



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventy-fifth session
3-28 August 2009

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

ETHIOPIA

1. The Committee considered the seventh to sixteenth periodic reports of Ethiopia (CERD/C/ETH/7-16), submitted in one document, at its 1958th and 1959th meetings (CERD/C/SR.1958 and CERD/C/SR.1959), held on 19th and 20th August 2009. At its 1969th meeting (CERD/C/SR.1969), held on 27th August 2009, it adopted the following concluding observations.
2. The Committee welcomes the submission of the seventh to sixteenth periodic reports by the State party. In view of the lengthy period since the submission of its sixth report (CERD/C/156/Add.3) in 1988, the Committee encourages the State party to ensure the timely submission of its periodic reports in the future.
3. The Committee welcomes the efforts made by the State party to comply with the Committee's guidelines for the preparation of reports. It regrets, however, that the report does

not contain sufficient information regarding the practical application of the Convention, that the written responses provided to the list of issues prepared by the Committee's rapporteur were only submitted on the day of the examination of the report and that they do not fully address all the issues raised.

B. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes that the State party has faced several challenges in recent years, including serious economic hardship, famine, internal unrest and conflicts with neighbouring states, which have resulted in a very large number of internally displaced persons and refugees.

C. Positive aspects

5. The Committee acknowledges with appreciation that the State party continues to host a large number of refugees from countries within the region, including Sudan, Kenya and Somalia.

6. The Committee welcomes the 1994 Constitution, which reflects the importance accorded, in the legal order of the State party, to the prohibition on racial discrimination, including during times of national emergency.

7. The Committee expresses its appreciation for the recognition, under the Constitution, that every nation, nationality and people in Ethiopia has the right to speak and to develop its own language, as well as for policies promoting the various national languages at the national level.

8. It appreciates the recognition of the rights of vulnerable persons, particularly women and children and their explicit protection in the Constitution.

9. The Committee notes with appreciation the allotment of seats in the parliament to minority groups, as well as the recognition of these groups under the Constitution.

10. The Committee takes note of the State party's statement that the Convention is directly applicable in its courts.

D. Concerns and recommendations

11. While noting that article 25 of the Constitution of the State Party provides for the equality of all persons before the law and for their entitlement, without any discrimination, to equal protection of the law, the Committee notes that the State party's legislation is not fully in conformity with the Convention. (arts. 1, 2 and 4).

The Committee recommends that the State party adopt specific legislation on racial discrimination implementing the provisions of the Convention, including a legal definition of racial discrimination in line with article 1 of the Convention. In this regard, the Committee urges the State party to take into account General Recommendation No. 7 (1985) on legislation to eradicate racial discrimination as well as General Recommendation No. 15 (1993) on article 4 of the Convention.

12. The Committee welcomes the State party's information that the application of religious and customary laws practised by some ethnic groups is subject to the consent of the concerned individuals or groups. Nevertheless, it notes that the State party has not provided adequate information on the measures taken to ensure that the application of these laws does not result in *de facto* racial discrimination against members of certain ethnic groups. In this regard, the Committee is concerned about the special vulnerability of women in such settings, particularly with regard to their ability to decide freely their preferred choice of legal regime in the process of litigation. (art. 2)

The Committee urges the State Party to ensure that all citizens are enabled to exercise their free choice of legal system to govern their personal affairs, particularly marginalized and vulnerable persons such as women in traditional societies. The Committee requests that the State party provide, in its next periodic report, information on the status of religious and customary laws and the steps

taken to guarantee that persons potentially subject to such legal systems are able to exercise free choice in relation to their application.

13. The Committee notes that political parties in the State Party are largely structured on ethnic lines. The Committee is concerned that the above arrangements, in the specific circumstances of the State Party, have the potential to contribute to an increase in ethnic tension.

The Committee recommends that the State Party encourage the development of integrationist multi-racial organizations, including political parties, in line with the provisions of article 2.1 (e) of the Convention.

14. Recognising the role played by civil society in combating racial discrimination, the Committee is concerned that the Charities and Societies Proclamation (2009), to a large extent, curtails freedom of association in that: (a) charities established by nationals of the State Party under its laws are not allowed to receive more than ten percent of their funds from foreign sources, including international agencies and nationals living abroad; (b) charities established by residents under the State Party's law with an exclusively Ethiopian membership are barred from taking part in the advancement of human and democratic rights, the promotion of gender equality and the promotion of the efficiency of the justice and law enforcement services; and (c) heavy penalties have been provided for violation of this law. (art. 2)

The Committee recommends that the State Party consider reviewing this legislation to ensure that due consideration is given to the important role of civil society organisations in the promotion and protection of human rights, including in the area of racial discrimination.

15. The Committee is concerned that, notwithstanding the long history of State Party's commitment to fight racial segregation, there are reports that caste-like forms of racial discrimination persist on its territory, mainly affecting marginalised racial and ethnic minorities. (art. 3)

The Committee recommends that the State Party undertake a study of the spread and causes of the problem of castes and implement a strategy to eliminate it. The State Party is further requested to provide information in its next periodic report on the results of its efforts to this effect. The Committee urges the State party to take into account General Recommendation No. 29 (2002) on descent-based discrimination.

16. While welcoming the State party's information that certain harmful traditional practices, such as female genital mutilation and the abduction of girls and young women for marriage, are prohibited by legislation, the Committee remains concerned at the prevalence of these practices in some communities. (art. 5).

The Committee recommends that the State party reinforce the measures adopted to eradicate harmful traditional practices through awareness-raising strategies, among other methods, and in consultation with communities engaging in these practices. The Committee further recommends that the State party include detailed information in its next periodic report on the extent of these practices and on the impact of measures taken to address them.

17. The Committee is concerned about the occurrence of sporadic ethnic conflicts in the State party and, particularly, at reports of human rights violations committed by members of the military against the Anuak population in Gambella in December 2003. While noting the delegation's statement that measures to ensure accountability were taken, the Committee is concerned at reports that these human rights violations were not thoroughly investigated. (art. 5)

The Committee recommends that the State party:

(a) enhance its efforts to address the root causes of ethnic conflicts on its territory; and

(b) take the necessary steps, in the event of future ethnic conflicts, to prevent the targeting of civilians by the military and to promptly and thoroughly investigate reports of human rights violations in this context.

18. While taking note of the State party's information that it has enacted legislation to ensure the protection of refugees, the Committee is concerned at the lack of detailed information on the extent to which refugees enjoy the rights set out in article 5 of the Convention. Similarly, the State party has provided insufficient information on the human rights situation of the internally displaced persons scattered in many parts of the country. (art. 5)

The Committee recommends that the State party ensure that refugees and other vulnerable persons, such as internally displaced persons, enjoy their rights under national law as well as the various international legal instruments to which it is a party. Furthermore, the State Party is requested to provide, in its next periodic report, detailed information on the human rights situation of refugees and internally displaced persons on its territory, particularly in relation to article 5 of the Convention.

19. The Committee notes the absence of information on legislative and other measures taken by the State party to ensure the protection of the rights of racial and ethnic groups.

The Committee recommends that the State party take all the necessary steps to ensure that all persons belonging to racial and ethnic groups are able to fully exercise their rights under the Convention. The Committee recommends that the State party pay particular attention to the legislative, constitutional and other measures which must be taken at the level of the federal regions in order to give effect to the rights of these groups.

20. While noting the establishment, in the State party, of the Commission for Human Rights and the Institution of the Ombudsman, the Committee regrets the absence of detailed information regarding the competencies and effectiveness of these institutions. The Committee notes, with

respect to both institutions, the lack of clarity regarding the nature of the remedies available. The Committee is also concerned that the Commission for Human Rights has no specific department or unit dealing with issues, complaints and cases relating to racial discrimination and that it has offices only in the major cities, rendering it largely inaccessible to persons residing in rural areas. In addition, the two institutions have made insufficient attempts to publicise their activities in order to inform the public of the remedies available in the event of human rights violations, including those relating to racial discrimination. (art. 6).

The Committee recommends that the State party:

- (a) provide, in its next periodic report, detailed information on the competencies and effectiveness of the activities of the Commission for Human Rights and the Institution of the Ombudsman;**
- (b) strengthen the Commission for Human Rights in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), adopted by General Assembly resolution 48/134, and provide it with adequate resources;**
- (c) disseminate more widely information on the existence of the Commission for Human Rights and the Institution of the Ombudsman, particularly their mandate to investigate violations of human rights; and**
- (d) ensure the effective accessibility of the Commission for Human Rights to persons living in rural or other peripheral areas.**

21. The Committee notes that the Convention has not been translated into the working language of the Federation or any other language used in the federal regions, thereby limiting the possibility for judges and legal practitioners to refer to and apply it.

The Committee recommends that the State party translate the Convention into the working language of the Federation and other languages used in the federal regions.

22. The Committee also notes the absence of information on any court cases involving allegations of racial discrimination or in which the provisions of the Convention were invoked. (arts. 6 and 7).

The Committee recommends that the State party provide, in its next periodic report, information on court cases involving racial discrimination as well as any jurisprudence involving an interpretation of the provisions of the Convention.

23. The Committee notes the lack of information on the extent to which human rights education, including on equal rights and non-discrimination, is integrated into school curricula as well as the absence of information on the use of the media in this area. (art. 7)

The Committee encourages the State party to include human rights education in school curricula and to enhance its efforts to improve human rights education in broader society with a view to promoting understanding and tolerance among all racial and ethnic groups. Particular attention should also be paid to the role of the mass media in the above respects.

24. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

25. The Committee recommends that the State party take into account the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when

implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

26. The Committee urges the State party to consult with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

27. The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention.

28. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolution 61/148, in which it strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

29. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the working and other commonly used languages, as appropriate.

30. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 14, 21 and 23 above.

31. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 12, 18, 20 and 22 and requests the State party to provide

detailed information in its next periodic report on concrete measures taken to implement these recommendations.

32. The Committee recommends that the State party submit its seventeenth to nineteenth periodic reports in a single document, due on 23 July 2013, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations.

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