations develop and implement projects that center persons with disability so as to create employment opportunities and reduce unemployment of these people. [Ministry of labour and social affairs; bureaus of labour and social affairs]

4. Concerning the assurance of the right of citizens working in personal services, government will issue and implement a regulation governing conditions of work applicable to this sector. . [Ministry of labour and social affairs; ministry of justice; council of ministers.

5. Relevant and appropriate monitoring and assessment standards, regarding occupational safety, health and work environment, for the diverse operational and service sectors of the economy. [Ministry of labour and social affairs]

UNOFICIAL TRANSLATION

6. Firm and robust inspection of occupation safety, health and work environment will be maintained. Whenever violations are found to have been committed appropriate prosecution followed by corrective and educative sanctions will be taken against the perpetrating employer. [Ministry and bureaus of labour and social affairs; courts of law]

7. Conditions will be created to develop and implement coordination and integration of monitoring and assessment of occupational safety, health and work environment, by labour inspectors stationed in the various government offices. Relevant and successive training courses will be provided for the inspectors to upgrade and enhance their expertise and capability. [Ministry of labour and social affairs; ministry of health; ministry of civil service; house of peoples' representatives]

8. The draft National Employment policy and strategy and Occupational Health, Safety and working environment Policy will be enacted and implemented. [Ministry of labour and social affairs; house of peoples' representatives]

9. A study will be made for the adoption of ILO's labour inspection convention no. 81/1947; labour inspection/agriculture/ convention no. 129/1969; international convention on the protection of the rights of all migrant workers and members of their families. [Ministry of labour and social affairs; house of people's representatives]

10. With regard to illegal human trafficking and child labour exploitation, government in collaboration with relevant authorities will act strongly to prevent and bring perpetrators before the law. [Ministry of labour and social affairs; ministry of justice; federal and Regional states police Commissions.

3.4.6. Monitoring and Evaluation

Leading institution: Ministry of labour and social affairs

The ministry of labour and social affairs and Regional bureaus of labour and social affairs are the primary stakeholders of monitoring and evaluation of this right along with the following:

House of Peoples' Representatives, Council of Ministers, Regional State Councils, Ministry of Civil Service and Ministry of Justice.

UNOFFICIAL TRANSLATION

3.5. Right to Adequate Housing

3.5.1. Constitutional Framework

The FDRE Constitution art 41/4/ declares that the state has the obligation to allocate ever increasing resources to provide social services. This includes provision of housing service. Furthermore, the Constitution states that to the extent the country's resources permit, policies shall aim to provide all Ethiopians access to public health and education, clean water, housing, food and social security. The article stresses on the state's duty to develop policies and enact laws that facilitate the provision of these rights.

3.5.2. International Legal Framework

Ethiopia's international commitments to respect, protect and progressively fulfill the right to housing are guided by the following international instruments.

- Universal Declaration of Human Rights: Article 25/1/
- International Covenant on Economic, Social and Cultural Rights: Article 11/1/
- International Convention on the Elimination of all Forms of Discrimination Against Women: Article 14/2/b/
- International Convention on the Elimination of all Forms of Racial Discrimination: Article 5 (f) (3)
- International Convention on the Rights of Person with Disabilities: Article 28/2/d/
- Convention on the Rights of the Child: Article 27/3/

3.5.3. What Has Been Done

Policy Framework

- The Urban Development Policy/2005./

UNOFFICIAL TRANSLATION

- Ethiopian Federal Democratic Republic Capacity Building Strategies and Programmes (1994 E.C)

National Laws

- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of FDRE No. 691/2010.
- Condominiums Proclamation No. 370/2003
- Expropriation of Land Holdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005.
- Urban Lands Lease Holding Proclamation No. 721/2011.
- Ethiopian Building Proclamation No.624/2009
- Regional Proclamation on Ownership of Condominiums.

Institutional and Administrative Measures

Institutional Measures

In order to respect, protection and progressively realize the fulfillment of right to adequate housing Ministry and Regional Bureaus of Urban Development and Construction; Offices of Housing Development and Government Houses Agency have been established.

Administrative Measures

The government is taking a number of administrative measures to achieve the millennium development goal of improving the lives of people living in derelict areas and slums and further ensure the right of access to adequate housing of citizens.

Foremost is the drafting and implementation of the 2010/11-2014/15 Growth and Transformation Plan /GTP/. GTP extends the strategic development guidelines initiated in the Plan of the Accelerated and Sustainable Development to End Poverty/PASDEP/. Regarding the right of

UNOFFICIAL TRANSLATION

citizens to adequate housing, GTP defines the strategic guideline: to construct houses that are affordable to urban dwellers who lack the means but wish to be owners, and sell them to the public on long-term credit basis, and to replace the old houses and renovate the surrounding areas.

Considering the high level of shortage of housing in the urban areas and the possibility of replacing and renewing the stock of old and derelict houses, the government prepared and implemented the Integrated Housing Development Project since 2006. The project's main objective is to enable those urban dwellers incapable of building their own houses, to join together to build savings' houses and become house owners. Consequently, and with the assistance of the project, about 171, 000 houses have been built to-date in 55 towns of all regions of the country. Of these houses, about 87, 224 units have been completed and delivered to the new owners. Out of these delivered homes, the majority is in Addis Ababa and the rest were built and delivered in the Regional towns. It is worthy of note that over 56% in Addis Ababa and 37% in the regions were passed on to women, which shows that women are significant beneficiaries of the project.

Related to the above, Ministry of Urban Development and Construction has prepared a 5-year Sectoral Economic Growth and Transformation Plan /20010/11-2014/15/. The plan, with the view to guarantee citizens' right to adequate housing, stated that the integrated housing development should continue reinforced vis-a-vise curbing the problems it had on implementation.

In addition, a pre-conditions to develop a scheme where citizens' raise 40% of the required fund to build a house and get the remaining 60% from financial institutions to be paid on a long-term credit basis, are finalized. Furthermore, preparatory measures to implement the low income group-centered housing project are underway. Old neighborhoods and sections in Addis Ababa are currently on the process of rehabilitation and replacement. A program to extend infrastructural service needs of the urban sector has been prepared and is in implementation. Accordingly, over the years of 2009-2011 roads, waste and sewage dumps and lines, street lightings and market places are built.

UNOFFICIAL TRANSLATION

Proclamation No. 455/2005 ensures that citizens displaced from their homes and landholdings are not expropriated for public purposes without appropriate compensations. Council of Ministers Regulation No. 135/2007 was issued for the enforcement of this law and specifies that the compensation in case of expropriation covers not-only the value of the properties on the land, but also includes the cost of relocation. The regulation further details the conditions and the legal processes of obtaining appropriate compensation. Simultaneously, and in conformity with the above Proclamation, each region and City Administration issued directives on methods of estimating the compensation, relocation and/or replacement of the expropriated property.

3.5.4. Problems and Challenges

The measures taken by government to respect, protect and progressively fulfill the right of citizens to adequate housing have achieved creditable results. However, the following issues still pose challenges and problems and require solutions.

- The shortage of housing noticeable in the major cities of the country.
- The existence of certain social groups under unlivable and unhealthy conditions lacking basics such as water, sewerage and sanitation infrastructure.
- The limited number of private estate developers and even the few that operates, preferring not to deal in small-scale and cost-saving houses.
- The absence of culture of saving in the society to generate individual ‘seed” monies as deposits to initiate adequate credits to build homes.
- Shortage of building materials, high rates of inflation and the general lack of awareness of cost-effective technology
- Among the problems related to the activities of the Integrated Housing Development Project, the following are persistent
    - Execution and financial delays

UNOFFICIAL TRANSLATION

- Imbalance between the number of homes under construction and that of applicants

- Delays in completing the infrastructure/ water, electric power and roads/ for the project's condominiums.

3.5.5. Actions and Implementing Institutions

1. In order to eliminate the housing shortages in cities, the construction of condominiums, low-cost homes and homes for very low income groups of society will continue reinforced. Further, the programme of citizen organizations of home builders will be encouraged and strengthened. [Ministry and bureaus of Urban Development and Construction; Ministry of Finance and Economic Development; National Bank]

2. To encourage private sector housing developers to actively participate in building low-cost and cost saving homes, diverse incentives, such as credit supply, allocation of construction land, and others will be provided. [Ministry and Bureaus of Urban Development and Construction; Ministry of Industry; Investment Agency and Investment Bureaus]

3. Measures will be taken to support low and middle income sections of society to become home owners, either through purchasing or building homes. In this respect, studies will be conducted to identify special conditions to get credit from financial institutions to purchase or building homes. Meanwhile, awareness creation and education of the public on developing saving culture will be carried extensively [Ministry and Bureaus of Urban Development and Construction; Ministry of Finance and Economic Development; National Bank].

4. Efforts are made to substitute imported building materials with domestic products and introduce the application of cost-saving construction technologies in the country. To this end, incentives and support to encourage private sectors engaged in manufacturing building materials will continue reinforced. [Ministry and Bureaus of Urban Development and Construction; Ministry of Industry; Ministry of Science and Technology]

UNOFICIAL TRANSLATION

5. The on-going programme of extending urban development infrastructures will be reinforced to be able to rehabilitate slums and render them fit to be lived in. [Ministry and Bureau of Urban Development and Construction]

6. Regarding the issues connected with the Integrated Housing Development Project/ IHDP/, the following attention lines and detailed plans will be implemented.

    6.1 To render the IHDP more productive, the operational problems will be identified and solutions will be given. [Ministry and Bureau of Urban Development and Construction]

    6.2 In order to give prompt response to the problems of finance and allocation of construction land faced during the implementation of IHDP, and solve the problem of house applicants, 150,000 new homes will be built. Furthermore, in the regions, new construction activities will begin on study basis, while the finalization of the homes currently under construction will be accelerated, finished and delivered to the owners. [Ministry and Bureaus of Urban Development and Construction; Ministry and Economic and Finance Development; Addis Ababa City Administration, Council of Ministers]

    6.3 Further, in cooperation with City Administrations, a system of accelerated and sustainable allocation of land sites required for the project will be instituted and effected [Ministry and Bureaus of Urban Development and Construction; Ministry and Economic and Finance Development; Addis Ababa City Administration, Council of Ministers]

    6.4 Conducive environment will be created to equally complete the construction of condominiums and basic infrastructures. In addition, the stern monitor on the quality of houses under construction will continue reinforced. [Ministry and Bureaus of Urban Development and Construction; Ministry of Water and Energy]

UNOFFICIAL TRANSLATION

7. Extensive monitoring will be maintained to ascertain that no illegal activities occur during land management and, inclusive of construction sectors, while large-scale purchases are made. [Ethics and Anti-corruption Commission]

3.5.6. Monitoring and Evaluation

Leading Institution: Ministry of Urban Development and Construction

The Ministry of Urban Development and Construction and Regional and City Administration Bureaus are the primary stakeholders to monitor and evaluate the implementation of the right to adequate housing, and are jointly and severally responsible for monitoring and evaluation of this right with House of Peoples' Representatives, Regional Councils, Council of Ministers, the Institute of Ombudsman; Ethics and Anti-corruption Commission.

3.6. The Right to Clean Water

3.6.1. Constitutional Framework

The FDRE Constitution in Article 41/4/, under the Economic, Social and Cultural Rights, provides that the state has the obligation to allocate ever increasing resources to provide social services to the citizen. Also in article 90/1/, under the social objectives, it provides that to the extent the country's resources permit, policies shall aim to provide all Ethiopians access to clean water.

3.6.2. International Legal Framework

Ethiopia's international commitments on the right to clean water are guided by the following international instruments:

- International Covenant on Economic, Social and Cultural Rights: Articles11(1) and (2) (a) and from the interpretation of Article 12(1),(2) (b), and (c)
- International Convention on Elimination of all forms of Discrimination against Women: Article 14/2(j)
- Convention on the Right of the Child: Article 24(2) (c) and (e)

UNOFICIAL TRANSLATION

- African Charter on Human and Peoples' Rights: Article 24/ by interpretation/

3.6.3. What Has Been Done

Policy measures

- Ethiopian Water Sector Policy/(2001)

National Laws

- Ethiopian Water Resources Management Proclamation No. 197/2000
- Proclamation to provide for the Definition of Powers and Duties of the Executive Organs of the FDRE, Proclamation No. 691/2010

Institutional and Administrative Measures

Institutional Measures

The duty and authority to respect, protect and fulfill, to the extent of the country's resources, the right of clean water to all citizens is given to the Ministry of Water and Energy. The ministry's duties and responsibilities include: the expansion of development of water resources of the country; by conducting basin study and research, to classify the surface and underground water resources in terms of quality and quantity for its proper utilization; establishing the safety standard of water utilized for different purposes; as well as other specific criteria applicable with regard to ensuring the right of clean water of citizens.

The Regional states and the City Administration bureaus of water resources, the water and sewerage authority offices and other similar offices have been given similar duties and authorities; and are fully engaged in a large number of development activities.

Under the Ministry of Water and Energy and accountable to it are: the Water Resources Development Fund; the National Meteorology Agency, the Water Works Construction Enterprise; the Water Works Design and Supervision Enterprise and other similar offices. These bodies are closely tied with activities and projects that ensure the right to clean water of citizens.

UNOFFICIAL TRANSLATION

Administrative Measures

The 2010/11-2015 Growth and Transformation Plan (GTP) has indicated a clear direction to respect, protect and fulfillthe right to clean water of citizens, and for the achievement of the millennium development goals (MDGs) in this sector. In conformity with the guidelines, the government is seriously committed to raise water accessibility rate of 68.5% of 2010 to 98.5% by 2015.

To-date numerous strategies, programmes, packages and manuals have been designed to assure the citizens right to clean water and to implement the provisions of the Ethiopian Water Sector Policy.

The Ethiopian Water Sector Strategy was issued in 2001 and one of its goals is to ensure a clean and healthy environment by endeavoring to extend the clean water and sanitation cover to enclose a major section of the communities.

The 2002-2016 Water Sector Development Programme was prepared to answer the queries or solve the problems and constraints facing the relevant stakeholders involved in the national endeavor to achieve the MDGs in this sector. This endeavor was based on the implementation of the objectives defined in the water sector policy and strategy.

Further, the national water supply, sanitation and hygiene program, the Ethiopian drinking water and sanitation programme, as well as, universal access programme for water supply and sanitation services/2006-2012/ have been prepared and are currently in function.

With regard to ensuring respect of the right of citizens to clean water, one of the major constraints faced is the shortage of qualified human resource. In order to eliminate this constraint, the Ethiopian Water Technology Centre Project was established and has been functioning. Currently, the 3rd phase of the project is in progress.

The institutional and administrative measures taken by the government to deliver water supply services in all the regions of the country in sufficient quantities, to ascertain the standard and accessibility/at reasonable proximity, at affordable rates, equitably and without any

UNOFFICIAL TRANSLATION

discrimination/ as well as the ready availability of information about water issues to citizens have registered commendable results .

In order to augment the water supply in the rural and urban areas, a number of options have been devised and activated by government. For example, drilling water wells, building dams, clearing water spring; entrapping water with communal participation, while ensuring its safety standard, has ensured the citizens right to clean water. Regarding work done, up to end of 2011, to increase rural clean water supply; 30,321 hand wells operated with hand or rope pump, 9,378 medium-depth wells, 26,050 *in situ* cleared springs, 3,519 deep wells with distribution auxiliaries, 6,336 large springs with distribution support, as well as 16,998 water tanks and other similar activities have been developed, built and brought into the supply line. As a result of the forgoing, by and large, the supply of clean water is ever increasing, from time to time, nationally.

Accordingly, in 2011, the national rural coverage of clean water has reached 71.3% while the national urban coverage has reached 92.5% in same year. Thus, the national clean water coverage which was below 20% in 1991 has reached 73.3% in 2011.

3.6.4. Problems and Challenges

Given the promising and creditable results achieved by government to respect, protect and gradual fulfillment of citizen's right to clean water, there are yet problems and challenges to be solved and met. The following are the major constraints observed.

- The wasteful use of water by citizens due to lack of awareness is impacting water supply negatively;

- The fact that a culture of purifying water before its utilization has not been adequately developed by the public and the lack of availability of improved technologies in sufficient quantity;

- In addition to lack of the necessary care and follow-up on water institutions by the government and the society at large, there is also lack of adequate maintenance management system so that the institutions can render continuous and necessary services;

UNOFFICIAL TRANSLATION

- The shortage of available funds in a sector that requires large-scale investment;

- The limited operational capacity of both state and private operators and the fact that the technologies of the water sector are foreign sourced with ever increasing import prices that inflate construction costs, which in turn impact negatively on the right of access to clean water;

- The fact that clean water supply in rural areas was 71.3% and in urban areas stood at 92.5% in 2011 is an indicator of the existence of citizens who still do not have access to clean water;

- Although much work has been done in this respect, water safety inspection has not been reached at the desired level;

- The fact that water supply construction activities in urban areas are not carried out in conjunction with other infrastructural operations has its own negative impact on clean water supply schemes.

3.6.5. Plans and Implementing Institutions

1. In order to save water wastage due to lack of awareness, extensive education and awareness public campaigns will be carried out. [Ministry of Water and Energy and relevant bureaus; Office of Government Communication Affairs and public relations bureaus; Ethiopian Human Rights Commission]
2. Effort will be made to enable the public to adopt the culture of purifying the available water before utilization and to supply improved technologies through available means; [Ministry of Water and Energy and relevant bureaus; Ministry of Health and Bureaus; Office of Government Communication Affairs and public relations bureaus]
3. Necessary care and follow-up will be provided for water service institutions after they have been built by the government and the society. There will also be in place the required maintenance management system so that the institutions can render continuous and necessary services; [Ministry Water and Energy, and relevant bureaus]

UNOFFICIAL TRANSLATION

4. Government will allocate ever increasing budget, as usual, for implementation of the tabled sectoral plans. It will also devise and create favorable conditions to obtain additional financial support from its international development partners. [Ministry of Water and Energy and relevant Regional and City Administration bureaus; Office of the Government Communication Affairs and public relations bureaus, Ministry of Finance and Economic Development and bureaus of finance and economic development; Ministry of Foreign Affairs, Council of Ministers; House of Peoples' Representatives and Regional state and City Administration councils]

5. The capacity deficiencies on the part of government and private sector developers will be remedied to the extent possible. Meanwhile, and to the best available means, the sector's technology will be replaced by nationally produced materials. [Ministry of Water and Energy and relevant Regional and City Administration bureaus, in cooperation with federal and Regional institutions]

6. With all-inclusive and intensive citizens' participation, extensive work will be carried out to provide all Ethiopians with clean water. By this effort, as it is planned in the GTP, rural and urban clean water supply coverage will reach 98% and 100% respectively in 2015. [Ministry of Water and Energy and relevant Regional and City Administration bureaus]

7. Regarding the safety of water supply, safety inspection woks will be highly strengthened and enhanced in sufficiently and sustainably fashion. [Ministry of Water and Energy and relevant Regional and City Administration bureaus]

8. Regarding the ascertainment of clean water supply and safety, a system for integrating water supply construction with other concurrent infrastructure works will be developed with other appropriate organs. [Ministry of Water and Energy and relevant Regional and City Administration bureaus]

UNOFFICIAL TRANSLATION

3.6.6. Monitoring and Evaluation

Leading Institution: Ministry of Water and Energy

The Ministry of Water and Energy and the relevant Regional state and City Administration bureaus are the primary stakeholders for monitoring and evaluation of the implementation in respect of this right. They are responsible with the following authorities, jointly and severally for the monitoring and evaluation of the implementation of this right:
The Ministry of Finance and Economic Development and bureaus, the Ministry of Foreign Affairs, the Environmental Protection Authority and Regional environmental protection bureaus; Council of Ministers; House of Peoples' Representatives; and Regional state and City Administration councils]

3.7. Right to Social Security

3.7.1. Constitutional Framework

The FDRE Constitution provides in Article 41/4/, under economic, social and cultural rights, that the state has the obligation to allocate ever increasing resources to provide social services, which includes, by interpretation, social security service. Additionally, the Constitution states in Article 901/1/, under social objectives, to the extent the country's resources permit, policies shall aim to provide all Ethiopians access to social security.

3.7.2. International Legal Framework

Ethiopian's international commitments on the right to social security are guided by the following international instruments:

- Universal Declaration of Human Rights: Article 22
- International Covenant on Economic, Social and Cultural Rights: Article 9
- International Convention on the Elimination of all forms of Discrimination against Women: Article 14(2) (c)
- Convention on the Rights of the Child: Article 26

UNOFFICIAL TRANSLATION

3.7.3. What Has Been Done

Policy Measures

- The Developmental Social Welfare Policy(1996)

National Laws

- Public Servants' Pension Proclamation No. 714/2011
- Private Organization Employees Pension Proclamation No. 715/2011
- Federal Civil Servants Proclamation No. 515/2007
- Labour Proclamation No. 377/2003/as amended/
- Social Health Insurance Proclamation No. 690/2010
- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of FDRE, Proclamation No. 691/2010

Institutional and Administrative Measures

Institutional Measures

The Ministry of Labour and Social Affairs is charged, in cooperation with the relevant stakeholders, to study ways and means of protecting, improving and implementing the social welfare services of citizens. The Public Servants Social Security Agency and Private Organizations Employees Social Security Agency are both instituted under the Ministry of Labour and Social Affairs, with the responsibility to ensure the right to social security of their respective employees. The Agencies have been carrying out various activities to respect the rights of citizens in this regard.

The Regional and City Administration public servants and private organizations employees social security bureaus are also given with the same duties and responsibilities in their respective areas.

UNOFFICIAL TRANSLATION

The objective of instituting the Public Servants Social Security Agency is to strengthen and expand the social security programmes of public servants. Its primary duty is to implement the social security laws and to manage the funds collected from the contributions from the government and public servants, i.e. the civil service pension fund, and the military and police service pension fund.

The Private Organizations Employees Social Security Agency is responsible to strengthen and expand the social security service of this sector. Its duty is to implement the private organizations employees social security laws and to manage the fund collected from the contributions of employers and employees of private organizations.

Administrative Measures

The 2010/11-2015 Growth and Transformation Plan (GTP) has set a clear direction with regard to the right to social security of citizens. The Government is developing a plan to set in place an integrated system and expand the coverage of social security service. To expand the social security system and to make the programmme accessible to citizens step by step, the Government has enacted the Public Servants' Pension Proclamation No. 714/2011 and Private Organization Employees Pension Proclamation No. 715/2011. Proclamation No. 714/2011provides for the pension rights of civil servants and similarly Proclamation No. 715/2011 provides for the pension rights of private organization employees.

These Proclamations provide the rights of civil servants and workers of private organizations in terms of retirement pension allowance; retirement gratuity; invalidity pension allowance; employment injury gratuity, survivors(widow/widower, child, parent)pension allowance; survivors(widow/widower, child, parent)gratuity.

Proclamation No. 714/2011 established the civil service pension, and the military and police service pension funds. Pension contribution payments are made towards the funds by the government and employees of the government on the basis of the amount of salary of the government employee.

UNOFFICIAL TRANSLATION

Similarly, Proclamation No. 715/2011 established private organizations employees pension fund. Contributions, based on the salary of the employee of the private organization, are made to the fund by the employer and the employee.

Based on the Social Health Insurance Proclamation No. 790/2010, the health insurance scheme was established and among the package of services it provides to its subscribers includes essential health services and other critical curative services.

As per the Proclamation, employers and employees who are members of the health insurance scheme pay monthly premiums and as government pays additional premium on behalf of the members of the government service pension, pensioners are also beneficiaries of the health insurance scheme.

In order to eliminate food deficiency among the beneficiaries of the safety net programme, the government supports them with food or financial aid in return for their participation in development work, thereby enhancing national food security.

Furthermore, the government is ensuring the social security of citizens by coming to relief of victims of natural and man-made disasters in conformity with its developmental social welfare policy.

3.7.4. Problems and Challenges

Positive results have been achieved by the government in the measures it has taken to respect, protect and fulfill the right of citizens to social security. However, there still are problems and challenges as noted herein below.

- Financial shortages and problems regarding the implementation of strengthening and expansion of the country's social security programmes and services;

- Although the law to provide social health insurance service has been promulgated, it is yet to be functional. Consequently, government employees and their families, pensioners and other members of the society concerned are not benefiting;

UNOFFICIAL TRANSLATION

- Although the safety net programme has been showing positive results in rural areas it has not been functional in urban areas yet.

3.7.5. Plans and Implementing Institutions

1. In order to strengthen and expand social security programmes, and to assist in the realization of the plans set for the sector, the government will allocate, within its means, regularly increasing budgetary resources. It will further endeavor to facilitate conditions for increased and additional financial support from its international development partners. [Ministry and Regional bureaus of Labour and Social Affairs; social security agencies; Ministry and Regional bureaus of Financial and Economic Development; Ministry of Foreign Affairs; Council of Ministers; House of Peoples' Representatives and the Regional state councils]

2. All pre-requisite steps will be taken to render functional the legally provided health insurance scheme [Ministry and Bureaus of Health; Ministry and Bureaus of Civil Service; Ministry and Bureaus of Labour and Social Affairs; Social Security Agencies]

3. With regard to the safety net programme, an effort will be made to implement the programme in the urban areas. On the national scale, the progrmme will further be strengthened and will continue to offer its services efficiently. [Ministry and Bureaus of Agriculture; Ministry and Bureaus of Labour and Social Affairs; relevant Regional and City Administration bureaus]

3.7.6. Monitoring and Evaluation

Leading Institution: Ministry of Labour and Social Affairs

The Ministry of Labour and Social Affairs, Public Servants Social Security Agency, and Private Organization Employees Social Security Agency are primary stakeholders of monitoring and evaluation of the implementation of this right. They are responsible, with the following authorities, jointly and severally, for the monitoring and evaluation.

Ministry and Bureaus of Finance and Economic Development; Ministry of Foreign Affairs; Ministry and Regional Bureaus of Health; Ministry and Bureaus of Civil Service; Council of Ministers; House of Peoples' Representatives and Regional state councils.

UNOFFICIAL TRANSLATION

3.8. Cultural Right

3.8.1. Constitutional Framework

The Constitution of the FDRE provides that every nation, nationality and people in Ethiopia has an unconditional right to speak, write and to develop its own language; to express, to develop and promote its culture; and to preserve its history. It further provides that government shall have the duty to support, on the basis of equality, the growth and enrichment of cultures and traditions that are compatible with fundamental rights, human dignity, democratic norms and ideals and the provisions of the Constitution. According to article 91 of the Constitution, government has the duty, to the extent its resources permit, to support the development of the arts, science and technology. It further provides government and all Ethiopian citizens have the duty to protect the country's natural endowment, historical sites and objects.

The Constitution in article 34, which discusses marital, personal and family rights; gives recognition to marriage concluded under systems of religious or customary laws. The Constitution does not preclude the adjudication of disputes relating to personal and family laws in accordance with religious or customary laws, with the consent of the parties to the dispute.

Article 5 of the Constitution provides that all Ethiopian languages enjoy equal state recognition; that Amharic shall be the working language of the federal government; and that members of the federation may by law determine their respective working languages.

Article 78 of the Constitution, on the powers of the courts, states that the House of Peoples' Representatives and state councils, can establish or give official recognition to religious and customary courts. This provision clearly indicates the recognition given to culture within the judicial system.

3.8.2. International Legal Framework

Ethiopia's international commitments on cultural rights are guided by the following major international instruments:

- Universal Declaration of Human Rights: Article 27.

UNOFFICIAL TRANSLATION

- International Convention on the Elimination of all forms of Racial Discrimination.

- International Convention on Economic, Social and Cultural Rights: Article 1 and 15
- International Convention on Civil and Political Rights: Articles 1 and 27
- Convention on the Right of the Child: Articles 30 and 31
- International Convention on the Rights of Persons with Disabilities: Article 30
- African Charter on Human and Peoples' Rights: Article 17 and 22
- African Charter on the Rights and Welfare of the Child: article 12
- UNESCO Conventions ratified by Ethiopia, in particular, Convention Concerning the Protection of the World Cultural Heritage 1972; Convention for the Safeguarding of the Intangible Cultural Heritage 2003 and Convention on the Protection and Promotion of the diversity of Cultural Expression 2005.

3.8.3. What has been done

Policy Measures

- Cultural Policy/1995 E.C,/
- Sport Policy/1990 E.C./
- Education and Training Policy (1994)

National Laws

- Research and Conservation of Cultural Heritage Proclamation No. 209/2000.
- Ethiopia National Archives and Library Proclamation No. 179/1999.
- Revised Family Code Proclamation No. 213/2000 and State Family Codes.
- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, Proclamation No. 691/2010.

UNOFFICIAL TRANSLATION

Institutional and Administrative measures

Institutional Measures

The ministry of culture and tourism has been established with the powers and duties to cause the study and preservation of history, cultural heritages and values of the nations, nationalities and peoples of Ethiopia; to causes the study of the languages of the nations, nationalities and peoples of Ethiopia and advancement and promotion of their literatures; to undertake activities to bring about changes in those cultural attitudes, beliefs and practices hindering social progress; to promote the contribution of culture to development; to expand cultural institutions to institutionalize public participation in the development of culture and to promote creativity in artistic works and fine arts.

The House of Federation is also established with the power and duties to decide on issues relating to the rights of nations, nationalities and peoples to self- determination. Any nation, Nationality or People who believes that its self identities are denied, its rights of self-Administration is infringed, promotion of its culture, language and history are not respected, in general its rights enshrined in the Constitution are not respected or, violated for any reason, may present its application to the House through proper channel.

The Authority for Research and Conservation of Cultural Heritages is established with the objectives of carrying out a scientific registration and supervision of cultural heritage so that, cultural heritage, as bearing witnesses to history, may be handed down from generation to generation; protecting cultural heritage against manmade and natural disasters; enabling the benefits of cultural heritage assist in the economic and social development of the country: and to discover and study cultural heritage.

With the objective of collecting, systematically organizing, preserving, and making the information resources of the country available for study and research purposes, the Ethiopian National Archives and Library Agency is established. In addition to the above the National Theatre of Ethiopia, the Institute of Ethiopian languages, the convention center are also established.

UNOFFICIAL TRANSLATION

Administrative Measures

The government is taking numerous actions and measures to respect protect and promote cultural rights and to enrich national culture at the federal and Regional state levels. The five-year GTP /2010/11-2014/15/has set in its "multi-sectoral" section, framework and guiding principles to formulate and implement a cohesive development strategy, whereby the development and enrichment of the country's traditional and natural heritage and values will contribute to its growth as well as to play a prominent role in the building of democratic order and good governance. Of particular relevance to the development of the sector is the participation and benefit of women and the youth, and their full-fledged contribution to the exploitation of the traditional heritage and natural attraction to build a truly remarkable image of the country.

The nations, nationalities and peoples day is an annual event during which the various people of the country exhibit their germane cultural heritage and traditional endowments. It is a day of celebration and genuine exchange of customs and mores. In addition to this natural annual occasion, cultural festivals; literary discussions, painting, photography and sculpture exhibitions and competitions; traditional sports festivals, musical group competitions and demonstrations; religious and cultural "carnivals" in the various cities and regions of the country.

Diverse cultural centers', theaters, cinemas, libraries and museums and other cultural development and enrichment centers have been built and are serving creditably. In particular consideration of the young, large numbers of youth centers have been built county-wide and are serving the dual purposes of: using their free time in morally and physically clean and healthy environment; and of enriching their knowledge and social experiences. These youth centers have libraries, sports courts and other multi-purpose and pro-active sections.

Appreciable numbers of studies have been made on the cultures of the nations, nationalities and peoples, vectored toward educating and popularizing inter-people cultures. In this respect, collection, collation and classification of the diverse histories, folklore, grammars, parables; folk musical instruments and songs, cuisines etc have been carried out. Dictionaries and lexicons on a number of the languages have been prepared, and many experts have received short and long term training at different levels on the protection and preservation of heritage and other allied subjects as well as on awareness development and reinforcement schemes and systems.

UNOFFICIAL TRANSLATION

3.8.4. Problems and Challenges

In spite the positive and fruitful outcomes in the protection, respect and fulfillment of the cultural rights of citizens and nations, the government needs remedy the following challenges.

- The citizens of Ethiopia own an admirable rich culture in diversity of history, language, traditional wear and clothing and objects, tales, poetry, music and musical instruments, dances, traditional sports and other similar traditions. Nonetheless these are not collected appropriately: nor are they registered, studied /some are currently on the verge of disappearance/ protected and preserved sufficiently.
- The perceived insufficiency of trained and capable human resource, the limited budgetary allocation for the protection and preservation of cultural heritage. The cultural centers, in existence, are neither sufficient in number, nor are they of acceptable standard. In the event, the country's cultural and historical heritage is exposed to: the wear and tear of time, damages of natural and manmade disasters and theft.
- The degree of public awareness is extremely low, as is the attitude of the citizens regarding the profession and professionals of cultural heritage. Further, concerning protection, preservation and restoration of the national tangible and intangible cultural heritage, there is a perceived lack of coordination of effort among the government, the stakeholders and the citizens.
- A lack of cooperation and an integrated functional system among those stakeholders responsible for the comprehensive collection and collation of national publications and government registers and records. Further, with regard to the governmental records and registers the standard of protection, preservation and maintenance of the "points of origin" leaves a great deal to be desired. Also lack of sufficient legal framework on government publications and records. Finally, there is a wide gap in the availability of human resource capable of management of national archives and records and library services.

3.8.5. Plans and Implementing Institutions

1. The country's diverse and distinctive histories, languages, traditional wear and objects, folklore, tales, pottery, etymology/linguistics, music and musical instruments, traditional

UNOFFICIAL TRANSLATION

sports, etc. will be studied and classified, recorded, inter-related, publicized and preserved. Towards this, conditions will be arranged for relevant human resources and budget to be assigned and allocated to authorities at each level. [Ministry of Culture and Tourism and Regional Bureaus, Sport Commission]

2. Support will be provided in conformity with the Constitution and derived laws, to traditional dispute settlement and adjudication systems. [Ministry of culture and tourism and Regional bureaus, federal Supreme Court and Regional and City Administration courts, Ministry and bureaus of justice.],
3. Studies-based actions will be taken with higher educational institutions to develop and expand education and training to the sector in the protection and preservation of cultural heritages, and standard archives and records management, thereby producing human resources in sufficient quantity and functional capacity. [Ministry of education; ministry of culture and tourism and Regional and City Administration bureaus of culture and tourism]
4. Integrated system of registering and recording and in protection and preservation of such tangible and intangible heritage in custody in various sites places and institutions will be developed with the participation of the relevant stakeholders. With regard to criminal theft, special attention will be given to eradicating this crime [Ministry of culture and tourism and bureaus Police Commissions, the Ethiopian revenue and customs authority, ministry and bureaus of justice, Ministry of Foreign Affairs]
5. To the extent resources permit, and based on exigent studies, museums, cultural centers, theatres and other agencies capable to contribute to the enrichment of cultural right up to satisfactory standards of functional services will be built in all regions. In addition, green areas will be established in ever increasing numbers, and to the extent resources permit, protection and preservation arrangements will be made. [Ministry of culture and tourism and bureaus]
6. The historical heritage, the natural attractions and the multi-cultural resources of the country will be preserved, developed and enriched sustainably to be passed onto successive generations, and to contribute to the socio-economic growth and the building of democratic system with the large-scale participation of the citizens. [Ministry and bureaus of culture and tourism; office of government communication affairs, relevant municipality aruthorities]

UNOFFICIAL TRANSLATION

3.8.6. Monitoring and Evaluation

Leading Institution: Ministry of Culture and Tourism

The Ministry of Culture and Tourism and State Bureaus are the primary stakeholder for monitoring and evaluation of the sector's performance in respect of this right. The Ministry is responsible with the following authorities jointly and severally for the monitoring and evaluation. Federal, Regional and City Administration Police Commissions; House of Peoples' Representatives, the Regional and City Administration Councils; Federal Supreme Court and Regional and City Administration Courts; Ministry and Bureaus of Justice; Ethiopian Revenue and Customs Authority.

UNOFFICIAL TRANSLATION

Chapter Four

Rights of Vulnerable Groups

4.1. Rights of Women

4.1.1. Constitutional framework

Article 25 of The FDRE Constitution prohibits any sort of discrimination on the grounds of sex. According to Article 7, all provisions of the Constitution equally apply for women. Article 35 of the FDRE Constitution is exclusively reserved for the rights of women The Article guarantees equal rights of women in marriage. The right of women in marriage is further stated under Article 34 which says Men and women, without any distinction, have the right to marry and found a family and have equal rights while entering into, during marriage and at the time of divorce.

Article 35 further provides that women have the right to acquire, administer, control, use and transfer property. In connection with employment, the Article guarantees the equal rights and opportunities of women in promotion, pay, and the transfer of pension entitlements. It also guarantees the right to maternity leave, which might include prenatal leave, with full pay. Under Article 42 the Constitution guarantees women workers the right to equal pay for equal work with men.

The equal opportunities of woman in the formulation of national development policies, the designing and execution of projects, particularly those projects affecting the interests of women, is affirmed under Article 35. Under Article 89 the Government is obliged to ensure the participation of women in equality with men in all economic and social development endeavors.

Article 35 requires the elimination of the influences of harmful customs to enforce the right of women. It prohibits laws, customs and practices that oppress or cause bodily or mental harm to women. Further, the article states that, to remedy the historical legacy of inequality and discrimination suffered by women in Ethiopia, they are entitled to affirmative measures

UNOFFICIAL TRANSLATION

4.1.2. International Legal Framework

Ethiopia's international commitments on Women rights are guided by the following international instruments:

- International convention on the elimination of all forms of discrimination against women
- Convention on the political right of women
- Universal declaration of human rights: Article 16
- International convention on civil and political rights Article 3 6/5/ and 23
- International convention on economic, social and cultural rights: Article 3 and 7
- Convention on the rights of the child: Article 18
- African charter on human and peoples' rights : Article 18
- African charter on the rights and welfare of the child: Article 15
- ILO convention No. 156/1981/ on availing equal opportunities and equal treatment for men and women workers, workers with family responsibilities convention,

4.1.3. What has been done

Policy Measures

- National policy on Ethiopian woman, 2000
- General education and training policy, 1993
- National health policy, 1993
- Policy on demography, 2000
- HIV/AIDs policy, 1998
- Social development and welfare policy, 1998
- Criminal justice policy, 2010

National laws

- Revised family code, Proclamation no. 213/2000.
- Family codes of Regional states
- Criminal law Proclamation no. 414/2004

UNOFFICIAL TRANSLATION

- Revised federal civil servants Proclamation 515/2007 and laws of Regional states on civil servants
- Labour Proclamation no. 377/2002 and its amendment Proclamations
- Rural land administration and land use Proclamation no. 656/2005
- Higher Education Proclamation No. 650/2009
- Proclamation to provide for the definition of powers and duties of the executive organs of FDRE, no. 691/2010
- Vagrancy Control Proclamation No. 384/2004
- Health care service administration and management Proclamations

Institutional and administrative measures

Institutional measures

The ministry of women, children and youth affairs has been mandated by law to manage and administer issues related to the rights of women in a sustainable and participatory frame. Other ministries are also required by law to mainstream women's affairs in all their policies, laws, development programs and projects.

The house of peoples' representatives has established a standing committee for women's affairs to oversee the respect, protection and implementation of the Constitutional rights of women. In Regional states and City Administrations also, women, children and youth affairs bureaus have been mandated to attend to women's affairs. In all federal executive institutions and ministries there are women's affairs sections, frequently at department level, tasked with mainstreaming gender issues. . Even at Sub-City and Kebele levels, offices have been established to follow up women issues. The government has also been supporting efforts of women to organize themselves by enacting laws to that effect as well as by providing material and technical support.

Administrative measures

Among the plans and programs developed by the government and which have produced positive results in translating into action the predicates of women's rights, the following hold prominence,

UNOFFICIAL TRANSLATION

- Growth and Transformation Plan /GTP/
- Women's sectoral growth and transformation plan
- Sustainable development and poverty reduction progrmme and poverty eradication and accelerated sustainable development plan
- National women's Action Plan for gender equality/1/ and /2/
- Ethiopian women's growth and change package
- National Gender inclusion guidelines
- Ethiopian women pastoralists and semi-pastoralists growth and change package

The government of FDRE by giving due attention for Women's issues and properly responding to challenges on the rights of women by implementing the above mentions policies and strategies as well as through the legal, policy and strategic measures, have enhanced the respect of women's rights in terms of avoiding anti democratic perceptions on the respect of women rights, enhancing the educational status of women and ensuring the economic benefits of women. In terms of ensuring economic benefits, by the end of 2010, almost one-million women have benefited from micro-finance institutions. In terms of ensuring equal access of land to women, landholding certificates were made to be issued jointly in the names of husband and wife. Because of this, about 28% of rural land holders in 2010 were women or maternal heads of family. Regarding enhancing women's access to home ownership, 30 % of the condominiums that have been finalized and passed to their owners were allocated solely to women, who also were eligible to the lots the remaining 70% of apartments. As far as equality of access to income-generating opportunities is concerned 50% of the job opportunities created through the urban development package has been reserved for women.

The government has taken serious measures in terms of enabling women to get an education by highlighting the importance of increasing women education, to ensure the respect of the rights of women. With regard to supporting women joining higher educational institutions, the requisite GPA for college entrance for women students was lowered from that expected from male entrants and the allocation of 30 % of the seats in any department of a higher education institution for women students, and to compete with male students for the remaining 70%. Furthermore, with the objective of supporting female students to compete equally with male

UNOFFICIAL TRANSLATION

students, tutorials are provided to them and , arrangements are in place to support female students from low income families help them complete their higher education.

Women's political participation has grown noticeably. In the 4th national election in 2010, the number of women candidates has risen by 7% compared to the previous one and almost half of the voters, about 47.8%, were women. In the house of peoples' representatives, the share of women members rose to 29% in 2011 increasing from the 2.75% it was in the 1st national election held in 1995. From among the executive authorities at the Federal level of the ministers, ministers of state, Commissioners, deputy Commissioners the number of women has reached 19%, and in the judiciary, it has reached 19.8%.

Harmful traditional practices, such as female circumcision, child marriage and abduction that have negatively impacting the conditions of Ethiopian women have been reduced through criminalization and awareness creation measures On the issues of violence against women and children and child justice, a national steering committee, consisting of representatives of the judiciary and of other relevant government bodies, has been established to provide multi-sectoral response to the problem. The steering committee has designed and is executing an all inclusive and comprehensive strategy and Action Plan, structured for each level and sector, to prevent, respect and eradicate violence against women and children and to enable ensure administration of child justice. As part of this measure, a legal and care centre was established to provide multi-sectoral and integrated services to women and children that are victims of sexual violence.

In terms of the right of women to reproductive health, pre natal care has increased from 46% in 2005 to 52% in 2011. Post-natal health care service, which was 15% in 2005, jumped to 42.1% in 2011; while delivery by trained experts expanded form 13% in 2005 to 16.6% in 2011 and the use of contraceptives which was 15% in 2005 increased to 29% in 2011.

4.1.4. Problems and challenges

Positive results have been attained through the activities and measures by the government to respect, protect and progressively fulfill the rights of women. However the following issues still continue as problems and challenges.

UNOFFICIAL TRANSLATION

- The existence of deep rooted traditions and customs due to the un-democratic gender relations in former regimes remains to be impediments to ensuring women equality and equal benefit.
- The limited degree of awareness of the rights of women in the society; within the executive sectors of government and within women themselves.
- Regarding the issue of economic dependence of women, the high level of unemployment among women; and the fact that the majority of women are employed in private services, that does not have sufficient legal protection.
- In relation to creating a legal framework to better reinforce the execution of the right of equality to women enshrined in the FDRE Constitution and the international agreements ratified by Ethiopia:
    - The existence of Regional states that have not revised their family laws
    - The absence of legal framework to prevent and punish , to take sexual harassment in work places and in high schools
- Lack of sufficient shelters for victims of sexual violence.
- As indicated in the international human rights agreements Ethiopia is a party to:
    - the fact that the treaties have not yet been translated into various domestic languages,
    - Absence of desegregated data indicating the changes achieved thorough the implementation of women related policies, strategies, packages and programs
    - Absence of disaggregated data on more vulnerable women of the society, such as women with disabilities and women in prostitution.

4.1.5. Plans and Implementing Institutions

1. To prevent the impact of the deep-rooted harmful traditional practices, perceptions and customs, which are the primary obstacles to the right of women to equality; and to enhance the awareness problem about women rights, by taking lessons from the experience of the health sector and training, as trainers, on the rights of women enable them developing public awareness in this area. Further, they will be trained to support and counsel victims

UNOFICIAL TRANSLATION

in times of violation. [Ministry and bureaus of women, children and youth affairs; Ministry and bureaus of justice, Human rights Commission]

2. Measures to increase women awareness on their rights will be strengthened. Measures to create and support conditions by which women get education in all levels and be productive and the tutorial for women students will be further strengthened. [Ministry and bureaus of women, children and youth affairs; ministry and bureaus of education}
3. To reduce the number of unemployment in women, further conditions would be created and measures taken to ensure the economic benefit and ownership of woman will be strengthened. [Ministry and bureaus of women, children and youth affairs; Ministry of finance and economic development}
4. Regulation would be enacted to regulate the working conditions of private services where majority of women are employed. {ministry of women, children and you affairs; the ministry of labour and social affairs; council of ministers]
5. Regional states that have not, so far, revised their family laws in conformity with the Constitution will do so, and the federal government will provide relevant assistance. [Regional state councils; Regional bureaus of justice; Ministry and Regional bureaus of women, children and youth affairs]
6. Regulation to prevent and control sexual harassment in work places and in secondary schools will be issued and executed. {ministry of women, children and youth affairs; ministry of labour and social affairs and ministry of education]
7. At least one shelter of temporary care and support for female victims of sexual violence will be established in each region and City Administration. [ministry and bureaus of women, children and youth affairs]
8. To enhance the participation of women in general elections as candidates or as election officials, the special support and incentive provided to for instance, for parties that offer additional women candidates, private women candidates and organization that contribute to build the capacity of women considering candidacy, will continue reinforced. [national election board; ministry of women, children and youth affairs; council of political parties]
9. International agreements ratified by Ethiopia relating to women's human rights will be translated into domestic languages and published [Human rights Commission]

UNOFICIAL TRANSLATION

10. Measures will be taken to fulfill the pre-conditions for acceding to the African human and people's rights charter, protocol on women human rights /the Maputo protocol/. [Ministry of women, children and youth affairs; ministry of justice; ministry of foreign affairs]
11. Gender disaggregated data regarding: Women's employment conditions; the progress made due to actions taken to date; violence against women; the current situation of women with disabilities; and women more vulnerable to violation of human rights such as prostitutes, will be made. [Ministry of women, children and youth affairs; national statistics agency]

4.1.6. Monitoring and evaluation

Leading institution: Ministry of women, children and youth affaires

The ministry of women, children and youth affairs and the Regional state bureaus of women, children and youth affairs are the primary stakeholders in the enforcement of these rights, however the following agencies herein below, are responsible severally and jointly for monitoring the enforcement of these rights. [The House of peoples' representatives and the Regional states councils: the Council of ministers.]

4.2. Rights of the Child

4.2.1. Constitutional Provisions

FDRE Constitution provides for various rights of children and it states that every child has the right to life, to a name and nationality; to know and be cared for by his or her parents or legal guardians; not to be subject to exploitative practices, neither to be required nor permitted to perform work which may be hazardous or harmful to his or her education, health or well-being; and to be free of corporal punishment or cruel and inhumane treatment in schools and other institutions responsible for the care of children.

In addition to the above-mentioned rights, the Constitution provides in all actions concerning children undertaken by public and private welfare institutions, courts of law, administrative authorities or legislative bodies, the primary consideration shall be the best interests of the child. The Constitution's Article 41/5, stipulates that state shall, within available means, allocate resources to provide rehabilitation and assistance to children who are left without parents or

UNOFFICIAL TRANSLATION

guardian. Furthermore, children enjoy all the rights Constitutionally recognized to everybody without any form of discrimination.

4.2.2. International Legal Framework

Ethiopia's international commitments regarding the rights of children are guided by the following major international instruments:

- Convention on the Rights of the Child,
- African Charter on the Rights and Welfare of the Child,
- Universal Declaration of Human Rights: Article 25/2/.
- International Convention on Civil and Political Rights: Article 23 (4)24
- International Convention on Economic, Social and Cultural Rights: articles 10 and 12
- African Charter on Human and Peoples' Rights: Article 18
- International Convention on the Elimination of all forms of Discrimination against Women: articles 5, 9 and 16
- **Optional Protocol** to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.
- ILO Conventions: Forced Labour Convention No 29/1930, Worst Forms of Child Labour Convention No. 182/1999; Minimum Age Convention No. 138/1973, 181/1997 /private employment agencies convention, Abolition of Forced Labour Convention No.105/957;Discrimination (Employment and Occupation) Convention No. 111/1958;

4.2.3. Measures and Actions Taken

Policies

- Developmental Social welfare Policy /1996/
- Education and Training Policy(1994)
- Cultural Policy/1991/
- FDRE Criminal Justice Policy /2011/

UNOFFICIAL TRANSLATION

- National women affairs policy/1994./
- National Health Policy/1993/
- National HIV/AIDS Policy/1998/
- National Population Policy/2001/

National laws

- Revised Family Code Proclamation No. 213/2000 and Regional Family Laws.
- The Criminal Code of the Federal Democratic Republic of Ethiopia, Proclamation No. 414/2004
- Labour Proclamation No 377/2003 (Revised)
- Federal Civil Servants Proclamation No. 515/2007
- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, Proclamation No. 691/2010

Institutional and Administrative Measures

Institutional Measures

A number of government executive bodies responsible to respect, protect and promote the right of children have been instituted by law; foremost among them being: ministry of women, children and youth affairs; ministry of justice and ministry of labour and social affairs;. In conformity with the federal system of the country, various Regional states have established bureaus, befitting their circumstances and conditions, to undertake activities to ensure respect, protection and promotion of the rights of children.

Administrative Measures

Among the main administrative measures taken, particularly in relation to protection of the right of children is the establishment, at the federal and zonal levels, of 1486 CRC committees which monitor and follow-up the performance of the international convention on the rights of the child. Of particular concern to CRC committees is the prevention and control of gender based violence.

UNOFFICIAL TRANSLATION

In this respect, government has been supportive of their activities and has given them full assistance.

The 5-yer GTP/2003-2007 E.C./ has indicated in its multi-sector section, that in so far as children are the future inheritors of the country and are also easily vulnerable to various misfortunes and dangers, they will be provided with effective protection.

In terms of the expanding and enriching children's participation, children's parliaments have been created in many woredas and schools and are receiving full support. In addition, a certain education film was prepared by the children on the FDRE Constitution and is being broadcast in installments on Ethiopian TV's children's progrmme. Such activities help nurture the young in democratic culture from the earliest periods of their life and internalize democratic values.

In the course of executing the, revised labour Proclamation, the ministry of labour and social affairs prepared a directive detailing the range of labour prohibited to young workers. The directive sets out in detail the types of works which impact negatively and cause damage to the physical and moral development of children in areas of: education, health and welfare and are, as such, legally prohibited.

With regard to orphanages, day-care centers, etc., appropriate authorities have conducted monitoring and evaluation of quality, standard and adequacy of service. It was further checked as to whether or not they are "child-friendly" and do not impact negatively on the children's educational and overall growth and development. The centers were urged and advised to become creditable institutions that deliver good standard services.

In the case of orphans and children without family, various directives and guidelines have been formulated to execute the goals incorporated in the social development and welfare policy. These directives deal with institutional care and service delivery; community-based child care and rehabilitation and rejoining family. Further, directives on foster families and on adoptions have been designed and are under execution.

Ministry of women, children and youth affairs, in cooperation with the federal office of HIV/AIDS prevention and control, has issued a directive for the support and care of children

UNOFFICIAL TRANSLATION

who have lost their parents /through HIV/AIDS and are highly vulnerable to the vicissitudes of orphaned life.

In line with the urgent endeavor made to develop a multi-discipline and all-inclusive system of care and service of child-victims of sexual violations, such a centre - the first of its kind in the country - was opened in *Ghandi Memorial Hospital* in Addis Ababa. The centre provides health care, legal support, social and psychiatric counseling and other relevant aids and services. Activities are under way to replicate the centre's all-inclusive system.

The ministry of health, ministry of education and ministry of women children and youth affairs/formerly ministry of women affairs/ have jointly developed a pre-childhood directive and strategy, which is presently in application. The integrated approach to deal with issues of common interest jointly by several authorities is a system that enhances the outcome.

The federal Supreme Court re-viewed justice administration from the perspective of rights of children and designed and implemented juvenile justice project, and consequently introduced a number of measures of revision. It further introduced the "best interests of the child" approach and altered the court seating arrangement in non-traditional fashion. In effect, an especially organized justice process system was adopted that provides social science and psychological as well as free legal aid services. The system has been instituted in four places in the federal level and in 23 centers in the regions.

Furthermore, actions have been taken: to strengthen the juvenile justice administration with human resources and institutional restructuring; and to prepare conditions that would enable coordinated work among the courts, the police and other institutions. Apropos of which, related institutions have been required to arrange training and capacity building courses. In particular, and regarding juveniles who become wards of the state, successive awareness creation courses have been given to the various levels of judges, police and officers of correction and rehabilitation centers.

The state has undertaken various activities to realize the provisions of the main Proclamations on the prevention of child sexual violations and all forms of child labour exploitation. Particularly, government authorities of direct concern, such as ministry of women, children and youth affairs,

UNOFFICIAL TRANSLATION

ministry of labour and social affairs, ministry of justice and the courts, in collaboration with other relevant government and non-governmental organizations, especially with Ethiopian Human Rights Commission and Ombudsman Institution are achieving encouraging results.

On the other hand, the five-year/2003-2010 G.C./ Action Plan for children has been concluded with good results. Beyond that: the fact that primary education is free and accessible to all citizens; ministry of Health's medicine distribution programme to prevent transmission of HIV/AIDS virus from mother to child; and the overwhelming active measures taken by government to reduce child deaths from malnutrition/in large part/ diarrhea, malaria and measels, and below 5-year old infant mortality, indicate the government's respect, protection and promotion of the right of children.

4.2.4. Problems and Challenges

Given the successful results achieved by government through institutional and administrative measure taken to respect, protect and fulfill the rights of children there are still the following challenges that need to be addressed:

- The practice of harmful traditional practices, including under-age marriage and female circumcision; still remain in different areas of the country.
- The poor level of awareness of the rights of children in the general society and, in particular, the child's right to freedom from corporal punishment at home or in school.
- Although child right committee/CRC's/ have been established at the federal and Regional levels to monitor and follow-up implementation of the rights of children, they suffer from lack of integration and coordination systems and from budget deficiencies
- Sexual violations and labour exploitation of children, as well as, illegal migration, have not declined sufficiently.
- With regard to juvenile offenders, the unavailability of child friendly and interactive system of justice; the limited accessibility or weak capacity of counsel to children as delinquents, or victims in terms of legal or psychological support; and the absence of

UNOFFICIAL TRANSLATION

legal framework considering the ways and means of correcting or rehabilitating juvenile delinquents within and by communities themselves.

- The non-separation of juvenile offenders from adults in some correction centers and, similarly, the children who accompany persons under custody.
- The paucity of the number of mental health centers with satisfactory standard in the country for special care and control of children with mental disability or arrest; and the shortage of expert human resource in schools to cater to special needs and inclusive education.

4.2.5. Plans and Implementing Institutions

1. Regional states that have not enacted or revised family law Proclamation, in conformity with the provision of the Constitution, will be given the necessary support to enable them enact or revise detailed laws for the respect and protection of rights of children [Ministry of women, children and youth affairs and bureaus; ministry and bureaus of justice; Ethiopian human rights Commission; Regional state councils]
2. The committees established to monitor the performance of rights of children will be strengthened and, where they do not exist, will be instituted. Systems to coordinate and inter-integrate their activities will be developed and after assessment of their respective functional capacities, supported with human resources and materials. [Ministry of women, children and youth affairs and bureaus]
3. With regard to control and prevention of sexual violations and labour-exploitation and illegal migration of children, integrated systems and processes will be formed among inter-Regional police Commissions as well as between federal and inter-Regional police Commissions. And to the extent resources permit, the sections of women and children of police stations will be supported with human resource and budget. To prevent sexual violations, integrated multi-sectoral care and aid centers will be expanded and spread across regions [ministry and bureaus of women, children and youth affairs; ministry and bureaus of labour and social affairs; federal and Regional police Commission ministry of transport]
4. Conditions will be arranged to expand child-friendly justice system. Basic work to enable and extend and strengthen centers which will provide free legal aid, psychological, health care, and socio-economic support services to juveniles, be they offenders or victims. In order

UNOFFICIAL TRANSLATION

to provide these supporting services a relay system between federal and Regional centers will be laid. [Ministry and bureaus of justice; Ethiopian human rights Commission; federal supreme court; correction centers; ministry and bureaus of health]

5. Detailed regulations and institutional organizations will be formulated and executed in order to fulfill the requirements of the Proclamation to register: birth, marriage and death /vital events/. [Ministry of women, children and youth affairs; ministry of justice]
6. A survey study will be carried regarding the adoption of the Hague Agreement on adoption and review of provisions that relate to adoption in the family law. In addition, the activities of reinforcing and follow-up of information and data on adoption will continue reinforced. [Ministry of women, children and youth affairs; Ethiopian human rights Commission; ministry of foreign affairs; council of inserts; house of peoples' representatives]
7. A consistent and standardized system of custody of under-18 persons in correction centers, separately from others will be introduced and applied in correction centers throughout the country. With regard to children living with parents in correction centers, conditions in which they receive separate treatment will be devised. {ministry and bureaus of women, children and youth affairs; ministry and bureaus of justice, federal and Regional correction centers; ministry and federal affairs]
8. Particular and essential attention will be given and measures taken in regard to: "street children," children infected with HIV/AIDS virus; orphaned children, juvenile offenders in correction or rehabilitation centers or are wards of the state, children with disabilities, and other children in need of special care. In addition, measures will be taken to institute and strengthen community-based support and care. [Ministry and bureaus of women, children and youth affairs; ministry and bureaus of labour and social affairs; other relevant authorities and agencies]
9. Wide-scale and intensive social education and awareness campaigns to reduce and to eradicate the diverse harmful traditional practices perpetrated on children will be carried out. Particularly: schools, community radios and other mass communication media, women's and youth organizations, religious institutions, community discussion meetings, ideas and other means will be used in this extensive programme. By reaching into grass roots levels among the farming and pastoralist sections of the communities sustainable and productive awareness

UNOFFICIAL TRANSLATION

creative work will be done. [Ethiopian Human Rights Commission; ministry and bureaus of women children and Youth affairs; office of government communication affairs]

10. Children's freedom form corporal punishment, at home or in school will be guaranteed. A dual track awareness creation work will be done: to teach people of the negative physical and psychological harm of corporal punishment; and to educate parents, educators and the community alternative disciplinary measures, which do not violate the rights of children, but will correct in ways that would contribute to the enrichment of their future life. [Ministry of educational and bureaus; Ethiopian tourism Commission; ministry and bureaus of women, children and youth affairs;]

4.2.6. Monitoring and evaluation

Primary agency: Ministry of women, children and youth affairs

The Ministry of Women, Children and Youth Affairs and State Bureaus are the primary stakeholder for monitoring and evaluation of the sector's performance in respect of the rights of the child. The Ministry is responsible with the following authorities jointly and severally for the monitoring and evaluation. Ministry and bureaus of finance and economic development; ministry and bureaus of justice, ministry and Bureaus of Health, Ministry and Bureaus of Education; Federal and Regional Prison Commissions; Ethiopian Human Rights Commission; Charities and Societies Agency; Ethiopian Institute of Ombudsman; House of Peoples' Representatives and Council of Ministers.

4.3. The Rights of Persons with Physical and/or Mental Disability

4.3.1. Constitutional Framework

The State has an obligation, under Article 41, to allocate resources for the rehabilitation and assistance of the physically and mentally disabled. Disability is also a prohibited ground of discrimination under Article 25 that guarantees to all people's equality before the law and entitles all to the equal protection of the law.

UNOFICIAL TRANSLATION

4.3.2. International legal framework

Ethiopia's international commitments on the rights of persons with physical and/or mental disability are guided by the following international instruments:

- International convention on the rights of persons with disabilities
- Universal declaration of human rights: article 25/1/
- International covenant on civil and political rights: Arts 2 and 26
- International convention on economic, social and cultural rights Article 2
- Convention on the rights of the child: Article 2
- African charter of human and peoples' rights, article 18/4/
- African charter on the rights and welfare of the child:articel3
- ILO convention against discrimination in labour /No. 111/1958/
- ILO convention on rehabilitation and employment no. 159/193/
- Ottawa convention on elimination of mines/1997/

4.3.3. What Has Been Done

Policy Measures

- The Developmental Social Welfare Policy(1996)
- Education and Training Policy(1994)
- HIV/AIDS Policy (1998)
- demography policy 2000

National laws

- Right to Employment of Persons with Disability Proclamation No 568 /2007
- Ethiopian Building Proclamation No. 624/2009 Federal civil servants Proclamation No. 515/2007
- Proclamation to define the powers and duties of the executive organs of FDRE No. 691/2011

UNOFFICIAL TRANSLATION

- Labour Proclamation No. 377/2003 /as amended/

Institutional and Administrative Measures

Institutional measures

The ministry of labour and social affairs has been given the responsibility of ensuring that citizens with physical and mental disabilities enjoy their right to equality and participation. Other ministries have also been made responsible, when discharging their responsibilities, to ensure the participation and benefit of the physically and mentally disabled. Similar structures are created in Regional bureaus of labour and social affairs, address issues of persons with disabilities.

On societal level, organizations working to enforce the rights and benefits disabled persons Such as; Ethiopian national association of the visually impaired, Ethiopian national association of women with disabilities', Ethiopian National Association of persons with hearing and speaking disabilities, National association of disabled persons, National association of persons afflicted with leprosy have formed a national federation of the associations of persons living with disability. Capacity building support has been given by the government for these associations and their federation. In some Regional states, such as Afar, Harari and Somali council of disabilities have been establish to overlook the integration of the issues of persons with disabilities in the activities of the State.

Administrative measures

In accordance with the direction set in the Growth and transformation plan with regard to persons with disabilities, programmes must be designed with the focus of: prevention of disabilities, training and empowering persons with disabilities; and for their rehabilitation and provision of equal opportunity and participation. Furthermore, changing for the better the wrong perception and attitude of the society towards persons with disability by communicating appropriate information about disability are regarded as main direction by the Plan.

In order to standardize the rehabilitation services for the disabled the National Action Plan for the rehabilitation of the disabled was designed and executed as of the year 200. The Action Plan

UNOFFICIAL TRANSLATION

sets out organizational structures for: prevention of disability, the rehabilitation services to be provided for the disabled and the assurance of equal opportunity and full participation of persons with disabilities. By taking in to consideration the socio-economic changes that have taken place after the implementation of the Action Plan, a subsequent 10-year Action Plan for the period 2012-2022 have been prepared.

As per the Goals set out in this Action Plan, in addition to formulating a national strategy for physical rehabilitation to reduce the constraints and obstacles to the activities of the disabled, comprehensive support has been given, including the supply of necessary machinery and equipment to the Federal and Regional prosthetics workshops to enable them produce artificial body parts. Accordingly, thirteen prosthetics production plants have been built all over the country. Also, groups of orthopedic and physiotherapy experts and technicians from each region have been trained, thereby reducing the shortage of human resources in the production centers.

With regard to national elections, the election law that stipulates that voters with disabilities should be given support to reach voting stations and, in cases where voters cannot cast their ballots in the ballot boxes, persons of their choice will assist them as needed; have been implemented in the nationals elections held so far.

In order to eliminate any form of discrimination against persons with disabilities in exercising their socio-economic rights, the government has issued a directive to implement the Right to Employment of Persons with Disability Proclamation No 568/2007. The directive prohibits employers from treating a person unequally with others due to his/her physical disabilities, discriminating at the time of recruitment to create favorable conditions for employees with disability when he could create such conditions. In addition, with the object of encouraging applicants with physical disabilities, should they fulfill the required minimum qualifications, to proceed directly to the examination without undergoing the preliminary screening process and even on the exams to give priority for an applicant with physical disability if the difference is not more than 3%. The rehabilitation Action Plan stipulates that, in order to create extensive employment opportunities for citizens with disabilities to participate, to the extent of their abilities, preferences and capacity, special needs education coverage should be enlarged and necessary support should be given to increase their enrollment. The government has prepared

UNOFFICIAL TRANSLATION

and is implementing a special needs education program. To reduce the impact of wrong perceptions of the society on persons with disability, especially after the contrary's accession to the International convention on the rights of persons with disabilities, the government devised a direction to develop public awareness, and delivered training on its implementation. The convention has been translated into national languages and distributed. A National Council is also established to oversee the implementation of the convention. The international day of disabled persons and the international day of people with leprosy were held country-wide and the opportunity was taken to raise citizen's awareness.

4.3.4. Problems and challenges

Positive results have been attained through the activities and measures by the government to respect, protect and progressively fulfill the rights of persons with physical and/or mental disability. However the following issues still continue as problems and challenges.

- The existing prejudice and wrong perception about persons living with disabilities among the general public,
- Lack of sustainable and continuous awareness creation activities about the their rights for persons living with disabilities,
- Limited participation of persons living with disability on the making of Policies, strategies and programs on education, health, employment and social security related to them and lack of the implementation thereof due to limited capacity. Lack of a comprehensive data about persons living with disability disaggregated in terms of sex, age, and Regional distribution, kind of disability and employment status and lack of a coordinated information sharing system.
- Insufficiency of the available manufacturing centers of prosthetic and artificial body parts
- The Limited attention given to mental disability and especially in education and training.
- Limited participation of persons with disability, particularly girls and women, in education and lack of adequate support to rectify this. Also the limited development of Sign language and lack of sufficient supplies and distribution of brails and styles
- Lack of materials required to deliver special needs education at schools and limited number of schools providing special needs education and lack of teachers trained with

UNOFFICIAL TRANSLATION

special needs education. Inaccessibility of constructed common houses,; transport services, health care and public service buildings to persons with disability and low implementation of the relevant law enacted with this regard.

- The fact that International human rights agreements ratified by Ethiopia related to persons living with disability have not yet been translated into domestic languages.

4.3.5. Plans and implementing institutions

1. Adequate awareness raising activities will be conducted to reduce discrimination against persons living with disability by their families and the general public) (Ministry of labour and Social affairs, Human rights Commission)
2. The participation of representatives of Associations of persons living with disability in the preparation of national policies, strategies and progrmmes will further be strengthened. [Ministry of labour and social affairs, Council of Ministers]
3. Constructions of buildings for public service provisions, including condominiums, will not commence without verification of, according to the building Proclamation, their accessibility to persons living with disability. Their construction will also be monitored to ensure they are constructed in conformity with the designs. [Ministry of labour and social affairs; Bureaus of labour and social affairs; Ministry of urban development and construction; Regional and City Administration's urban development bureaus]
4. Public buildings that are not accessible to persons living with disability and public transport services, will be made to take corrective measures by submit designs for and mechanisms [Ministry of labour and social affairs; bureaus of labour and social affairs; ministry of urban development and construction; Bureaus of urban development; Ministry of transport]
5. Manufacturing centers of prosthetic and artificial body parts will be built in regions where they do not exist to the extent conditions permit and the equity of distribution will be strictly controlled. [Ministry of labour and social affairs; ministry of health]
6. Education and health care centers of the mentally disabled will be expanded and awareness creating activities will be carried out in strengthened manner. [Ministry of labour and social affairs; Ministry of health]
7. Provision of Psychiatric medical care will be strengthened. Further, training of psychological care experts and professionals will be provided jointly by institutions of higher education and

UNOFFICIAL TRANSLATION

psychiatric care centers. [Ministry and bureaus of labour and social affairs; Ministry and bureau's of health; Ministry and bureau's of education]

8. Efforts will be made to enable schools and class rooms to provide inclusive education for persons living with disability. In particular, at least two schools will be selected in each region and City Administration to be provided with disability-aides and teachers with special needs education will be assigned. In addition, inclusive education and special need sign language will be extended and arrangements will be made to financially support the education of students with disability from low income families. [Ministry and bureaus of labour and social affairs; Ministry of finance and economic development; Ministry of education]
9. International agreements, relating to persons living with disability and ratified by Ethiopia will be translated into domestic languages and published. These will be prepared in forms accessible to persons with disabilities. [Ministry of bureau and social affairs; Ethiopian human rights Commission]
10. Information and data on persons living with disaggregated by age, sex, region, type and nature of disability and will be prepared and distributed in forms accessible to all users. [Ministry and bureaus of labour and social affairs; National statistics agency]

4.3.6. Monitoring and evaluation

Leading institution: Ministry of labor and social affairs

The ministry of labor and social affairs and Regional state bureaus of labor and social affairs are primary stakeholders in the enforcement of these rights, however the following the following agencies herein below, are responsible severally and jointly for monitoring the enforcement of these rights. The house of peoples' representatives, Council of ministers, Regional State councils

4.4. Rights of Persons living with HIV/AIDS

4.4.1. Constitutional Framework

HIV status is a prohibited ground of discrimination under Article 25 of the FDRE Constitution that guarantees to all people's equality before the law and entitles all to the equal protection of the law.

UNOFFICIAL TRANSLATION

4.4.2. International Legal Framework

Ethiopia's international commitments on the rights of persons living with HIV/AIDS are guided by the following international instruments:

- Universal Declaration of Human Rights: Article 25/1/
- International Convention on Civil and Political rights: Articles 2 and 26
- International Convention on Economic, Social and Cultural rights: Article 2
- Convention on the rights of the Child: Article 2
- African Charter on Human and People's rights
- African Charter on the rights and Welfare of the Child: Article 3

4.4.3. What has been done

Policy Measures

- HIV/AIDS Policy (1998)
- HIV/AIDS Medicines Utilization and Supply Policy (2001)
- HIV/AIDS Sector Policy and Strategy Policy (2008)
- National Health Policy (1994)

National Laws

- Federal civil Servants Proclamation (as Amended) No. 515/2007
- Labour Proclamation No 377/2003 (as Amended)
- Proclamation to provide for the definition of Powers and duties of the FDRE Executive Organs No. 691/2010
- National HIV/AIDS Prevention and, Control Council and the HIV/AIDS Prevention and Control Office Establishment Proclamation No. 276/2002

UNOFFICIAL TRANSLATION

Institutional and Administration Measures

Institutional measures

The HIV/AIDS Prevention and Control Office is establishment being entrusted with the task of integrated management of the HIV/AIDS Prevention and control activities in the country and a National HIV/AIDS Prevention and, Control Council, chaired by the FDRE president with Membership of High level authorities of government, including Ministers, presidents of the Regional States, religious institutions and civil societies.

In the Regions and City Administrations, HIV/AIDS Prevention and Control Office's are established to manage HIV/AIDS related issues. Further, HIV/AIDS resource centers have been established at National, Regional and City Administration Levels, to collect, classify and analyze HIV/AIDS data and information and distribute them nation-wide. On societal levels, persons living with HIV/AIDS have organized themselves by forming associations and institute a forum, efforts the government is providing financial and other support.

Administrative measures

The Government has given high degree attention to HIV/AIDS in its development plans and by incorporating HIV related issues in the implementation of its health, education, Social and capacity building activities that brought positive results.

In continuation of these productive activities, the GTP's major lines of stress regarding HIV/AIDS are expanding HIV/AIDS prevention activities, to make high standard of medical care of HIV/AIDS and concomitant diseases accessible to everyone; to prevent discrimination; to reduce the damaging effects of the disease by reinforcing care and support, to reinforce inductive methods of obtaining and utilization of information, to reduce vulnerability to HIV/AIDS; to increase the impact and benefits of use of HIV/AIDS related medical services; reduce new infections, and to support persons living with HIV/AIDS and helping those likely to be indirectly affected, to lead better life.

On establishment, the HIV/AIDS Prevention and control offices drew up programmes and methods to execute theses activities and have been following up their executions. These include

UNOFFICIAL TRANSLATION

"HIV/AIDS mainstreaming implementation manual" "HIV/AIDS Behavioral change Communication framework"; National directive for Voluntary HIV/AIDS counseling and test services, country wide anti-discrimination Directive; and others. Encouraging results were achieved by preparing and implementing an Action Plan (2007-2010) for multi-sectoral response to HIV/AIDS Prevention, medical care and support services by The HIV/AIDS Prevention and Control Office with the participation of relevant stakeholders. The general anti discrimination provisions in all national laws, sometimes expressly, prohibit all forms of discrimination on the basis of HIV status. Laws which obligate maintaining the secrecy of a person's HIV/AIDS status have also been promulgated.

The issuance of civil servants regulation and directive regarding HIV/AIDS at the work place provided a legal protection of employees living with HIV/AIDS against any form of discrimination. With regard to mainstreaming HIV/AIDS, Government and private organizations are expected to apply it and establish AIDS fund and assign a coordinator to follow up such activities. Based on this, a sizable number of organizations are actively implementing HIV/AIDS work place programmes.

In order to deliver HIV/AIDS related materials, services and information at reasonable price, all necessary work has been done to ensure that health regulations are tailored by taking into account HIV/AIDS related issues.

The number of users of HIV/AIDS testing service as well as that of the examination centers has increased substantially. Five years ago there were only 775 counters, which grew to 2,309 in 2010/11 The number of health centers which provide preventive medication against mother to child transmission was 408 in the year 2007 which escalated to 1,445 health centers by 2010. Furthermore, as of 2005 anti retroviral medicine was made free of charge. Number of users of these services has increased from 268934 in 2009/2010 to 333434 in 2010/2011.

4.4.4. Problems and Challenges

Positive results have been attained through the activities and measures by the government to respect, protect and progressively fulfill the rights of persons living with HIV/AIDS. However the following issues still continue as problems and challenges.

UNOFFICIAL TRANSLATION

- Lack of adequate awareness about the medical service to prevent mother to child transmission, especially among mothers living with the virus.
- The existence of, still, a deep-rooted discrimination of persons living with HIV/AIDS.
- Hidden discrimination on the basis of HIV/AIDS status with regard to work assignment, education and promotion.
- The low level of accessibility of special programme for members of the society more vulnerable to HIV/AIDS, such as prostitutes
- The unavailability of updated data about the status of sections of society more vulnerable to HIV/AIDS, such as children, prostitutes, persons living with disabilities.
- Low performance of "HIV/AIDS mainstreaming" activities.

4.4.5. Plans and implementing institutions

1. Education and awareness creation activities will be undertaken to enhance the awareness of the treatment to prevent mother to child transition for mothers living with HIV/AIDS. [Federal and Regional Office of HIV/AIDS Prevention and Control, Ethiopian Human Rights Commission]

2. Basing on the status of HIV/Aids, a strategy will be designed and implemented to prevent HIV/AIDS based discrimination by the society, in the work place. in the areas of work assignment, education and promotion. [Federal and Regional Office of HIV/AIDS Prevention and Control]

3. Updated data about the HIV/AIDS status of persons living with disabilities and prostitutes that is disaggregated in terms of sex and region will be prepared. Furthermore, programmes of assistance and medical care for these sections of the society will be drawn and implemented. [Federal and Regional Office of HIV/AIDS Prevention and Control, HIV/AIDS resource Centers, National Statistics Authority]

4. Various measures will be taken to increase the implementation of HIV/AIDS mainstreaming activities [Federal and Regional Office of HIV/AIDS Prevention and Control]

UNOFFICIAL TRANSLATION

4.4.6. Monitoring and Evaluation

Leading institution: Federal HIV/AIDS Prevention and Control office

The Federal and Regional Office's of HIV/AIDS Prevention and Control are the major stakeholders in the enforcement of these rights, however the following agencies herein below, are responsible severally and jointly for monitoring the enforcement of these rights.: The House of Peoples' Representatives; Council of Ministers; Regional State Councils; HIV/AIDS Prevention and Control councils .

4.5. Right of the Elderly

4.5.1. Constitutional Provision

FDRE Constitution provides that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. Although the Constitution's provision does not mention specifically discrimination on basis of age, the phrasing "by race, nationality, …, or other status." is inclusive of physical disability as well as age, Further, in Article 41/5 of the Constitution, provision is made that the State shall, within available means, allocate resources to provide rehabilitation and assistance to the physically and mentally disabled, the elderly, and others.

4.5.2. International Legal Framework

Ethiopia's international commitments regarding the rights of children are guided by the following major international instruments:-

- International Convention on the Rights of Persons with Disabilities.
- Africa Charter on Human and Peoples' Rights: Article 18/4
- Other Human Rights Instruments such as: Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, International Convention on the Elimination of all forms of discrimination Against Women. In addition, it is internationally agreed that all the

UNOFFICIAL TRANSLATION

prohibitions of discrimination, be it on basis of age or other statuses apply to all individuals, without distinction.

4.5.3. What Has Been Done

Policy Measures

- Developmental Social welfare Policy /1996/

National Laws

- Public Servants' Pension Proclamation No. 714/2011
- Private Organization Employees Pension Proclamation No. 715/2011
- Social Health Insurance Proclamation No. 690/2010
- The Criminal Code of the Federal Democratic Republic of Ethiopia, Proclamation No. 414/2004.

Institutional and Administration Measures

Institutional Measures

The government has instituted several institutions to respect, protect, promote and fulfill as conditions allow, the right of elderly citizens. The prominent institutions charged with the responsibility are the ministry of labor and social affairs and Regional bureaus.

Administrative Measures

The term "elderly" or "old" person has different connotation in various countries and mostly implied advanced age, weak health status, and pensions. In UN terminology "elderly" means persons of 60 years and above. In so far as this age is the official age of pension in Ethiopia, it is taken as the datum point for elderly. On the basis of the 1999 E.C population and household census the 60 years and over population is estimated at 3.5 million.

UNOFFICIAL TRANSLATION

The 2003-2007 E.C. GTP defines the programmes prepared and drafted for the elderly members of the society should be such that respect their dignity, freedom and independence and the established relationships and association with society. The thrust of the programme should be towards providing care and support from their immediate social formations and neighborhood communities than via formalized institutions. Creating and developing societal and communal awareness activities shall be re-enforced along these lines. Furthermore, the Government has been supporting and encouraging the many charities and associations established to aid and care for the old.

The social development and welfare Proclamation, which gives special attention to the care and welfare of this section of the society, is in the course of implementation along the National Action Plan and the operational manual prepared for the purpose.

The National Action Plan identified 13 problems and needs of the elderly in Ethiopia among which are:- social security; poverty reduction; HIV/AIDS; education and training, employment; income generating; health and welfare; family and community care; housing and living environment; gender issues, food and nutrition; and protection of life and property. The plan and manual documents include the indication of the roles the relevant Federal and Regional Stakeholders ought to play and the functional integration methods they should apply. These documents, having analyzed the key problems and challenges of the sector, state that effective and inclusive responses can be attained, not only by specific government organs alone, but also by the integrated actions of the other government agencies and stakeholders. The documents further indicates, the methodology of integrating the respect, protection and fulfillment of the right of the old, by including in their plans and programmes their capacity within their functional authority, responsibility, organization and resources.

In recapitulation, elders and pensioners associations have been established in various stages in the country to follow up the performance of their rights. The National Elders Association is the global organization instituted as the global body to coordinate the work of the individual associations. The international day of elders is remembered every year and the opportunity is always taken to build and raise awareness and educate society about the rights of this section of the society.

UNOFFICIAL TRANSLATION

4.5.4. Problems and Challenges

The various institutional and administrative activates of the State to date have achieved positive results to respect, protect and fulfill the rights of elderly citizens. However, there still remain the following challenges that require attention.

- Although diverse organizations are active in providing care, welfare and making society aware the rights of the elderly, they are not sufficient relative to the extensive size of the sector nor are their activities coordinated/integrated.
- There does not exist classified/collated information and data about the elderly members of society.
- Inadequacy of budgetary and material resources to observe protect and ensure respect of the rights of the elderly citizens.
- Due to lack of money, the number of elderly street beggars is continuously on the rise and the consequent multiplying risks of sickness, inadequacy of food and other vital necessities. The lack of opportunity for gainful work for capable members of the sector, who can participate in, and, contribute their share to, the ongoing development programmes.

4.5.5. Plans and Implementing Institutions

1. Conditions will be studied and on basis of the findings action will be taken to extend social security cover for the elderly. In particular, income generating work opportunities will be extended to ensure access to these benefits [Ministry and Bureaus of Labor and Social Affairs.]

2. The basic work of providing family and community care and aid for the elderly will be encouraged and supported. Meanwhile, and till such time, society becomes attuned to the system; study will be made for the government to develop alternative options for the care of the elderly members of the society [Ministry and Bureaus of Labour and social Affairs].

3. Education and raising the awareness of the society to support and aid the elderly will be intensified. As will the efforts to make society realizes that family and community care and

UNOFFICIAL TRANSLATION

support of the elderly is more effective than dependence on the institutional option. [Ministry and Bureaus of Labour and Social Affairs, Ethiopia Human Rights Commission.]

4. Within the limits of their means, the relevant, authorities will prioritize in all their levels of organization, the respect, protection and fulfillment of the rights of the elderly citizens [Ministry and Bureaus of Labour and social Affairs; Ethiopia Human rights Commission, and the other relevant bodies by integration.]

5. Sustainable support will be given to the various organizations established to care and aid the elderly as well as monitoring and control. [Ministry and Bureaus of Labour and Social Affairs; Ethiopia Human rights Commission.]

4.5.6. Monitoring and Evaluation

Leading institution: Ministry of Labour and social Affairs

The Ministry of Labour and Social Affaris and State Bureaus are the primary stakeholder for monitoring and evaluation of the sector's performance in respect of the rights of the elderly. The Ministry is responsible with the following authorities jointly and severally for the monitoring and evaluation; the Ethiopia Human Right Commission.

UNOFFICIAL TRANSLATION

Chapter Five

Environmental Rights and the Right to Development

5.1. Environmental rights

5.1.1. Constitutional framework

Ethiopia is one of the few countries that provided for environmental rights in their Constitutions. The FDRE Constitution provides in Article 43 and 44(1) that all persons have the right to clean and healthy environment. In article 92, the Constitution states that Government shall endeavor to ensure that all Ethiopians live in a clean and healthy environment.

5.1.2. International Legal Frame work

Ethiopia's international commitments on environmental rights are guided by the following international instruments:

- African Charter on Human and Peoples' Rights: Article 24.
- Vienna convention regarding the ozone layer 1985
- Montreal protocol on substances that deplete the ozone layer 1994
- Basel convention on the control of the trans boundary movements of hazardous waste and their disposal, 1989
- UN Framework convention on climate change 1992
- Convention on Biological diversity, 2000.
- UN convention to combat desertification in those countries experiencing serious drought after/or desertification, 2000
- Stockholm convention on persistent organic pollution 2001
- Kyoto Protocol 1997
- Cartagena Protocol on Bio-safety to the convention on Biological Diversity 1992

UNOFFICIAL TRANSLATION

5.1.3. What has been done

Policy measures

- Environmental Policy 1997)
- Green economy strategy (2010)

National Laws

- Environmental Impact Assessment Proclamation 299/2002
- Pollution Control Proclamation No.300/2002
- Dry Waste management Proclamation No. 513/2006
- Criminal code , Proclamation No. 414/2005
- Environmental Protection Organs Establishment Proclamation 295/2002
- Public Health Proclamation No. 200/2000
- Bio-Protection Proclamation No 655/2009

Institutional and Administrative measures

Institutional measures

Various institutions have been established with responsibilities of protection, control and monitoring the environment at Federal and Regional state levels. The environmental protection Authority is primarily mandated to draw and implement policies, strategies, laws and standards, aimed at making social and economic development sustainable and to follow-up their implementation. There is also an Environmental Council, which monitors the Authority's report, evaluates and provides pertinent advice and comment on policies, laws and strategies. . In addition, the work of establishing units for environmental issues in sectoral institutions has commenced.

Administrative Measures

With regard to issues of environmental and climate change, the GTP's focus of attention is building a green economy which responds to climate change and has a system of control of emission of pollutant gasses. In order to achieve this objective it's stated in the Plan that Action

UNOFFICIAL TRANSLATION

Plans, strategies and laws should be designed and implemented to avoid the negative consequences of climate change or reduce the effects thereof. In this connection, the Green Economy strategy, a unique step in Ethiopia has been prepared and is being executed. The strategy includes Action Plans that aim to achieve: building an economy that can withstand the impact of climate change; and creating the environmental conditions necessary for the attainment of the goals of GTP. Climate resilient green economy facility is established In order to look for financial resources from domestic and foreign sources to achieve the objective of this strategy in line with international standards.

Also, the Ethiopian Environment Protection Strategy, a compendium of principles and directives about management of the environment has been adopted and is being implemented. Protection of the environment has been given due attention and adequate attention in various multi-sectoral plans and strategies (for example in the agriculture, food and water sectors).

Efforts have been made by the government to respect, protect and promote the right of the current generation to live in a clean environment, without compromising the needs of the future generation, by developing plans and strategies including the plan to reach Zero with the country's carbon emission by 2025.

To ensure that Government development projects do not negatively impact the environment, an environmental impact assessment has been conducted by the Environment Protection Authority prior to implementation. Apropos of this, one would mention the *Gibe and Tendaho* dams as well as the *Great Renaissance Dam*. Directives for conducting environmental impact assessment have been prepared for farming, transport, industry and hide and skim processing plants. In addition, the authority has issued various guidelines to implement the environmental impact assessment Proclamation.

In similar mode, the environment protection authority carries out impact assessment on private sector's investment's and development activities. The authority has also received requests, undertaken environmental impact assessment and granted permits for those engaged in trans-boundary movement of hazardous chemicals as well as the application of organizations engaged in carbon trading; The environmental protection authority has established structures up to the Woreda level to prevent industrial waste and management of dry waste.

UNOFFICIAL TRANSLATION

5.1.4. Problems and Challenges

Positive results have been attained through the activities and measures by the government to respect, protect and progressively fulfill environmental rights. However the following issues still continue as problems and challenges.

- The absence of scheduled environmental audits that would help for monitoring and evaluation of the performance of the country in implementing international agreements and national laws and policies to ensure the maintaining of clean environment.
- Lack of capacity to implement the climate change resilient green economy strategy
- Denudation of vegetation cover and the existence of environmental problems resulting from climate change including water shortage and vulnerability to draught.
- Insufficiency of financial and technical support to undertake climate change adaptation activities.
- Shortage of professionals and technology to undertake research and environmental impact assessment
- The absence of legal frame work to define corporate social and economic responsibility
- Absence of a strong and robust system of handling and discharge of dry waste; the continued pollution of rivers and water ways; the spread of water borne diseases among the society; and lack of awareness on the proper use and protection of the environment and the limited availability of toilet facilities in urban areas
- Lack of sufficient preventive and control measures to reduce noise pollution

5.1.5. Plans and implementing institutions

1. An Environmental audit will be conducted to examine the performance of the country on its international commitments, national laws and policies with regard to the right to clean and healthy environment.[Environment Protection Authority].
2. A National bill will be drafted on compensations to be paid to victims of water and air pollutions and also to define the socio-economic responsibilities of corporations. [Environment Protection Authority; Ministry of justice].

UNOFFICIAL TRANSLATION

3. Financial and Technical capacity building activities will be undertaken to respond to environmental problems, build climate change resilient green economy and to undertake and execute programmes and projects of climate change adaptation. In order to reinforce the capacity building efforts, collaborative work will be undertaken with non-governmental organizations, International donors and development partners. [Environmental Protection Authority, Ministry of foreign Affairs, Ministry of finance and Economic Development].
4. Measures will be taken to make cities clan. Education and awareness creation activities will be to enhance public awareness regarding environmental use and protection. [The Environment protection Authority and Regional Environmental protection offices; Ministry of Construction and urban development; Regional Bureaus of urban Development, Office of Government Communication Affairs].
5. Measures that are being taken to prevent and control noise pollution will further be strengthened. [Environment Protection authority]

5.1.6. Monitoring and Evaluation

Leading institution: Environment Protection Authority

The environment protection Authority and the Regional environment protection bureaus are the main stakeholders in the enforcement of these rights, however the following agencies herein below, are responsible severally and jointly for monitoring the enforcement of these rights. The House of Peoples' Representatives, Council of Ministers, Regional State Councils and Environment Councils

5.2. The Right to Development

5.2.1. Constitutional framework

One of the unique features of the FDRE Constitution is that unlike most national Constitutions, it expressly provides the right to development. Article 43 affirms the rights of the Peoples of Ethiopia as a whole, and each Nation, Nationality and People in Ethiopia in particular to ever-improving living standards and to sustainable development. It states the right of participation of nationals in national development and, in particular, to be consulted with respect to policies and projects affecting their community. The Article further stipulates all international agreements and

UNOFFICIAL TRANSLATION

relations concluded, established or conducted by the State shall protect and ensure Ethiopia‘s right to sustainable development.

5.2.2. International Legal Frame

Ethiopia's international commitments on the right to development are guided by the following international instruments:

- Universal Declaration of Human Rights
- The United Nations Charter
- The UN Declaration on the Right to Development
- The African Union Convention on Prevention and combating Corruption
- UN Convention against Corruption
- African Charter on Popular Participation in Development and Transformation
- New Economic Partnership for Africa‘s Development (NEPAD)
- Millennium Development Goals –MDG‘s

5.2.3. What has been done

Policy measures

- Issues of Building a Democratic System in Ethiopia (1994 E.C), Rural and Agricultural Development Policy and Strategy (1994 E.C), Industrial Development Policy and Strategy (1994 E.C), Urban Development Policy (1998 E.C), General Education and Training Policy (1998 E.C), National Health Policy (1998 E.C), National Population Policy (1993 E.C), National Women‘s Affairs Policy (1986 E.C), HIV/AIDS Policy (1990 E.C), Social Development and Welfare Policy, Cultural Policy (1995 E.C), Criminal Law Policy(2003 E.C), Ethiopian Water Sector Policy (1991 G.C), Strategies and Programmes to develop Executive Capacity of FDRE (1994 E.C)

UNOFFICIAL TRANSLATION

- In addition, the central pole of all other policies in Ethiopia is to ensure the continuous and sustainable development of the country to build a democratic system. In effect, all declared policies of the Government are vectored to fulfil the right to development.

National Laws

Numerous national laws have been enacted with regard to the right to development, particularly to reduce poverty; to build infrastructures to provide access to education, health and other social services; and to enable women, persons living with disabilities and members of other vulnerable groups of the society, to participate fully and become beneficiaries of the development activities. Among these national laws, the following are be noted:

- Proclamation to Provide for the Definition of Powers and Duties of the Executive Organs of FDRE, no. 691/2010
- Agency for Medicine Fund and Medicine Supplies establishment Proclamation No. 553
- Social Health Insurance Proclamation No. 690
- Health Care Service Administration and Management Proclamations
- Higher Education Proclamation No. 650
- Right to employment of persons with disabilities, Proclamation No. 568
- Private sector employees pension Proclamation No. 717
- Public servants Pension Proclamation No. 714
- Ethiopian National Agriculture Proclamation No. 488
- Ethiopian Water Resources Management Proclamation No 197
- Broadcasting Service Proclamation No, 533
- Freedom of Mass Media and access to information Proclamation No. 540

UNOFFICIAL TRANSLATION

- Peaceful demonstrations and open political meetings Proclamation No. 3
- Establishment of the Commission of Cooperatives Proclamation No. 274 and cooperatives Proclamation No. 147 (Revised)
- Micro-Finance Proclamation No. 626
- Revised Election Law Proclamation No. 532
- Political Parties Registration Proclamation No. 573
- Rural Land Administration and utilization Proclamation No. 456
- Environmental Impact Assessment Proclamation No. 299
- Environmental Pollution control Proclamation No. 300
- Condominium Ownership Proclamation No. 370
- Urban Land lease-holding Proclamation No. 721: and
- Other Relevant Federal and Regional Laws

Administrative measures

The initial and end points of the political line of the Ethiopian Government are ensuring development and democracy. It devises policies and acts upon them in full evaluation that development and democracy are fundamental issues or national. These development and democratic objectives can be attained through the coordination with the drive participation of its citizens an accelerated and sustainable growth that ensures equitable wealth distribution and builds a development-based democratic order. Maximum effort has been made to attain and sustain the development goals by respecting, protecting and progressively fulfilling the individual and group rights of citizens intrinsically with development activities.

UNOFFICIAL TRANSLATION

Decentralized form of government has been put in place to enable citizens to develop themselves and their country and lead prosperous lives. In the event, citizens are consulted and able to decide on development projects affecting the areas they inhabit and to participate closely in main development undertakings and, through the symbolic government-citizens dedicated efforts succeed to eradicate poverty.

The Government's agriculture-led industrial development policy is centred on the rural sector which holds 85% of the population of Ethiopia, and by giving ownership of land for the government and the citizens. The policy has indicated the creation of all inclusive and sustainable land utilization system, which in effect created a necessary condition that benefits the majority of its citizens. Tremendous results were also achieved, by allocating the majority of government budget for sectors that involves democratic development, infrastructures and on poverty-eradication-created investments.

By taking into account the primary agenda of development, which is eliminating poverty, all development policies and strategies are concentrated to make a success of the activities of poverty eradication. Guided by this fundamental priority, the government has designed and executed the "Sustainable Development and Poverty Reduction Programme" (1995-97 E.C) and "Poverty Eradication and Accelerated Sustainable Development Plan (1998-2002 E.C), that have succeeded in ensuring the benefits to the people at various levels; and registered impressive economic growth and succeeded that were successful in bringing about social development and good governance.

The Government was able to record an above 11% average annual economic growth in the past eight years, by designing and implementing development policies and strategies that were able to create accelerated and sustainable growth and are centered on agriculture and rural development. This growth is the result of the endeavours and participation of the Government, the citizens and investors, and has benefited the society in all levels. Due to the focus on agriculture, the production of food crops, which was 119.1 million quintals in 1997 E.C rose to 221.82 million quintals in 2003 E.C. Further, in order to ensure the right to development of the farmer, systems were established that allowed of the farmer to obtain financial credit without collateral and provided opportunity training through the agricultural extension programme. Veterinary services

UNOFFICIAL TRANSLATION

have been substantially enlarged in accessibility, and through the implementation of the food security programme, it was possible to reduce the number of farmers in need of food support. Farmers have formed cooperative associations of their own and have benefitted from direct access to the market.

Conducive conditions have been created for citizens' participation in the trade and industry sectors. In the various sub sectors of the small scale enterprises, employment opportunities for over 1.5 million citizens have been created. Meaningful support in terms of availability of credit, provision of training as well as allocation of land for production plants and sales facilities were available to these enterprises.

Energy development has a significant share in the development agenda of the Government of Ethiopia. Large scale Energy development activities have been undertaken to fulfill the high energy demand of the Country's fast development. Power generating potential of the Country is reached 2,718 MW from 714 MW what it was in 2005. Moreover, the Government has set a plan to generate energy of more than 10,000 MW at the end of the Growth and Transformation Plan. For the success of this plan of the GTP, hydro-power from the Great Renaissance Dam (6,000 MW) which is constructed by the total effort of Ethiopians, Gibe III (1,870 MW), Genale *Dawa* III (254 MW) and Wind energy of 120 MW and 75 MW from *Aluto Langano* Geothermal expansion projects under construction with high finance allocated.

The Government is undertaking constructions of power transmitters and dispenser/distributor lines with high, medium and low volt for bringing the generated energy to the people. Currently the power transmitter with a capacity of 400 kilo Volt has reached a length of 11,000 kilo meters and the Government is undertaking large scale activities to reach the length of the line to 17,000 kilo meters at the end of the growth and transformation plan. Likewise, the power distributor lines of 0.4, 15 and 33 kilo Volt has reached 140,000 kilo meter length and massive works are undertaking to extend the line to 258,000 kilo meters. Overall, about 6000 cities and rural villages are enjoying electricity currently and this shows electric supply has reached 50 percent of the Country.

In parallel with expanding the main electricity service, in particular under areas where electric lines could not reach, activities has been done to make them to use of alternate energy. In this

UNOFFICIAL TRANSLATION

regard, to combat the use of forest products for energy, improved use of bio gas technologies have been expanded in particular at the rural areas. More than 4.2 million families have been using the alternate energy and a plan is designed to reach the number to 9 million which is 80 percent of the population. Moreover, 25,000 solar panels have distributed to families and further activities are being undertaken to generate power from sunlight and to reach the number to 3 million. Small scale hydro-energy generating constructions that benefits almost 30,000 hundreds in rural areas are other activities that are taking place. In a similar scenario, around 10 million powers saving bulbs have been distributed to the people. The E5 mixture of ethanol and benzene is being produced to reduce by 5 percent of the total benzene import. The energy generating activities undertaken in Ethiopia, is part and parcel of the Government's initiative to build a Green Economy. This strategy puts the overall development activity of Ethiopia in a secure and sustainable foundation.

Considerable work has been done in road construction, supply of drinking water, and irrigation development of irrigation agriculture, expansion of the telecommunication service; and especially electric power generation and satisfying results have been achieved. In the construction and urban development, education and health sectors, highly remarkable work has been done conditions citizens have participated and benefited from the development. The National road coverage has grown from 26,550 Km in 1990 E.C to 52,042 Km in 2003 E.C. In 1983 the number of citizens enrolled education was 2.7 million. By 2003 E.C it rose to 20 million in all levels of education, 43.5% of which are women. Similarly, remarkable achievements that could attain the millennium development goals have been achieved in the health sector.

In earnest continuation of the development plans that succeeded in accelerated economic growth and achieved encouraging results in the endeavours to meet the millennium development goals, the Government has prepared and embarked upon the execution of a 5-year national development plan, titled the Growth and Transformation Plan (GTP) for the 5 year (2003-2007 E.C) period. The GTP will help realize the Ethiopian's vision to eradicate poverty and attain the status of a middle income country by raising the per capita income of its citizens to the standard.

UNOFFICIAL TRANSLATION

The GTP is prepared with popular participation and is expected to be implemented with the active engagement of the general public. The Plan is expected to improve the living standard of the citizens, by ensuring accelerated, sustainable and equitable growth. All Regional States, their executive organs and sectors have taken full advantage of their right to development by drawing up and implementing their own growth and transformation plans to achieve the goals and targets set out in the federal GTP.

As a result of the measures taken so far the per capita income of the citizens, which was 146 USD in 1997 E.C rose to 392 USD in 200E E.C. The perceived income (consumption) gap in among citizens, according to the "Gini" coefficient, was reduced from 0.3 in 1997 E.C to 0.29 in 2003 E.C. National Food Insecurity index was reduced to 33.6% in 2003 E.C from the 38% it was in 2004/5. Head count poverty rate was reduced from 38. % in 1997 E.C to 33.6 in 2003 E.C. There is an improvement in the life expectancy of citizens from 50.9 for women and 53.5 for men in 1986 E.C to 60.4 for women and 58.4 for men in 2003 E.C, respectively.

To combat corruption which prevents citizens from benefiting from development and achieve its objectives of eradicating corruption from being a challenge to development and good administration, the Government established Anti-corruption and Ethics Commissions at Federal and States levels. The Commissions have been striving to accomplish their missions by expanding ethics education, prevention of corruption, investigating and prosecuting cases of corruption and creating transparency and accountability within the Government system.

5.2.4. Problems and Challenges

Positive results have been attained through the activities and measures by the government to respect, protect and progressively fulfill the rights of development. However the following issues still continue as problems and challenges.

- High cost of living and inflation
- Unemployment in urban areas and attitude problems and ―selection‖ of work
- Low domestic savings

UNOFFICIAL TRANSLATION

- Problems of good governance including corruption and rent seeking

5.2.5. Plans and implementing institutions

1. All necessary efforts will be exerted to ensure the continuity of the economic development. (All government organs) 2. Short, middle and long term measures that are being taken by the government to control the high cost of living and inflation will further be strengthened. [Ministry of Finance and Economic Development]
2. Intensive measures will be taken to reduce unemployment by: expanding small scale enterprises and increasing credit availability. Further efforts will be made to make full use of other accelerated and equitable economic development tools to reduce unemployment effectively. Awareness creation activities will be conducted to tackle the culture of selection of work. [Ministry of Labour and Social Affairs; Ministry of Finance and Economic Development]
3. Awareness creation activities will be conducted to enhance saving culture of the society. Efforts will be made to increase the accessibility of financial institutions in urban and rural areas. [National Bank, Ministry of Finance and Economic Affairs; Office of Government Communication Affairs]
4. Measures being taken to combat corruption and rent seeking will be further intensified. The Ethics and Anti-corruption Commission will build its capacity to enable it perform its duty to combat and control corruption. [Council of Ministers; Federal and Regional Ethics and Anti-Corruption Commission]

5.2.6. Monitoring and Evaluation

Leading institution: Ministry of Finance and Economic Development

The Ministry of Finance and economic development is the main stakeholder in the enforcement of these rights, however the following agencies herein below, are responsible severally and jointly for monitoring the enforcement of these rights:

- The House of Peoples' Representatives, and
- The Council of Ministers.

UNOFFICIAL TRANSLATION

Chapter Six

Implementation, Monitoring and Evaluation of the National Action Plan

6.1. Implementing Procedure

The responsibility to implement the National Human Rights Action Plan (NHRAP) paired with the Growth and Transformation Plan (GTP) lay with the Federal Government, the State Governments and the City Administrations. The five pillars that will be designed for implementation of the Action Plan are the followings:-

1. Inclusion in the implementing institutions' performance plans;

2. Creation of awareness of the Action Plan;

3. Collaboration with the development partners and civil associations, and public participation;

4. Utilization of the National Human Rights institutions; and

5. Human Rights education

6.1.1. Detailed Performance Plan of the Implementing Institutions

The main implementation strategy of NHRAP is the inclusion of the actions to be taken, as defined in the plan, in the performance plan of the concerned implementing institutions. The implementing institutions; identified in the plan, of the legislative, the executive and judiciary of the federal and Regional governments, will, as soon as the Action Plan is approved, incorporate the duties specified to them in their own detailed performance plans and proceed to implement. Accordingly, all the relevant implementation institutions will prepare a 3-Year and detailed annual plan to be implemented from year 2012/13 – 20014/14. The same will be submitted to the chair person of the national coordinating committee; that is Ministry of justice, after the Action Plan is approved.

The leading institutions, assigned in the sub-section of the Action Plan ―Monitoring and Evaluation‖ of each right, will coordinate the activities of the implementing institutions and work closely and in cooperation with the federal and Regional coordinating committees. The

UNOFFICIAL TRANSLATION

plan prepared at the Regional level will be submitted to the coordinating committees to be established at the Regional and City Administration level, and to the Ministry of Justice respectively. The implementing institutions will, in the course of preparing their sectored plans, including the following issues.

- Detailed actions to be implemented
- Expected outcome and key performance indicators
- The inputs needed for the implementation of the actions
- Performance time frame

6.1.2. Awareness Creation

For the successful implementation of the Action Plan government organs/institutions, stakeholders, and the public shall have sufficient knowledge and awareness about the content and goals of the Action Plan. Therefore, awareness development and media strategy aimed to distribute and introduce the Action Plan in accessible forms will be designed and implemented. The strategy entails:-

- Ways to publish the Action Plan in the national and international languages and distribute,
- Trainings to be provided and discussion forums to be conducted to introduce the Action Plan to the implementing institutions and the public,
- The role of the media, and
- Conditions that pave the way for awakening the national initiative and awareness of the Action Plan.

6.1.3. The Role of Development Partners, Donor Organizations, and Civil Associations

UNOFICIAL TRANSLATION

The Government, in full awareness and appreciation of the development partners, donor organizations and civil associations are contributing greatly to the ―across-the board" development of the country, has considered in the preparation of the Action Plan the cooperation with these stakeholders as highly relevant to the implementation of the plan. As such, this partnership has been taken as one of the implementation strategy of the Action Plan. The measures to be taken are identified considering the support of development partners, and civil society organizations working on human rights as per Proclamation No. 621/2008, and other stakeholders. Although government has primarily responsibility for of the implementation of the Action Plan, the UN Organizations and other development partners of the government have prominent supporting roles in the successful execution of the Plan. The Government bodies that have been identified as implementation institutions apply mainly budget allocated form the government for the implementation of their Action Plan assignments. However, should they need additional funds, they may through the Ministry of Finance and Economic Development search and find, from Government development partners (donor organizations, the United Nations, Regional institutions, and international organizations and collaborators) support additional to the amount already allocated by them. The diverse associations, particularly youth, women, labour, teachers and others; and charities and civil society organizations have prominent roles to play in the implementation of the Action Plan. As citizens'participation during the preparatory phase must continue in the implementation phase, these civil societies have a great deal to contribute. In this respect, government organs will facilitate the conditions for the above stakeholders to participate in the development of public awareness; to educate and encourage participation of diverse sect of the society and their members; and to cooperate with the implementing institutions in the implementation of actions identified in the Action Plan. As such, the various government implementation agencies, in awareness of the advantage of co-opting the associations, come up with a plan on how to work in collaboration with them while implementing the Action Plan and ensure its effectiveness.

UNOFFICIAL TRANSLATION

6.1.4. The Role of National Human Rights Institutions

6.1.4.1. The Ethiopian Human Rights Commission

National Human Rights Institutions play crucial roles to monitor and ensure the implementation of National Human Rights Action Plans. The Ethiopian Human rights Commission is the principal institution, mandated, at establishment, inter alia to see to it that Human Rights in Ethiopia are protected, respected and fully enforced as well as to have the necessary measures taken when they are found to have been violated. In particular, with regard to the implementation and monitoring the implementation of the Action Plan, the Commission, in close operation with the Ministry of Justice will actively support the executive of the plan. Among the operations that facilitate its objective to respect, protect and promote Human Rights is the monitoring and follow-up of the performance of the Action Plan. Therefore, the Commission, as an autonomous National Human Rights Commission will perform the following major operations.

- The Commission, either on its own initiative or in cooperation with relevant stakeholders, will provide its share of support to spread, introduce and orient, and ensure performance of the Action Plan. The Commission will attend to the printing and publication of the Action Plan document, to translate into the domestic languages and ensure its accessibility to the society, and through provision of diverse training to implementing parties, regarding the execution of the plan, accelerate the implementation.

- The Commission will take into consideration, the detailed activities of the Action Plan, demarcate such that fall within the ambit of its aduties, incorporate them into its plan and implement them. This duty of the Commission pertains to the following major issues:-

    - In respect of issues earmarked for law enactment the Commission will make recommendation on the draft laws conformity with the Constitution and with other Human Rights laws and instruments.

    - On its own initiative or on the request of implementing agencies for support and assistance, to perform Human Rights awareness activities alone or in cooperation.

UNOFFICIAL TRANSLATION

- The Commission will facilitate conditions for the "administration and institutional measures" indicated in the Action Plan in integrating actions with the implementing agencies.

- The Commission will create and innovate forums and conferences for discussions, consultations, reviewing, and will also make its own recommendation to the relevant agencies.

- The Commission will cooperate with and provide necessary support to the Action Plan operation sections and committees to be established at the Regional and federal levels.

- The Commission will further take all necessary measures to prepare for the following successive Action Plan.

6.1.4.2. The Institution of the Ombudsman

The Institution of the ombudsman‘s main objective is to see to it about good governance that is of high quality, efficient and transparent, and are based on the rule of law, by way of insuring that citizens‘ rights and benefits provided for by law are respected by organs of the executive. Furthermore, the institution is expected to identify and select from among the fundamental rights and freedoms in the Action Plan directly connected with executive power. Furthermore the institution, will within its legal mandate: review and monitor administrative directives to be issued based on the Action Plan, ensure that the administrative decisions of the executive organs conform to the Constitutional rights, receive and investigate complaints in respect of maladministration; seek remedies in cases where it believes that maladministration has occurred. In performing the above duties, the Institution will have attended to the imperatives of the Action Plan. In addition, and as far as the Right of access to information is considered, the institution will check on the activities defined in the Action Plan, and which fall within the portfolio of its mandate and monitor their performance and provide all support needed.

6.1.5. Expansion of Human Rights Education

Regarding the work of educating the public be aware of human rights and, in particular, the rights around which the Action Plan specified build up of public awareness, will be appropriately

UNOFFICIAL TRANSLATION

integrated into the programmes of the implementing agencies Beyond awareness creation, extensive activities will take place to enable the implementing agencies and the citizens internalize knowledge about and familiarity with human rights and the content of the Action Plan. These essential activities will be implemented in integration with the national human rights institutions.

A special section of deep study of the fundamental rights and freedoms specified in the FDRE Constitution and in the international agreements and instruments adopted by Ethiopia, will be incorporated in civic education curriculum of the schools at all levels, i.e. from the lowest levels to the highest and research studies on human rights will be encouraged. In the course of training judges, prosecutors and other law enforcement officers, human rights education will be given to a satisfactory level. Prosecutors and other law enforcement officers will be given consecutive series of training to enrich their knowledge and respect for citizens‘ fundamental rights and freedoms.

6.2. Monitoring and Evaluation Procedure

Beyond closely monitoring and assessing the performance of the ―actions and measures to be taken and assigned agencies" items in the Action Plan, the main objectives of the procedure are: the implementation of the programmes arising from the Action Plan; monitoring and assessing whether or not the overall objectives and goals of the Action Plan are being achieved and attained; check and follow-up issues requiring special attention and/or correction and take appropriate actions promptly and competently.

At the federal level a “monitoring and Evaluation Section” will be instituted in the ministry of justice to perform the monitoring and evaluation responsibilities in the Action Plan, at the highest level. Similar sections will be established in all the Regional and City Administration bureaus of justice. In order to lead, supervise and manage these operations at the national level, a “National Human Rights Action Plan Affairs coordinating committee” under the chairmanship of the Ministry of justice will be established.

In the regions and City Administrations level, Regional “Human Rights Action Plan affairs coordinating committee” will be established under the chairmanship of the Deputy president and

UNOFFICIAL TRANSLATION

consisting of the relevant, Bureaus, performing similar duties as the national coordinating committee.

Reporting procedure will be established for the reporting of the “Sections of the Human Rights Action Plan Affairs" to be established in Regional and city bureaus of justice to the “Regional Action Plan coordinating committee” to be established in the Regions/City Administrations. Furthermore, Reporting procedures will be structured between these Regional/city sections and the National Human Rights Action Plan affairs to be established in the ministry of justice; the schedule of their joint meetings and submission of reports; and between the National co-coordinating sections and the National coordinating committee.

The composition of the Ethiopian National Human Rights Action Plan Affairs Coordinating Committee, save other institutions may be assigned by the Government when necessary, is as follows:-

- Ministry of justice (Chairman of the committee)
- Ministry of Foreign Affairs (D/chairman of the committee)
- Human Rights Commission (Secretary of the committee)
- Ministry of federal Affairs (member of the committee)
- Ministry of finance and Economic Cooperation(member of the committee)
- Ministry of women, children and youth affairs (member of the committee)
- Ministry of labour and Social Affairs (member of the committee)

Functions

- From study, analyses and rigorous evaluation of the annual reports it receives monitors and assesses the performance of the Action Plan.
- Monitors and assesses the actual rate of implementation of the Action Plan by the federal and Regional/City government institutions as compared with their planned targets

UNOFFICIAL TRANSLATION

- Holds as necessary inter-Federal-Regional/Cities bureaus conferences of review, monitoring assessment and evaluation of the performance and implementation of the Action Plan, annually.

- When found necessary, submits recommendations to the relevant authority for revision/ improvement in respect of the Action Plan.

- Conduct overall assessment and evaluation at Action Plan yearend

The functions of the National Human Rights Action Plan Section within the Ministry of justice are as follows.

- Ensures and monitors that the implementing agencies in the federal sector, have incorporated the activities assigned to them in the Action Plan, into their own performance plans.

- Receives and edits the reports from the human rights Action Plan sections to be established in the Regional/cities bureaus of justice, and submits them to the National Human Rights Action Plan coordination committee.

- As a standing committee ensure implementation of the Action Plan along the guidelines from the coordination committee.

- Prepares evaluation and assessment forums, as directed by the committee, in which all implementing agencies will participate.

- Works integrally with the Ethiopian National Human Rights Action Plan Affairs section established in the Regional/City bureaus of justice.

- Follows up the application of the solutions and feed-backs from the diverse international human rights committees to Ethiopia.

- Prepare necessary conditions for a conference to be held to assess and ensure that on the conclusion of its implementation period the Action Plan targets have been met.

UNOFFICIAL TRANSLATION

- Coordinate in conformity with the guidelines from the national coordination committee, preparation for successive Action Plans.

The Functions of the Human Rights Action Plan sections to be established in the regions and City Administrations are:-

- Ensures that the sector organizations named as implementing agencies in the Action Plan have incorporated the actions assigned to them into their own performance plans.

- Collects the semi-annual (6 monthly) reports from the Action Plan named implementation agencies. It edits the reports is and submits the integrated report to the regions‘ Human rights Action Plan affairs co-coordinating committee.

- As a standing committee, ensures the Action Plan is executed in conformity with the guidelines of the committee. Further, it will check performance activities at intervals and report to the Regional coordination committee along the sealed of responsibility.

- In accord with the guidance from the committee, prepares once per year evaluation and assessment conference, in which all the implementing agencies will participate.

- It will work integrally with the Ethiopian National Human Rights Action Plan Affairs section in the ministry of justice. It will further edit and submit half yearly and annual reports to the committee.

UNOFFICIAL TRANSLATION

---------- ----------

---------- ----------