Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Ethiopia - 6th Session - 2009
9th December 2009, 2.30pm to 5.30pm

National Report

16. Freedom of expression, thought and opinion; freedom of the press, prohibition of censorship and the right of access to information; citizens' right to assembly, peaceful demonstration and petition; and freedom of association, movement and right to nationality are also enshrined in the Constitution. The right of everyone to marry and establish a family is provided. Rights of specific categories of people such as women, who among others are entitled to affirmative measures to remedy the historical legacy of inequality and discrimination. Children are also accorded special protection under the Constitution.

18. Economic, social and cultural rights are also guaranteed. The obligation of the State to allocate increasing resources to public health, education and other services, and to allocate resources for vulnerable sections of the society such as the physically and mentally disabled, the elderly and children without guardian, is expressly prescribed in the Constitution. Employment related rights such as the right to form trade unions; the right to strike, to rest and leisure, to healthy and safe working environment; the rights of women to equal pay for equal work have been provided. The Constitution also recognizes the right to development, including right to participation and consultation in national development polices and projects affecting their communities.

51. The Criminal Code has special provisions applicable to young persons. A young person means a person between the ages of nine and fifteen. No young person may be tried together with an adult. Young persons shall not be subject to the ordinary penalties applicable to adults nor shall they be kept in custody with convicted adults.

66. Almost all under-five deaths in the country occur due to preventable diseases, namely pneumonia, diarrhea, malaria, measles and HIV/AIDS. In addition, malnutrition remains the underlying cause of death in about 54% of such cases. Though still high, Ethiopia has made encouraging progress in reducing child mortality; and infant mortality rate has reached about 77/1000 live births. Currently the national pentavalent immunization coverage has reached 81%. Immunization of children against six childhood illnesses is provided free of charge in public health institutions.

67. Poor nutritional status, infections and a high fertility rate, together with low levels of access to reproductive health and emergency obstetric services, contribute to the still high mortality rate in the country. The maternal mortality ratio of Ethiopia has declined from 871/100000 live births in 2000 to 673/100000 in 2005. In order to further minimize this number the health sector has given priority to increasing the coverage of maternal health service. The coverage of antenatal care, supervised delivery and postnatal care has reached 59%, 20% and 25% respectively. (See annex)

72. The country has adopted policies and programs which have led to concrete results to realize the right to education. The Education Sector Development Program is on its third phase of implementation. The strategic concerns under this program are improving the quality of education and increasing access to educational opportunities with enhanced quality and relevance. Under the Education and Training Policy, the Government has made primary and general secondary education and related trainings (up to grade ten) free of charge.

73. Thus the Gross Enrollment Rate (GER) and the Net Enrollment Rate (NER) of primary education at the national level has reached 91.6% and 78.6% in 2006/07 respectively. The gender gap is improving progressively and GPI has reached to 0.87 in 2006/07 nationally. The dropout rate for children at primary school level is declining nationwide at the same rate for both sexes.

74. NER in the secondary education first cycle increased from 8.4 to 14.7 from 2002/2003 to 2006/2007. The NER in secondary second
5. In 2006, CRC remained concerned at the lack of a systematic legislative review and adoption of a comprehensive Children’s Code and 1951 Refugee Convention regarding the right to education.

6. Affirmative measures are taken, notably higher education entrance requirement is lowered by two points for students applying from those less-developed regions and for women. The Special Needs Education Program assures for the disadvantaged groups (persons living with disabilities) to receive special support. In 2006/07 the number of students with Special Educational Needs in primary education was around 33,300 and in secondary education (9-10) and (11-12) is around 3,127.

7. Improving the quality of education remains a challenge. Efforts are ongoing to improve the quality and a comprehensive General Education Quality Improvement Program (GEQIP) has been developed to this effect.

8. Unfortunately, Female Genital Mutilation (FGM), abduction, domestic violence and rape are the most common forms of violence against women and girls in the country. The Government has taken measures against these practices by undertaking a legislative reform and seriously condemning these acts. According to the result of the population survey conducted in 2005, the nationwide prevalence of FGM was 74%, the highest rate being in Afar and Somali Regional States (91.6% and 79% respectively). The Government has, through the Ministry of Women’s Affairs, waged a notable campaign against FGM in which non-governmental organizations have also joined through a tripartite project financed by UNICEF. Consequently the acceptance rate of the practice by the community has now dropped from 60% to 31%.

9. Children are one of the priority areas of intervention by the Government. Accordingly measures have been taken to improve their welfare in all aspects of life. To that end, the National Plan of Action for Children has been adopted. The Government, in collaboration with NGOs and civil society groups, has been implementing child-focused interventions in basic health-care, education and protection services for children orphaned by HIV/AIDS.

10. With regard to juveniles, efforts are being made to make courts and the police child-friendly. At the federal level, a special bench that handles juvenile cases has been established. In most police stations Child Protection Units (CPU) have been set up at the Federal and Regional levels. Community-based centers have been put in place as a subcomponent of the Child Protection Program to serve as an alternative to the protection of petty and first-time offenders reported to the CPU.

11. Civics and Ethical Education, which incorporate the ideals of human rights, democracy and constitutionalism, has started to be taught at the primary, secondary and tertiary level throughout the nation whether in public or private, secular or religious schools. In our law schools and judicial training centers, various courses are given on human rights issues. Human rights courses are incorporated in the military and police training schools curriculum. In their curricula, emphasis is placed on the role of the police and military officers in the protection of human rights in peace or war times.

12. Ethiopia has been cooperating with international human rights mechanisms for the protection and promotion of human rights. The country has timely observed its reporting obligations under International Convention on the Rights of the Child and International Convention against the Elimination of All Forms of Discrimination against Women. Of course, due to resources constraints, the Government was so far unable to submit timely reports required under the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention against the Elimination of All Forms of Racial Discrimination, International Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment as well as the African Charter on Human and Peoples’ Rights. With the technical assistance from OHCHR East African Regional Office, the Government was able, within the last two years, to prepare and submit overdue reports to the treaty bodies and the African Commission on Human and Peoples’ Rights.

13. The Government has vigorously campaigned on a big push to increase primary school enrollments, including the promotion of universal and free primary education. As a result, enrollment rate in education in general has increased enormously.

14. With the increasing demand for highly skilled labor in the country, a rapid expansion of higher education has been undertaken and its intake capacity has increased a great deal over the years. Hence, 13 new higher educational institutions in addition to the previously existing eight universities are opened and the existing ones are upgraded. Furthermore, necessary preliminary preparations are being carried out to build 10 additional higher educational institutions in various places across the nation.

15. Ethiopia continues to face a number of difficulties and constraints which affect the implementation of human rights in the Country. The challenges are mostly linked to its economic situation, its socio-cultural context, and the persistence of certain traditional practices. These difficulties and constraints include: Traditional harmful practices such as FGM, early marriage, abduction bonded with forced marriage;

**Compilation of UN Information**

2. CRC also recommended that Ethiopia ratify the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption; consider ratification of the Rome Statute of the International Criminal Court; and withdraw its reservation to the 1951 Refugee Convention regarding the right to education.

5. In 2006, CRC remained concerned at the lack of a systematic legislative review and adoption of a comprehensive Children’s Code and recommended, inter alia, to strengthen its efforts to bring domestic laws into full compliance with the Convention.
6. CRC welcomed the provisions in the New Criminal Code of 2005 which criminalise harmful traditional practices and most forms of human trafficking and the provision in the Revised Family Code setting 18 years of age for marriage for both girls and boys. The independent expert on minority issues stated that, unfortunately, as a federal law, the Revised Family Code is not compulsory at the regional level since regions maintain autonomy in cultural and social affairs.

9. CRC and the United Nations Country Team (UNCT) reported on the establishment in 2000 of the Ethiopian Human Rights Commission (EHRC) and Ombudsman institution. In 2009, UNCT noted that the EHRC receives a large number of human rights complaints every year, the majority of which have been refused for lack of jurisdiction. CERD was concerned that EHRC 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. CRC recommended that Ethiopia ensure as a matter of priority the efficient operation of both EHRC and the Ombudsman, in full compliance with the Paris Principles.

10. CRC recommended that Ethiopia ensure that the Ministry of Women’s Affairs is provided with adequate human and financial resources, enabling it to coordinate and monitor implementation at the federal, regional, zone and Woreda levels.

11. CRC welcomed the free anti-retroviral programme that started in 2005 and the adoption of a National Plan of Action for Children (2003-2010). In 2009, UNCT noted that the Ministry of Health developed a National Adolescent and Youth Reproductive Health Strategy to increase access to and the quality of reproductive health services and to raise awareness about reproductive health issues.

21. CRC was concerned at the actual discrimination against certain groups of children, particularly girls, children with disabilities, children living in poverty, refugee children, children affected by and/or infected with HIV/AIDS and children belonging to ethnic minorities. CRC recommended that Ethiopia make combating discrimination against vulnerable girls a national priority and adopt a comprehensive strategy to eliminate discrimination on any grounds against all vulnerable groups.

26. CRC expressed concern over the situation of children belonging to minorities, in particular Oromo and Anuak, as they suffer stigmatization and persecution by the armed forces, including torture, rape and killings.

27. CRC urged Ethiopia to take effective measures to protect all children from torture, cruel and degrading treatment. CRC was disturbed by numerous reports of rapes committed by members of the military.

29. CRC remained concerned that “reasonable chastisement” is permitted according to the Penal Code and that corporal punishment is still widely practised. CRC recommended that Ethiopia explicitly prohibit corporal punishment within the home and enforce the prohibition in all settings.

30. CEDAW was concerned that no specific legislation has been enacted to combat violence against women. CEDAW was also concerned that, while abduction has been recognized as a crime under the criminal code, the implementation of the law is weak. CRC recommended that Ethiopia ensure adequate resources to investigate cases of abuse and prosecute and impose adequate sentences for such crimes. CEDAW was also concerned about the incidence of rape in the country and urged Ethiopia to combat violence against women and ensure that all forms of violence against women are prosecuted and punished adequately and that victims have immediate means of redress and protection. In 2009, UNCT noted that the national prevalence rate for female genital mutilation (FGM) among the age group 15-49 is 74.9 per cent. In 2009, CERD recommended that Ethiopia reinforce the measures adopted to eradicate harmful traditional practices.

31. CRC was concerned that a high number of women, especially girls, are victims of sexual exploitation and sexual abuse, and that the majority of cases remain in impunity. CRC recommended that Ethiopia ensure adequate resources to investigate cases of sexual abuse and exploitation and prosecute and impose adequate sentences for such crimes.

32. In 2008, the ILO Committee of Experts noted from a 2006 IOM report that Ethiopia was a source country for men, women and children trafficked for forced labour and sexual exploitation. In 2009, the ILO Committee of Experts recalled that, according to the UNICEF data, Ethiopia is one of the top countries of origin for children trafficked from Africa. The Committee strongly encouraged the Government to take effective and time-bound measures to prevent children from being engaged in trafficking, sexual exploitation and prostitution.

33. CRC was deeply concerned at the increasing number of street children, who are also victims of drug abuse, sexual exploitation, and harassment by members of the police force. CRC recommended that Ethiopia develop and implement a comprehensive policy which should address the root causes, to prevent and reduce this occurrence.

34. CRC noted that Ethiopia has set 18 years as the minimum age for recruitment into the armed forces. However, CRC was concerned about the possible gaps within the recruitment process due to a lack of adequate birth registration and urged Ethiopia to take all possible measures to prevent the recruitment of children and enforce its legislation strictly.

35. In 2007, the Independent Expert on minority issues urged Ethiopia to respect the independence of judges and lawyers and the impartiality of the judiciary. CRC emphasised the urgent need to investigate and sanction reported cases to break the cycle of impunity for serious human rights violations.

37. CRC recognized the efforts undertaken, for example through the Juvenile Justice Project Office but noted, however, that its impact has been hampered by limited resources. CRC regretted the absence of a child-friendly juvenile justice system in most of the country and the lack of legal aid representatives for child victims of offences as well as for accused children. CRC urged Ethiopia to ensure that juvenile justice standards were fully implemented. In 2009, UNCT highlighted that corrective and educational measures have been introduced for juvenile offenders.
38. CRC was concerned about the large number of young children, including infants, in prison with their mothers and recommended that Ethiopia seek alternative measures to institutional confinement for mothers with young children and, if applied, provide adequate facilities.

39. CRC expressed regret at the absence of institutional structures and of an adequate legal framework to ensure birth registration. CEDAW recommended that Ethiopia take measures to achieve free and timely registration of all births.

51. CRC was deeply concerned about the high rate of HIV/AIDS among women. CRC recommended that Ethiopia strengthen efforts to combat HIV/AIDS. CEDAW was concerned at the high prevalence of HIV/AIDS among women.

52. CEDAW urged Ethiopia to strengthen its efforts to improve the literacy rate of girls and women in rural and urban areas, to ensure equal access of girls and young women to all levels of education and to take measures to reduce and eliminate the high drop-out and repetition rates of girls.

53. In 2009, UNCT noted that primary education is free but not compulsory. CRC recommended, inter alia, that Ethiopia ensure that primary education is free and compulsory and take the necessary measures to ensure that all children are enrolled in primary education; increase public expenditure on education with specific attention to improving access and addressing sex, socio-economic, ethnic and regional disparities.

58. The independent expert on minority issues stated that limited resources meant that not all languages could be represented in the school system. She strongly endorsed a common language, learned by all, as an effective mechanism contributing to national unity and equal opportunity.

60. CRC urged Ethiopia to enhance the security in refugee camps and take all necessary measures to protect children, especially girls, against sexual exploitation, establish accessible complaints mechanisms and to investigate cases of abuse fully, and prosecute the perpetrators.

69. CRC recommended that Ethiopia seek technical assistance with regard to birth registration; corporal punishment; access to education, particularly for girls; juvenile justice standards; child labour; HIV/AIDS and children; and the protection of refugee children.

**Stakeholder's Information**


3. Open Society Justice Initiative (OSJI) stated that Ethiopia is not a party to either of the two international conventions on statelessness.

7. EHRCO and Oromia Support Group Australia (OSGA) reported that the 1995 Constitution recognized a wide range of human rights.

8. The CSO Coalition stated that the Constitution provided for equal protection of the law without any discrimination and included a comprehensive list of women's and children's rights.

20. The CSO Coalition reported that harmful traditional practices, particularly FGM/FGC, early marriage and abduction of girls for marriage were widespread. Child sexual abuse, rape and domestic violence were prevalent and on the increase. In addition, the CSO Coalition reported that the rate of prosecution and conviction was very low.

21. Global Initiative to End All Corporal Punishment of Children (GIEACPC) indicated that corporal punishment was lawful in the home and reportedly widely practiced. It was however prohibited in schools and in alternative care settings, although the Criminal Code and the Revised Family Code allowed disciplinary measures. GIEACPC recommended that Ethiopia introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including the home, as repeatedly recommended by the Committee on the Rights of the Child.

22. ORSOGA reported that child prostitution was a major concern in Addis Ababa.

23. The CSO Coalition made reference to UNICEF estimates according to which there were between 150,000 and 200,000 street children in 2008, in addition to one million children who are vulnerable or at risk of ending up on the streets. The CSO Coalition also stated that the Vagrancy Proclamation allowed for arrests and convictions of street children.

27. HRW reported that in early 2007, at least 90 men, women, and children from 18 different countries fleeing the conflict in a neighbouring country were deported to Ethiopia through a second neighbouring country while an unknown number of people were directly transferred to Ethiopia. Many of the victims of these “regional renditions” had been released but at least twenty-two men, including foreign nationals, remained in detention in Ethiopia almost two years after their deportation.

57. The CSO Coalition made reference to the steady decline in infant and child mortality rates but indicated that concerted efforts were required to further reduce them. It also reported that, despite the decrease in the percentage of underweight children, almost half of children under five years were stunted.

116 The CSO Coalition reported that although the revised Criminal Code broadened the circumstances in which abortion was allowed, the practice of illegal and unsafe abortions continued to put the health and
life of many young women at risk.117

64. The CSO Coalition indicated concerns over quality education at all levels, the very low level of primary completion rate and indicated that no legislation had been enacted making primary education free and compulsory.125

65. The CSO Coalition reported that, although affirmative action was being taken to increase the number of girl students in higher education, no sufficient support was provided to assist them to complete their education.126 SRI stated that the Girls’ Scholarship Programme was a major step forward.127 SRI further reported that owing to several socio-cultural factors the proportion of girls enrolled in primary schools is still lower than that of boys and that there was no clearly verifiable evidence that the target set up in the Government’s Five-Year Plan for the period 2000-01 to 2004-5 to reduce the gender gap in gross enrolment rates to 15.8 % by 2004-05 had been met.128 SRI also indicated that there was a strong need for a nation wide re-entry policy to ensure that pregnant girls can go back to school and to reduce drop-out rates.129 SRI further reported that there is concrete evidence to suggest that lack of gender parity in primary and secondary education is intimately linked to violence and abuse in schools.130 SRI recommended that Ethiopia make the right to primary education free and compulsory in practice, and address gender based violence and all other issues that hinder girls’ access to education.131

Final Report

13. With regard to the rights of the child, Ethiopia indicated that a National Plan of Action for Children has been implementing child-focused interventions in basic health-care, education and protection services for children orphaned by HIV/AIDS, in collaboration with non-governmental organizations (NGOs) and other civil society groups.

16. The delegation stated that with regard to education, Ethiopia has experienced increased primary school enrolments, including the promotion of universal and free primary education. Furthermore, a rapid expansion of establishing new universities is undertaken in an endeavour to also ensure an even distribution of higher education across the nation.

29. Belarus positively valued the efforts in overcoming poverty, hunger and destitution, and noted that the lack of food and medicine are key problems. Belarus expressed its support to Ethiopia’s requests to international organizations for development assistance. It commended Ethiopia for the measures to improve the situation of women, including the possibilities extended to participate in political life, and welcomed the adoption of a National Plan of Action for Children.

32. Djibouti commended Ethiopia for its cooperation with OHCHR in submitting reports to treaty bodies. It appreciated the improvement in women’s participation in political life. It noted the provisions of the new criminal code of 2005 criminalizing harmful traditional practices, and that the awareness raising campaigns against female genital mutilation had decreased the acceptance rates by the communities. Djibouti requested information on the system of data collection to evaluate progress and Ethiopia’s evaluation of the level of cooperation between federal and regional institutions and public organs.

36. Austria noted that the CRC expressed concern about discrimination against girls, children with disabilities, children living in poverty, children affected by HIV/AIDS and refugee and ethnic minority children, and requested information on follow-up. It noted that the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women were concerned about high numbers of women and girls victims of sexual violence and abuse and about widespread impunity for perpetrators of such acts. Austria enquired about the Government’s plans to address these serious concerns.

37. Australia commended the efforts to increase primary school enrolments and develop health services. It noted indications of concerns relating to the treatment of ethnic minorities during internal conflict and the calls for independent investigations of these allegations, and asked whether Ethiopia intends to undertake such an investigation. It noted that the United Nations independent expert on minority issues stated that Ethiopia should ensure civil society groups are free from interference and harassment. It noted concerns about political detainees in Ethiopia, including the case of a detained political leader.

40. The Democratic Republic of the Congo welcomed efforts to inter alia reduce maternal and child mortality by improving access to medical care and to combat unemployment by more job-oriented teaching. It also welcomed the campaign against various prejudices concerning women, and measures to combat practices that keep women in the state of inferiority. It requested explanations about notions of “nations”, “nationalities” and “peoples” in Ethiopia. It also asked Ethiopia to comment on the results for development obtained mid-term regarding the MDGs.

41. Mexico noted difficulties Ethiopia faced and appreciated priority given to ensuring food security. It stressed efforts to prevent trafficking in persons and to prohibit torture in the new criminal code, to eradicate HIV/AIDS, malaria and tuberculosis, and to eliminate harmful traditional practices as female genital mutilations and child marriages. Mexico requested information on international technical assistance required to reduce poverty.

64. Slovenia commended Ethiopia for the National Plan of Action for Children. It highlighted that the Government campaign significantly reduced the acceptance rate of female genital mutilation by the community, which remains the most common form of violence against women and girls in Ethiopia. It asked about measures to reinforce efforts in this regard. Slovenia mentioned that a number of outstanding requests for visits of several special procedures mandate-holders, including the special rapporteurs on extrajudicial, summary or arbitrary executions, and on the right to food and the working group on arbitrary detention.

71. Cameroon noted with interest the specific measures and provisions undertaken such as on HIV/AIDS, education, promotion and protection of women’s and children’s rights, and managing refugees. It encouraged Ethiopia to intensify measures for the promotion and protection of economic, social and cultural rights, in particular the rights of the child, women, minorities and vulnerable populations, and in combating all forms of discrimination.
72. India appreciated the adoption of the National Plan of Action for Children and the National Action Plan on Gender Equality, the institution of a free anti-retroviral programme, and the launching of the Health Sector Extension Programme. It also noted Ethiopia’s long-lasting record as a host country for refugees from neighbouring countries and urged it to continue cooperation with international mechanisms. India encouraged the international community to extend capacity building and technical assistance to Ethiopia.

73. The Congo noted the legislative measures taken to overcome abuses and violence, such as female genital mutilation, domestic violence, early marriages and child abductions, which demonstrated Ethiopia’s commitment to promote and protect human rights. It appreciated that the application of the death penalty is declining, and called on the international community to provide technical assistance in the areas of maternal and child health and education, to assist Ethiopia with the consequences of flood and drought which regularly affect the country.

79. The Libyan Arab Jamahiriya noted the adoption of the National Action Plan for Children and the integration of civic education and ethics as part of Ethiopia’s new policy in the field of education and training. It referred to the importance of policies and programmes on the right to education, which improved the quality of and access to education of girls and boys, especially in primary education.

94. Ethiopia indicated that a department dealing with children’s affairs exists within the Ministry of Women’s affairs and there is a policy of training for law enforcement officials on child trafficking crimes. The delegation stated that this reflects that Ethiopia takes the trafficking of women and children very seriously.

**Conclusion and Recommendations**

19. Make combating discrimination against vulnerable girls a national priority and adopt a comprehensive strategy to eliminate discrimination on any grounds against all vulnerable groups, as recommended by the Committee on the Rights of the Child (Azerbaijan);

36. Take necessary measures to ensure that women, girls and boys are prevented from being trafficked, sexually exploited or sold for prostitution (Argentina);

37. Step up efforts to prevent children from being engaged in trafficking, sexual exploitation and prostitution (Ghana);

39. Strengthen efforts to combat early and forced marriages (Angola);

40. Adopt specific measures to deal with the causes of the increasing problem of street children and to prevent and to punish sexual exploitation of children (France);

41. Implement fully the following recommendations of the Committee on the Rights of the Child: (a) ensure adequate resources to investigate cases of sexual abuse and exploitation and prosecute and impose adequate sentences for such crimes; (b) make combating discrimination against vulnerable girls a national priority and adopt a comprehensive strategy to eliminate discrimination on any grounds against all vulnerable groups; (c) enhance the security in refugee camps and take all necessary measures to protect girls against sexual exploitation, establish accessible complaints mechanisms, investigate cases of abuse fully and prosecute the perpetrators (Slovenia);

42. Strengthen measures to prevent recruitment of children in the armed forces (Azerbaijan);

68. Take measures deemed appropriate to guarantee the right of children to food, and to this end, request the assistance of institutions, programmes and international organisms competent on this issue (Algeria);

82. Strengthen efforts to improve the literacy rate of girls and women (Brazil);

85. Continue to facilitate education for all with due regard to girls’ education and non-discriminatory access and ensuring its quality (Bangladesh);

86. Continue the efforts to make primary and general secondary education and related training free of charge, with the help of the international community (Sudan);

87. Continue to promote the development of the education system (Kyrgyzstan);