



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

SUMMARY RECORD OF THE 1162nd MEETING (Chamber B)

Held at the Palais Wilson, Geneva,
on Tuesday, 12 September 2006, at 10 a.m.

Chairperson: Ms. KHATTAB

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Third periodic report of Ethiopia (CRC/C/129/Add.8; CRC/C/ETH/Q/3 and Add.1)

1. At the invitation of the Chairperson, Ms. Ahmed, Mr. Gebre Hiwot, Mr. Gutema, Mr. Habte, Mr. Hassen, Mr. Rach, Mr. Tadesse, Mr. Wete and Mr. Wolde-Semaiat (Ethiopia) took places at the Committee table.
2. Ms. AHMED (Ethiopia), introducing the third periodic report of Ethiopia (CRC/C/129/Add.8), said that the Government of Ethiopia had adopted a number of initiatives to improve children's rights. In particular, article 36 of the Federal Constitution of 1996 related to the protection of children's rights, and the Family Code, the Penal Code, the Civil Code and the Code of Criminal Procedure dealt with specific aspects of those rights. The Family Code had been amended to bring it into line with the Convention on the Rights of the Child. A number of regional states had introduced or amended their own family laws. Recent amendments to the Penal Code meant that courts could no longer order the corporal punishment of minors. The revised Penal Code incorporated stricter provisions on infanticide, sexual violence and sexual exploitation, all forms of abuse, trafficking in children, abduction, and early marriage. It also included provisions aimed at eliminating harmful traditional practices, such as female genital mutilation, that affected the lives, health and security of children. A bill to amend the current Code of Criminal Procedure was also under consideration.
3. In addition to legislative measures, the Government had adopted national and sectoral development policies that focused on the well-being of children in such areas as education, health, water, population and social welfare. The budget for those sectors had been accordingly increased and encouraging achievements had been registered in the immunization and anti-polio campaigns and in other related health-care services. The infant and under-five mortality rates had decreased to 77 per 1,000 and 123 per 1,000, respectively.
4. The primary education enrolment rate had increased from 57.4 per cent in 2000/01 to 79.8 per cent in 2004/05. Female participation had increased from 40.6 per cent to 71.5 per cent over the same period. The enrolment rate in secondary schools had increased at an average annual rate of 20 per cent. Special programmes had also been introduced to respond to the needs of children in pastoral areas, and several alternative basic education centres had been established in various regions to meet the needs of children who did not attend school.
5. The Government had prepared and implemented the National Plan of Action for Children, which focused on the four priority areas identified during the special session of the General Assembly on children. Integration of the goals and objectives of the Plan of Action into government policies and development programmes had proceeded well. In particular, childhood poverty reduction had been integrated into the country's overall poverty reduction strategies.

6. A programme had been introduced to control mother-to-child transmission of HIV/AIDS and sexually transmitted diseases. Other programmes and projects, operated by government bodies and non-governmental organizations (NGOs), had been undertaken to care for AIDS orphans and people living with HIV/AIDS. A national task force had been established to coordinate all programmes and projects focusing on orphans and other vulnerable children.

7. Despite those developments, there was still a long way to go to create favourable conditions for Ethiopian children. The dynamics of population growth, dependency on rain-fed agriculture, the incidence of HIV/AIDS and other factors hindered the Government's efforts. That was why the third periodic report dwelt more on the problems facing Ethiopia than on the action that had been taken. In that context, she noted that, although the Government had played a prominent role in the preparation of the report, in accordance with the Committee's general guidelines, efforts had been made to ensure the active participation of all stakeholders. The report and the written replies concerning the list of issues (CRC/C/ETH/Q/3/Add.1) contained relevant information on changes that had been made following the Committee's recommendations during its consideration of the second periodic report. Information contained in the second periodic report had not been repeated.

8. She called on those who had the means to do so to support her Government's efforts to implement the Convention, since bilateral and multilateral support was vital for improving the lives of Ethiopian children.

9. Ms. ALUOCH (Country Rapporteur) said that the Committee would be considering the report against the backdrop of the difficulties experienced by Ethiopia. The most populous country in sub-Saharan Africa after Nigeria, Ethiopia had suffered drought, war and, in recent months, floods. A large proportion of its population was illiterate, social services were poor and most of the population lacked access to drinking water. Nevertheless, the Government had tried to fulfil its obligations under the Convention, particularly by introducing the National Plan of Action for Children, although, to her knowledge, the Plan of Action had not been translated or disseminated. If that was true, she wondered how children would learn of its existence. She regretted that the report gave no indication of the proportion of the budget allocated to children's needs.

10. She requested updated information on gender equality policies and also on the law dealing with vital registration and the plan of action on birth registration. In that connection, it was important to ensure that Ethiopia had the institutional infrastructure for registering births, since, under the new Penal Code the failure to register a birth was a crime. Moreover, without a birth registration system, the Government had no way of knowing how many children there were in the country and could therefore not cater for them. She wished to know how and by whom the child rights committees were coordinated and what procedure had been established to enable victims of abuse to report to them. She wondered how effective the 20-year Health Sector Development Plan could be since, according to the report, the health sector was overburdened.

11. Turning to the list of issues, she requested further information on the mandate of the National Human Rights Commission and the Ombudsman. In its replies, Ethiopia had simply stated that individual complaints in connection with the post-election demonstrations of 2005

were being identified by an independent committee. Since those demonstrations had affected many children, she requested further information about the independent committee. She was concerned at the lack of information on how Ethiopia had dealt with the Committee's concluding observations following its consideration of the second periodic report. She also wondered why Ethiopia had not ratified the two optional protocols to the Convention. With regard to juvenile justice, she asked how the courts applied the Convention and whether they did so only within the framework of article 36 of the Constitution or if they applied the Convention directly.

12. The State party had not provided any information on its efforts to further harmonize domestic law with the Convention or indicated what steps had been taken to adopt a children's bill. It had also not stated whether the Convention had been published in the Official Gazette. She noted that, although responsibility for children had been assumed by the Ministry of Women's Affairs from the Ministry of Labour and Social Affairs, the new Ministry was still in the process of organizing its human and financial resources. She wished to know how long that process would take, given that any delay would be detrimental to children.

13. She asked what form the Government's cooperation with NGOs in preparing the report had taken. She was concerned at the apparent discrepancy between the definition of the child as contained in paragraph 57 of the report and on page 13 in the written replies. She was also concerned that, in some areas, children as young as 9 could be criminally liable. She noted that, while the age limit for marriage had been raised to 18, according to tradition children as young as 8 could marry. Persons who continued to observe traditional practices should be informed of the new legislation. There was, moreover, no provision concerning minors who were subjected to violence at the hands of their biological parents. She also understood that corporal punishment was lawful in the home and that, under article 579 of the revised Penal Code, "reasonable chastisement" was permitted. However, following its consideration of Ethiopia's second periodic report, the Committee had recommended that, in the light of article 28 of the Convention, the State party should prohibit all forms of corporal punishment in the context of the school and the family.

14. Ms. SMITH said that, according to paragraph 6 of the written replies, the Convention had been implemented without any discrimination among all Ethiopian children. In practice, however, there was widespread discrimination, particularly against children with AIDS and AIDS orphans, particularly girls. She wondered whether the State party had taken any measures to prevent such discrimination.

15. Mr. PARFITT said that, while he welcomed the appointment of the Ombudsman and the Human Rights Commissioner he would like to have more information on the resources available to them and on the role they played in promoting and monitoring the implementation of the Convention. He enquired whether the Ombudsman and the Human Rights Commissioner were independent, whether they reported to the legislative or the executive branch and whether they had representatives at the local level to facilitate the filing of complaints.

16. Mr. ZERMATTEN said that, according to the written replies, in Ethiopia a child was any person under the age of 18 and, according to the report, the Constitution and article 14 of the Civil Code guaranteed every person, including children, the right to express his or her views. He

was therefore concerned that article 291 of the revised Family Code restricted the right to be consulted to children aged 14 or older and that, in judicial procedures, children as young as 9 to 15 could be prosecuted, albeit in special courts, and children between the ages 15 and 18 could be tried in adult courts.

17. Mr. FILALI said that the State party should ratify the optional protocols to the Convention, implement International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and fulfil its reporting obligations under other international human rights instruments. He wondered whether the State party had taken steps to address the problem of customary practices that affected the ability of children to express their views, including in the school system. He was concerned at the low age of criminal responsibility and at the large numbers of children, including very young children, who were working, in particular in the informal sector.

18. He enquired whether poverty eradication programmes made the elimination of child poverty a priority and, if so, what resources were allocated for that specific purpose. Although the Penal and Civil Codes had been amended to improve protection of children's rights, much needed to be done to ensure that the relevant provisions were implemented in practice. It was therefore important that those responsible for enforcing the law, including judges, police and social workers, received adequate training to increase their awareness of the need to protect children's rights.

19. Mr. LIWSKI wished to know what proportion of the State party's social spending was used to implement the Convention, in particular in such critical areas as health, education and special protection measures. He wondered whether social spending would continue to increase and whether the available resources would be adequate to build on progress made in such areas as improving access to basic health care and increasing school enrolment rates.

20. He requested additional information on the extent to which international assistance had been used to promote the objectives of the Convention. He wished to know whether assistance received from bilateral and international lending institutions had focused on the same goals identified in national plans and how international assistance could be improved to meet the needs of Ethiopia's children.

21. Lastly, he stressed the importance of providing adequate training to police and justice officials in order to ensure that children were not the victims of violence on the part of representatives of the State.

22. The CHAIRPERSON asked whether legal reforms relating to children's rights, including the right to be heard, would take into account United Nations standards such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("the Beijing Rules"). Although there had been legal reforms to increase the minimum age for marriage, and to prohibit discrimination against girls, disabled children, children living with HIV/AIDS and minority children, she wished to know what steps had been taken to ensure that

the law was implemented, in particular with a view to protecting girls in the face of persistent traditional attitudes. It was important to establish an accurate birth registration system particularly, for poor girl children, to promote girls' right to health care and education and protect them against sexual exploitation and early marriage. It was also important to eliminate poverty among women and girls and ensure that strategies, such as the National Plan of Action for Children, included a chapter on girl children.

The meeting was suspended at 11.15 a.m. and resumed at 11.30 a.m.

23. Ms. AHMED (Ethiopia) said the staff and resources allocated to women's issues at the Ministry of Labour and Social Affairs had been transferred to the newly created Ministry of Women's Affairs, which cooperated with all government and civil society partners in the implementation of the Convention. The Ministry of Women's Affairs was working with traditional local leaders to increase awareness of the need to eliminate customary practices that violated women's and children's rights. Gender-related priorities had been identified and were reflected in the Government's national development efforts. Every branch of government had an obligation to promote gender mainstreaming in its policies and activities.

24. Mr. GUTEMA (Ethiopia) said the Committee's concluding observations following its consideration of Ethiopia's second periodic report had been taken into account in recent legal reforms and measures to promote the rights of children. With regard to a birth registration system, he said that a draft bill on the subject was currently before Parliament. Once the bill was adopted, a formal plan of action would be implemented countrywide; pilot projects had already been implemented in three regions.

25. The provisions of the optional protocols to the Convention had been studied in the light of existing national legislation and the Council of Ministers would soon take a decision on ratification. Coordination of efforts for the implementation of the Convention was currently the responsibility of the Ministry of Women's Affairs. Additional resources were being allocated to the promotion of children's rights. In the area of health care, more health-care workers were being trained. The Government's objective was to ensure that basic health care, in particular for women and children, was readily available in even the most remote areas of the country. The Government was also working with civil society partners to increase awareness of the need to abandon customary practices that harmed women or children; a network of more than 50 NGOs had been established to promote that goal.

26. The CHAIRPERSON asked whether the person who performed the criminalized practice of female genital mutilation, or the person who requested it, or both, could be prosecuted and whether there had been any prosecutions for that offence.

27. Mr. FILALI enquired whether there was any legal requirement to report cases of female genital mutilation.

28. Mr. GUTEMA (Ethiopia) said that, while the National Plan of Action for Children had been disseminated through a series of regional and national consultation forums, it had not yet been translated.

29. Regarding the participation of children, he said that children could express their views in children's parliaments and councils.
30. Ms. KHATTAB asked how children were selected to participate in those parliaments.
31. Mr. GUTEMA (Ethiopia) said that the children themselves organized the parliaments and chose their leaders. On the World Day Against Child Labour and the Day of the African Child, children chose issues of concern and could submit requests to Parliament. Two years previously, they had requested the introduction of a birth registration system.
32. Mr. ZERMATTEN asked how many children's parliaments there were and whether they were organized at the national, district or local levels.
33. Mr. GUTEMA (Ethiopia) said that the parliaments were organized at the district level, although it was hoped that a national youth parliament would be established in the near future.
34. As for the participation of NGOs in the preparation of the country report or national plans of action, he said that the Government initially collected information from all NGOs and, before finalizing the plans or reports, organized consultation forums to enable NGOs to give their input. NGOs were also involved in the implementation of the plans.
35. Mr. FILALI asked whether children suspended or expelled from school had the possibility of defending themselves and expressing their views, either directly or through legal representatives.
36. Mr. GUTEMA (Ethiopia) said that, in such cases, children had the right to express their views and react to the measures taken against them. They could bring their case to the various institutions that defended children's rights.
37. Ms. KHATTAB asked whether children were aware of the complaint mechanisms available to them.
38. Mr. GUTEMA (Ethiopia) said that levels of awareness differed among children, particularly among different age groups. Several institutions operated hotlines through which children could make complaints.
39. Ms. AHMED (Ethiopia) said that 30,000 health extension workers, who dealt directly with children's and women's health, were being trained. There were currently two health extension workers in every district.
40. The children's parliaments had been established only in the past two years, and had started in the capital and sub-cities. The district women's affairs offices provided assistance.
41. Everyone had the responsibility to report child abuse and other illegal acts that affected children's rights.

42. Ms. KHATTAB asked whether there were any legal provisions concerning the reporting obligation of professionals who became aware of cases of violence against children.

43. Mr. TADESSE (Ethiopia) said that the status of international instruments in domestic law had been addressed in Ethiopia's second periodic report. Under article 9 of the Constitution, any international treaty ratified by Ethiopia automatically became part of domestic law. The Convention could therefore be applied in the same way as any other legal instrument. Judges increasingly filled any legislative gaps by invoking international conventions, including the Convention on the Rights of the Child, and lawyers also supported their arguments by invoking the provisions of international instruments. That trend was an encouraging result of the training programmes conducted for judges at all levels in recent years.

44. A comprehensive justice reform programme that included judicial reform and the harmonization of legislation both with the Constitution and Ethiopia's international commitments, had been undertaken. The amendments to the Penal Code and the Family Code had already been enacted. Greater attention was being paid to enforcement, and many violations were being reported. For example, since the age of marriage for girls had been increased to 18, many cases of underage marriage were being reported and brought to court, resulting in the declaration of invalidity of many underage marriages.

45. Mr. FILALI asked what legal measures were applied to children born to women whose marriages had been declared invalid.

46. Ms. KHATTAB asked why the legal reform and harmonization programmes were not conducted simultaneously.

47. Mr. TADESSE (Ethiopia) said that children born to girls whose marriages had been declared invalid were not considered to have been born out of wedlock, since the Civil Code stipulated that children had legal protection regardless of whether they had been conceived or born in wedlock. The father in such cases had the normal responsibilities of a father, and there were therefore no negative consequences for the child in that respect.

48. The justice reform process was organized through one comprehensive programme that was directed by a national office using an integrated approach. Training and capacity-building were of great importance to the legal system; a new training institute for judges and prosecutors covered many human rights issues, including children's rights. The institute also offered training courses for members of Parliament, the police and the media. It was currently developing a programme with the United Nations Children's Fund (UNICEF) with a view to drafting a module on children's rights for all judges in Ethiopia.

49. The age of criminal responsibility had been strongly debated during the drafting of the new Penal Code. While there had been suggestions to raise it to 12, in the end the age of 9 had been accepted. In addition to the Penal Code, the Code of Criminal Procedure also contained a section on young offenders. Offenders under the age of 18 were treated completely differently from adults. Young offenders were divided into two age categories: 9- to 15-year-olds, who were treated as children, and 15- to 18-year-olds, whose treatment combined child and adult processes.

50. Ms. ALUOCH asked how the courts could determine a child's age in the absence of birth registration.
51. Mr. TADESSE (Ethiopia) said that the courts had to rely on other forms of evidence, such as school and medical records. They also relied heavily on assessments by medical experts, which could, however, provide only the age category and not the exact age. Birth registration was essential, and a system must be put in place for the protection of children.
52. With regard to the definition of the child, the new family law considered children to be all persons under the age of 18 for civil matters. Children were heard in divorce proceedings in order for the court to decide what was in their best interests.
53. Mr. FILALI asked whether children aged between 15 and 18 were brought before adult criminal courts or before juvenile judges.
54. Ms. ALUOCH asked whether the definition of the child was contained in more than one piece of legislation.
55. Mr. TADESSE (Ethiopia) said that the Constitution did not provide a definition of the child as such. There were therefore no inconsistencies between the Family Code and the Constitution. The judicial process for defendants under 18 was very different from the system for adults. Although there were no juvenile courts as such, child-friendly courts were currently being piloted. While judges worked with both adults and minors, the procedures for cases involving children were more informal. Although there were similarities between punishment for adults and punishment for children between the ages of 15 and 18, the death penalty was not imposed on children.
56. The CHAIRPERSON asked whether the assertion in the written replies that, according to the Constitution, a child was any person under the age of 18, should therefore be disregarded.
57. Mr. TADESSE (Ethiopia) said that the Constitution did not contain a definition of the child.
58. Under the current judicial reform process, measures were being taken to increase the capacity of the judiciary to implement both domestic and international legislation. The number of trained judges had increased as more law schools had been established. However, there were still insufficient judicial staff to process all cases, particularly at the lower levels. The problem was compounded by the fact that, under the federal system, many regions used their own languages in the judicial process.
59. Several NGOs working in the field of children's rights and other relevant agencies had participated in drafting the revised Code of Criminal Procedure, which was currently under consideration.
60. The CHAIRPERSON urged the State party to take the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime into consideration when revising the Code of Criminal Procedure. The Economic and Social Council had adopted the Guidelines in July 2005.

61. Mr. TADESSE (Ethiopia) said that, although that the drafting process had begun before adoption of the Guidelines, the Guidelines had been taken into account at subsequent stages of the revision process.

62. Specific provisions requiring that children should be heard in matters affecting them had been included in legislation on divorce, adoption and juvenile justice. Judges were trained in how to deal with children in court.

63. Mr. GEBRE HIWOT (Ethiopia) said that the Human Rights Commission included a commissioner for children's and women's affairs. Members of the Commission had conducted several visits to places of detention throughout the country and had made recommendations on improving the rights of detainees.

64. The CHAIRPERSON requested additional information on the relationship between the Human Rights Commission and the Office of the Ombudsman. She asked whether the Office of the Ombudsman was currently operational. It would be useful to know whether unannounced visits could be made to detention centres and how applications for such visits should be made. She enquired whether the relevant ministries cooperated with requests for information on the situation of detainees and whether the Human Rights Commission had the power to investigate concerns regarding suspected violations of detainees' rights.

65. Mr. PARFITT asked whether the Office of the Ombudsman was independent and to which branch of Government it reported. Further details should be provided on the sources of funding for the Human Rights Commission.

66. Mr. GEBRE HIWOT (Ethiopia) said that the Government and international donors jointly financed the Commission. Requests from embassies to visit foreign nationals detained in Ethiopia were directed to the relevant prison and visits were granted accordingly.

67. Ms. AHMED (Ethiopia) said that the Office of the Ombudsman and the Human Rights Commission were independent bodies. Their staff did not have to request permission to make prison visits and they had the right to carry out any investigations that they deemed necessary.

68. Ms. ALUOCH requested further details on the right of young children to be heard in matters concerning them in the family. She asked why children under the age of 10 did not have the right to voice their opinions if their parents divorced or separated. She wondered why judges could not use their discretion in such cases. She asked what measures had been taken to ensure that child maintenance payments to single parents were not delayed as a result of lengthy judicial procedures.

69. She wished to know whether the Government intended to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. She asked whether a register of intercountry adoptions was maintained.

70. She requested detailed information on any programmes to assist children who had become heads of households.

71. Ms. VUCKOVIC-SAHOVIC urged the State party to ratify the Optional Protocol on the sale of children, child prostitution and child pornography as soon as possible since it would be useful in combating all forms of child exploitation. She asked whether trafficking in drugs and other substances was considered a crime. It would be useful to have more information on the scale of drug abuse by children and the measures taken to address that problem. She enquired what punishment was given to persons found guilty of employing children in the worst forms of child labour. It was unclear whether the Government gave shelter to child victims of sexual exploitation, and how the authorities and society in general treated victims of child trafficking and child labour.

72. Mr. LIWSKI asked whether spending on public health had been commensurate with economic growth in recent years. It would be useful to learn what measures were being taken to provide drinking water to all rural populations. The reporting State should indicate what steps would be taken to increase the ratio of health professionals to population, particularly in rural areas. He asked whether the Government promoted breastfeeding beyond the first six months of a child's life. He enquired how the Government planned to address the problem of teenage pregnancy, particularly among the rural population, and to what degree measures to promote birth control had been successful. He asked what campaigns the Government had conducted to prevent the spread of HIV/AIDS, and how successful they had been. The delegation should indicate whether international cooperation had been forthcoming in that regard.

The meeting rose at 1 p.m.