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Summary record of the 2806th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 12 July 2011, at 3 p.m.

Chairperson: Ms. Majodina

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Initial report of Ethiopia (continued) (CCPR/C/ETH/1; CCPR/C/ETH/Q/1 and Add.1; HRI/CORE/ETH/2008)

1. *At the invitation of the Chairperson, the delegation of Ethiopia took places at the Committee table.*
2. **The Chairperson** invited the delegation of Ethiopia to reply to the additional questions the Committee members had asked at the previous meeting.
3. **Mr. Yimer** (Ethiopia) said that no country in the world could claim that torture did not take place on its territory and Ethiopia was no exception. However, he could confirm that there was no systematic practice of torture in Ethiopia resulting from a deliberate Government policy. Law enforcement officials might on occasion be guilty of violations, but in such cases, the procedures provided for by law were applicable. As stated in the report (para. 52), several forms of remedies were available to persons who claimed to have been victims of torture. His delegation had no statistics or specific examples of cases in which law enforcement officers had been accused of and punished for acts of torture, but it would endeavour to gather that information and send it to the Committee as soon as possible.
4. **Mr. Teklemariam** (Ethiopia) said that, while it was true that prison conditions were unsatisfactory, the problem was the scarcity of resources, not the Government's lack of concern. All detainees, without discrimination, had access to health care. There was one hospital exclusively dedicated to treating detainees, but they could also receive care in health centres that were open to the general public. In order to tackle the problem of overcrowding, the Federal Government had decided to build new prisons. The planning stage had just been completed and the building work, which had been allocated a budget of 197 million birr, would begin by 2012. Similar projects were currently under consideration in the regional states. Inmates were given three meals a day. Their nutritional value varied between the federal and regional prisons and from one regional prison to another, depending on the resources allocated to food. Most prison authorities were in the process of increasing their budgets in order to make improvements in that regard. Prisoners could lodge complaints with representatives of the Ethiopian Human Rights Commission, members of parliament and the prison authorities during prison visits, or present their grievances directly to the prison director, or before the ordinary courts. Suggestions boxes were also available; detainees' complaints could be posted in the box and were then forwarded to the prison director. Care was taken to ensure that detainees in pretrial detention were segregated from sentenced prisoners.
5. **Mr. Ayehu** (Ethiopia) said that none of the defendants who had been tried for the 2003 killings in the Gambella region had been sentenced to death. Two of them had been sentenced to life imprisonment and the others had received 10-year prison sentences. As to the 2005 post-election violence, the independent commission of inquiry had concluded that the force used had been proportionate because the security forces had acted to prevent the destruction of public buildings and infrastructure. Had they not intervened, many people's lives would have been endangered.
6. **Mr. Tesfaye** (Ethiopia) said that Mr. Woubishet Taye and Mr. Reyot Alemu had not been arrested in connection with their journalistic activities, but because they were suspected of having plotted with foreign accomplices to engage in criminal activity in Ethiopia. They had been arrested on the basis of a warrant and had been brought before a

judge within 48 hours of their arrest. They had been able to contact their lawyers and families from the beginning of their detention. The investigation was continuing.

7. **Mr. Yimer** (Ethiopia) added that the arrests of the two journalists had been based on credible information indicating that they planned to destroy and sabotage public amenities.

8. **Mr. Molla** (Ethiopia) said that all suspects who were remanded in custody on the basis of a judge's decision could be either held by the police or sent to a prison. The segregation in prisons of detainees in pretrial detention from convicted prisoners was strictly enforced. The Constitution guaranteed the right of all detainees to be treated with respect for their dignity. It also guaranteed that persons detained on criminal charges had the right to a lawyer from the very outset of detention. Rooms were set aside in police stations to enable detainees to speak to their lawyers in private and guidelines had been published for police officers, summarizing the basic legal safeguards to be ensured for detainees. Legislation did not provide for persons sentenced in absentia to be represented in court by counsel. The official appointment of counsel within the framework of legal aid was not applicable in such cases since defendants were required to appear before the court and make such requests in person.

9. **Mr. Getahun** (Ethiopia) said that detailed information on the circumstances of the arrest of the two aforementioned journalists and death row prisoners would be submitted subsequently in writing. The most recent execution had been carried out four years previously and there had been no more than three or four over the previous 20 years.

A member of the Committee had asked about the implementation of a recommendation from the Committee against Torture on measures to investigate acts of torture, prosecute and punish the perpetrators of those acts and ensure that torture was not used by law enforcement personnel (CAT/C/ETH/CO/1, para. 10). The Government had already organized a national consultation with the different stakeholders on the implementation of the recommendations from the universal periodic review. It planned to hold similar consultations on the recommendations from each of the treaty bodies; the recommendation of the Committee against Torture and the measures required to implement it would be duly considered in that context. The Government was also finalizing a comprehensive human rights action plan.

He confirmed that the International Committee of the Red Cross (ICRC) was not permitted to enter the Somali region or visit places of detention. He also confirmed that Ms. Birtukan Mideksa was entirely free and that there were no remaining charges against her.

Trafficking was a major problem and the Government took it very seriously. An interministerial committee bringing together representatives of the Ministry of Women's Affairs, the Ministry of Justice and the Ministry of Foreign Affairs had been set up to prepare and implement a national anti-trafficking action plan. The plan included a repressive element, but also a social element targeting poverty eradication, since the exploitation of poverty lay at the heart of the problem of trafficking. A special unit within the federal police force was responsible for preventing and investigating cases of trafficking in persons. In 2010, some 139 cases had reached the courts, resulting in sentences ranging from fines to prison terms of between 3 and 20 years. Many awareness-raising campaigns are also conducted. The Ministry of Women's Affairs funded a weekly radio broadcast focusing on the issue of trafficking. In 2010, about 20 training sessions had been organized for police forces and other officials involved in the fight against trafficking. Migrant workers, especially those in irregular situations, were particularly at risk of becoming victims of trafficking. It was therefore essential to strengthen cooperation with the countries concerned in order to establish a legal framework for the protection of migrant workers. At the national level, Proclamation No. 104/1998 concerning the Private Employment Agency strictly regulated the employment of Ethiopians by private individuals and institutions to

work locally and abroad. Combating trafficking was one of the goals of the Growth and Transformation Plan, a significant part of which focused on women.

10. **The Chairperson** invited Committee members to comment on the additional replies the delegation had provided before moving on to questions 21 to 30 in the list of issues.

11. **Sir Nigel Rodley** took note of the delegation's explanation about the use of force by the security forces during the 2005 post-election violence and asked what infrastructure the security forces had been trying to protect, how the infrastructure had been threatened and by whom. The delegation had stated that the right to be assisted by a lawyer from the very outset of detention was guaranteed to all persons detained on a criminal charge. He wished to know whether that was also applicable in cases of terrorism, given that information available to the Committee indicated that it was far from being the case. He would also welcome the delegation's comments on reports that birth certificates were not issued to children of refugees who were born on Ethiopian soil. Turning to question 21 of the list of issues, he failed to see the justification for the provision in the Criminal Procedure Code that prohibited any convicted person who had pleaded guilty and had been convicted on the basis of that plea from appealing against the conviction. A person might well have pleaded guilty under duress, for example because their family was being threatened, but once the threat had been eliminated, quite legitimately wished to withdraw their plea and have the sentence reviewed. However, the provision in question did not allow for such an eventuality. It would be interesting to hear the delegation's comments in that regard.

12. **Mr. O'Flaherty** noted that the State party indicated, in its written replies (para. 45), that decisions handed down by sharia courts could not be reviewed by ordinary courts, which was difficult to reconcile with the Covenant. He referred the delegation to paragraph 24 of general comment No. 32 concerning article 14, in which the Committee emphasized that "[a]rticle 14 is also relevant where a State, in its legal order, recognizes courts based on customary law, or religious courts [...]. It must be ensured that such courts cannot hand down binding judgments recognized by the State, unless the following requirements are met: proceedings before such courts are limited to minor [...] criminal matters, meet the basic requirements of fair trial [...] and their judgments are validated by State courts in light of the guarantees set out in the Covenant". The written replies clearly indicated that the consent of all the parties to be tried by a sharia court was obligatory. However, as the State party's authorities recognized, female emancipation had not been achieved in Ethiopia, and it was therefore possible that women did not consent freely to be tried under sharia law.

13. One issue that was related to the implementation of the Covenant but had not been mentioned in the list of issues was the effect of food insecurity on the exercise of civil and political rights in Ethiopia. Without wishing to take the place of the Committee on Economic, Social and Cultural Rights, which dealt with issues related to the right to food, the Human Rights Committee could not ignore the impact the emergency situations in several regions of Ethiopia were having on the exercise of rights protected by the Covenant. He asked the delegation to share its preliminary thoughts on how the Ethiopian authorities planned to deal with that issue. He specifically wished to know whether the authorities ensured that all humanitarian aid workers provided assistance in full respect for human rights, especially the rights of the most vulnerable.

14. **Mr. Rivas Posada** commended the Ethiopian authorities for their efforts to improve prison conditions and noted that they were aware that much remained to be done. Given the worrying situation in prisons and other places of detention, he wished to know whether any new, more specific measures were planned to address the difficulties.

15. He asked whether the funding restrictions resulting from Proclamation No. 621/2009 for the Registration and Regulation of Charities and Societies, which apparently affected

the Public Defenders Office, had an impact on the provision of legal aid to people who needed it. He also requested information on the status of the Public Defenders Office, which had been established under the auspices of the Federal Supreme Court, particularly whether it acted totally independently of the Court. The restrictions imposed on the work of the Public Defenders Office had certainly weakened the legal aid scheme, and that could raise difficulties with regard to the Covenant given that, according to article 14 and the Committee's consistent jurisprudence, all persons charged with an offence must be assigned legal assistance free of charge if they did not have the means to pay for it.

16. **Mr. Iwasawa** said that his questions focused on respect for freedom of expression, freedom of the press and freedom of association considered in the light of the right to take part in the conduct of public affairs. Those three freedoms played a pivotal role in the conduct of public affairs, particularly the effective exercise of the right to vote, and were therefore directly related to the implementation of article 25 of the Covenant. It appeared that recent legislation, especially the Anti-terrorism Proclamation (No. 652/2009) and Proclamation No. 621/2009 for the Registration and Regulation of Charities and Societies, had been used to intimidate independent media that criticized the authorities. The initial report stated that some private media entities had acted in an irresponsible manner, posing challenges to the smooth democratic development of the country, and that they had contributed to the violence following the 2005 national elections. They had been prosecuted on those grounds. According to information available to the Committee, some 131 natural or legal persons, including 14 journalists and 6 publishing houses, had been charged and tried in connection with the post-election demonstrations. The public prosecutor had requested that article 258 of the Criminal Code, which provided for the death penalty, be applied in those cases. Further restrictions had been placed on the journalists in question after the trial had ended and they continued to be harassed to date; some 13 independent media outlets had been closed down. Journalists worked in a climate of fear and tended to exercise self-censorship. Some had fled the country in the previous few years after being subjected to harassment. He asked whether the State party's authorities did not think that the definition of terrorist acts in article 3 of the Anti-terrorism Proclamation was likely to have a chilling effect that might unduly restrict the legitimate exercise of freedom of expression. While the Ethiopian delegation had provided some explanations concerning the content of that article, they had not assuaged all doubts. Article 19, paragraph 3, of the Covenant enumerated the strict requirements with which restrictions on freedom of expression must comply. He wished to know how the Government justified the restrictions it imposed in that regard in view of the provisions of article 19, paragraph 3, of the Covenant. According to information available to the Committee, the Government and the ruling party had a monopoly over all the media, and there were no independent media. The law apparently provided that only legal entities could undertake press activities. He would appreciate the delegation's comments on those allegations and additional information on the measures the authorities had taken or planned to take to foster an environment conducive to the expression of different views and to fully guarantee the media's freedom of expression.

17. Defamation was a criminal offence punishable by severe sanctions, particularly when it targeted State officials. The Committee was currently drafting a general comment on article 19 of the Covenant, which recommended that States parties should consider decriminalizing defamation that targeted public figures. He asked what measures were being taken to ensure that penalties imposed for defamation of a public figure did not stifle the legitimate exercise of the freedom of the press.

18. The Committee had received reports that members and supporters of opposition parties who were the driving force behind the Forum for Democratic Dialogue in Ethiopia had been harassed and arrested and that members of an opposition party in Tigray had received threats and been detained. Furthermore, the United Nations Working Group on

Arbitrary Detention had declared that the opposition leader Birtukan Mideksa had been subjected to arbitrary arrest. He would like to hear the delegation's comments on those allegations of human rights violations and to know what measures had been implemented to ensure that members of opposition parties could fully enjoy their right to freedom of expression and freedom of association.

19. According to some sources, the Government repressed civil society organizations. In particular, the authorities had refused to register the Ethiopian Human Rights Council as a civil society organization since the 1990s, and had frozen its bank accounts. They had also refused to register the Ethiopian Human Rights and Peace Centre in 1997, and had temporarily suspended the Ethiopian Women Lawyers Association in 2001. Moreover, members of the Ethiopian Teachers' Association suffered from recurrent acts of harassment. He would welcome the delegation's comments on those allegations and asked what steps had been taken to support the development of a free and vibrant civil society. He also wished to know what measures were being implemented to ensure that the regulatory framework for party political activity and civil society organizations supported the equal participation of men and women and equitable representation of the different ethnic groups.

20. The Proclamation for the Registration and Regulation of Charities and Societies apparently provided that only mass-based organizations could participate in the process of overseeing elections, which was said to be a pretext for excluding minority organizations. He wished to know how the term "mass-based organization" was defined in that context. The Proclamation also provided that non-governmental organizations (NGOs) could not obtain charitable status if over 10 per cent of their budget came from foreign sources. That provision had resulted in the disbanding of most of the associations that had worked on social issues and for the respect for human rights in Ethiopia. The Committee was concerned that it could also be used as a pretext to ban NGOs and prevent the proper functioning of civil society. While it was reasonable for the authorities to encourage NGOs to be financially independent, the 10 per cent rule was disproportionate to that purpose. He asked whether the authorities planned to establish less onerous criteria, such as introducing tax concessions for local donors or encouraging civil society organizations to engage in profit-making ventures. He also wished to know how the 10 per cent rule could be considered to be in conformity with the provisions of articles 22 and 26 of the Covenant. The Proclamation also specified that anyone who infringed the provisions was liable to punishment under the Criminal Code. Given that applying criminal sanctions to cases involving freedom of expression and freedom of association was likely to seriously deter people from exercising those freedoms, he asked the delegation to explain how that situation could be considered compatible with articles 22 and 26 of the Covenant.

21. **Ms. Waterval** said that she was concerned about the situation of children in the State party. Some 12 per cent of the total were orphans, mostly as a result of AIDS. While they were often taken care of by relatives, which was very positive, orphans of poor families and vulnerable children had little access to support structures or essential services. Moreover, while the Criminal Code penalized trafficking in children for the purposes of sexual or labour exploitation, it did not contain a definition of a minor or a child, which was a worrying omission. Another concern was child prostitution, which was widespread in Addis Ababa, where girls aged 11 were recruited to work in brothels. The United Nations Educational, Scientific and Cultural Organization (UNESCO) reported that over 36 per cent of children aged between 5 and 14 were working instead of attending school. The situation of orphans and vulnerable children required a general government policy on protection and support. Children who were in conflict with the law should also enjoy the benefits of special measures. Turning to the right of linguistic minorities to use their own language or Amharic, she requested information on the opportunities for children belonging to minorities to receive school instruction in their native language or to learn such language.

22. **Mr. Salvioli** noted that, if sharia court decisions were not subject to appeal before the ordinary courts and sharia court judges were not required to apply the provisions of the Covenant, as the delegation had indicated, that meant that a range of issues could be excluded from the application of the Covenant. If that was indeed the case, it was of great concern, particularly as it would undermine respect for the right to gender equality.

23. As for freedom of information and freedom of expression, it was his understanding that State approval was necessary in order to manage websites. Moreover, some websites that were critical of the situation in the country were not freely accessible within Ethiopia. He wished to know how the regulation of Internet access ensured the right to receive information.

24. **Ms. Chanet**, returning to the issue of trials in absentia, noted that the delegation had seemed surprised that a person who was tried in absentia would be considered to have the right to counsel. The European Court of Human Rights and other courts had recognized that right as absolute, and it was also widely established in international case law. Especially in order to ensure that sentencing was in no way automatic, it was essential that the trial should take place in the presence of defence counsel, and trials in absentia should respect all the guarantees enshrined in article 14 of the Covenant.

25. On the issue of the restriction of the right of appeal of a person who had been convicted on the basis of a guilty plea, she conceded that there was a certain logic in the State party's position, in that a person that had already admitted guilt should not subsequently be able to lodge an appeal against his or her conviction, and only the sentence could be contested. However, Sir Nigel Rodley had already mentioned certain aspects that could, on the contrary, justify appealing against conviction in such a case. She merely wished to draw attention to the fact that the prohibition in question in Ethiopia was not in conformity with the provisions of the Covenant. If a State party decided to introduce or maintain such a ban, it should enter a reservation to the Covenant. In the absence of a reservation, the State party was under an obligation to ensure that any person who had been convicted on the basis of a guilty plea had the right to the conviction and sentence being reviewed by a higher tribunal, as provided by article 14 of the Covenant.

26. Turning to customary courts, the Committee had clearly stated in its general comment on article 14 that such courts could consider only "minor civil and criminal matters", in full conformity with the requirements of article 14. Their judgements must be validated by ordinary courts in the State party, which was responsible for those decisions. In other words, the State party could not invoke the principle of the independence of the judiciary to rubber-stamp customary court decisions that contravened the rights enshrined in the Covenant, since it was the State party that, by acceding to the Covenant, had undertaken to implement its provisions.

27. **Mr. Bouzid** noted that some 80 languages were spoken in Ethiopia and asked whether all defendants had the right to the assistance of an interpreter in judicial proceedings. Given that the authorities said that the shortage of judges was the reason for delays in the administration of justice, it would be useful to know what policy and what measures had been adopted or were planned in order to improve the situation.

28. **Mr. Fathalla**, going back to Mr. O'Flaherty's question on food insecurity in Ethiopia, observed that there was a significant risk that the famine threatening several regions of the country would affect the right to life, which was one of the cornerstones of the Covenant. In that context, he asked whether the authorities had drawn up a strategy to remedy that situation and ensure respect of article 6 of the Covenant.

The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.

29. **Mr. Korcho** (Ethiopia) said that recourse to sharia courts was based on the consent of the two parties involved, who alternatively had access to ordinary civil courts. While sharia courts applied sharia law, the procedure they followed was based on the same Civil Procedure Code that was applied by ordinary jurisdictions. Since sharia courts included a second hearing, the parties could lodge an appeal against the merits of a decision handed down in the first instance. All errors of law were subject to appeal before the Cassation Bench of the Supreme Court.

30. **Mr. Molla** (Ethiopia) said that, until 2009, the non-governmental sector in Ethiopia had been governed by regulation No. 321 of 1959 on the registration of associations and the 1960 Civil Code, which had not provided an adequate legal framework. The need to define the areas of activity of civil society organizations, create an environment conducive to their activities, regulate relations between those organizations and the authorities, determine the amounts for operational and administrative costs and enable NGOs to engage in income-generating activities had led to the adoption of Proclamation No. 621/2009 for the Registration and Regulation of Charities and Societies. The main aim of the Proclamation was to ensure citizens' enjoyment of freedom of association, which was enshrined in the Constitution, promote the role of charities and associations in Ethiopia's comprehensive development and ensure that they functioned in a transparent and responsible manner. Only Ethiopian organizations that had been set up under Ethiopian law, had an exclusively Ethiopian membership, obtained their income in Ethiopia, were run solely by Ethiopians and obtained not more than 10 per cent of their funds from foreign sources were authorized to carry out the activities listed in article 14 of the Proclamation. Charities and other associations that obtained more than 10 per cent of their funds from foreign sources were not authorized to carry out activities in the area of human rights and democracy. That ban was in place to ensure that political activities and promotion of democratic rights remained the preserve of Ethiopian citizens. By law, foreign-funded NGOs were authorized to carry out activities related to economic development. Proclamation No. 621/2009 in no way infringed the country's international obligations. Some foreign NGOs did, however, work in the areas of human rights and justice and in the prison sector, under agreements concluded with the Ethiopian Government provided for in the Proclamation. Following the adoption of the Proclamation, the Charities and Societies Agency had registered more than 2,700 civil society organizations, 570 of which were entirely new. The Government was currently setting up a working group on charities and associations made up of representatives of public entities, civil society organizations and the Development Assistance Group. Its remit was to examine ways of creating even more favourable conditions for the work of civil society organizations in Ethiopia. The Ethiopian Human Rights Council and the Ethiopian Women Lawyers Association were registered NGOs that had been set up under the previous legislation to work in the area of human rights and democratic rights. Once the new legislation had been enacted, they had been registered under the category of Ethiopian charities that could not obtain more than 10 per cent of their funds from foreign donors. However, over 10 per cent of the funds in the bank accounts of those organizations had been found to come from foreign sources. The Charities and Societies Agency had therefore frozen their assets, but had allowed some of the money to be used to pay outstanding wages and other operational expenses. Since frozen bank assets could not be confiscated by the Government, it would be up to the Charities and Societies Agency to decide whether they should be donated to other charities. The Agency had authorized the Ethiopian Women Lawyers Association to organize fundraising activities on six occasions. The Ethiopian Human Rights Commission had also allocated funds to the two NGOs in order to enable them to achieve their objectives.

31. Under article 16 of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia Proclamation No. 691/2010, the Ministry of Justice had the power and duty to represent citizens, in particular women and children, who

were unable to institute and pursue their civil suits before the federal courts. In order to honour that obligation, the Ministry was setting up a system of legal aid. The role of the special prosecutorial units within the Ministry of Justice at the federal level was not only to prosecute perpetrators of offences committed against women, but also to maintain a hotline for women victims and to provide them with legal representation, including in civil proceedings. The Ethiopian Human Rights Commission had set up a facility and signed an agreement with the law faculties of over 15 universities in order to provide legal aid to indigent victims and defendants. Women's associations also provided legal aid services to women defendants and victims. The Ministry of Justice, in cooperation with the Ministry of Women, Children and Youth Affairs and other partners, had set up a hotline for women victims. Furthermore, lawyers were obliged to devote at least 50 hours to providing legal aid to the poor. The Ministry of Justice was currently drawing up some guidelines on that subject. The Office of the Public Defender was an organ of the Federal Supreme Court, established pursuant to the Constitution, which received regular budget allocations.

32. There were rehabilitation centres for street children in many regions, which provided boys and girls who lived on the streets and orphans with rehabilitation services, psychosocial assistance, help to reintegrate into society and educational support, including food, uniforms and school material, and assistance to undertake income-generating activities. The centres were managed at the federal and regional levels by the competent public authorities in collaboration with NGOs. Ethiopia was party to the 1973 ILO Minimum Age Convention (No. 138) and the 1999 ILO Convention on the Worst Forms of Child Labour (No. 182) and the Government had incorporated the principles of those conventions into the Labour Proclamation. In addition, the authorities had conducted different programmes to combat child labour, in association with development partners. A national action plan to eliminate the worst forms of child labour had been drawn up and was ready to be implemented. The national action plan on child labour for the period 2010–2014, developed by the Ministry of Labour and Social Affairs, was currently being implemented with a view to abolishing child labour and protecting and assisting children, including children who were heads of families. The State provided substantial support for orphanages. They had been inspected by a team of representatives from the Charities and Societies Agency, the Ministry of Justice and the Ministry of Women, Children and Youth Affairs which, in collaboration with the regional state authorities, had overseen the management of those establishments and the quality of the care given to the children concerned. The inspection had enabled the Government to take the measures required to improve the running of the orphanages and put a stop to the violations of children's rights that had come to light in some cases. Orphans were given priority under the programme for land allocation in rural areas.

33. The Government was currently preparing a draft proclamation on the registration of civil status and vital statistics, with particular focus on the registration of births, deaths, marriages and divorces. In 2010, Ethiopia had hosted the first meeting of African ministers of justice and public prosecutors on the registration of civil status and vital statistics. The revised Civil Code contained detailed regulations on adoption procedures. All adoptions were decided by the courts. The regional states had their own family law, which was compatible with federal legislation. The Ministry of Women, Children and Youth Affairs was authorized to issue certificates to the courts for official adoptions. In 2002, a specialized court that took a victim-centred approach had been established at the federal level. From 2004, similar courts had been set up in most of the regional states. The courts sought to avoid secondary victimization and enable victims, particularly women and children, to be heard in a friendly setting. Victims gave evidence in purpose-built premises and, thanks to a closed-circuit television system, did not come face-to-face with the perpetrators of the offences. Victims also received support from intermediaries who were there for that purpose. The hearings were held in camera. As for the age of criminal

responsibility, which was set at 9 years in the Criminal Code, he said that it would be very difficult to undertake to raise it at that stage.

34. The procedure for people who pleaded guilty and were convicted on the basis of that plea was laid down in articles 132 and 134 of the Criminal Code. In principle, a court could convict a person who had pleaded guilty without examining any other evidence. However, if the judges deemed it necessary, they could exercise their discretion in ordering the prosecution to present further evidence and authorizing the accused him or herself to demand such evidence. Article 135 of the Criminal Code provided that when a guilty plea had been entered, but the court determined during the course of the proceedings that the accused ought to have pleaded not guilty, it could decide that the accused should change his or her defence and plead not guilty. Under the Criminal Code, persons convicted on the basis of a guilty plea were entitled to appeal the court's decision only in order to challenge the extent or legality of the sentence. The Ethiopian authorities took the provision in article 14 of the Covenant, namely that everyone convicted of a crime should have the right to his conviction and sentence being reviewed by a higher tribunal according to law, to refer to persons that had pleaded not guilty.

35. **Mr. Ayehu** (Ethiopia) said that, under article 19, paragraph 1, and article 20, paragraph 7, of the Constitution, people arrested on suspicion of having committed an offence had the right to assistance from an interpreter at the State's expense when the trial took place in a language they did not understand, from the moment of arrest until sentencing.

36. **Mr. Assefa** (Ethiopia) said that independent media were indispensable if citizens were to be able to have informed opinions. It should be noted, however, that after the 2005 elections, some media organizations had not fulfilled that role and had published inaccurate information, acted irresponsibly and taken subversive political stances. Some newspapers had been shut down. In 2008, the Government had adopted the Freedom of the Mass Media and Access to Information Proclamation No. 590/2008, according to which the authorities had to communicate information regularly to all journalists and the arrest of journalists on suspicion of offences related to the publication of information in the media was no longer required. The new law did not limit the scope for political debate and all its provisions were compatible with the international obligations Ethiopia had undertaken. The existence of antiterrorist legislation was not detrimental to the media and did not necessarily imply a restriction on the freedoms guaranteed by the Constitution.

37. The federal system took due account of all the linguistic minorities by assigning at least one seat in the House of Federation (the second chamber of the federal parliament) to every linguistic group, regardless of the number of people who spoke a language. The right of each group to use its own language in the spheres of education and administration was also guaranteed at the regional and local levels. Given that over 80 languages were spoken in the country and that there were limited resources available, it was extremely difficult to produce teaching materials in each of the languages. Nonetheless, a great deal was done to ensure that communities had the means to use their language in the education system. Thanks to its representative character, the federal system Ethiopia had chosen — rather than resulting in division, as some observers had initially feared — had actually strengthened the country's unity and allowed it to achieve a more equitable distribution of wealth.

38. **Mr. Getahun** (Ethiopia) said that several of the Committee members had expressed some questionable judgements and generalizations in their questions and comments. While it was difficult to respond directly to such opinions, the information provided by the delegation gave a good description of the legislative measures that had been implemented to create an environment conducive to the exercise of fundamental freedoms. The aim of the Proclamation on the Registration and Regulation of Charities and Societies was to

promote transparency and responsibility and to facilitate the activities of local defence associations and groups. As soon as the text had been adopted, the number of applications for registration from organizations that had been set up in Ethiopia or abroad had risen sharply. Similarly, the aim of the Freedom of the Mass Media and Access to Information Proclamation was to promote freedom of expression, with measures such as the abolition of pretrial detention for media offences, the introduction of legal protection of editorial rights, simplification of accreditation procedures and the requirement for government entities to communicate information to the public.

39. The drought in the Horn of Africa had affected and continued to significantly affect the population in the east of the country, particularly refugees and displaced persons. While the situation there was an emergency, it was not correct to talk of famine, to the extent that the authorities were trying to ensure that the people who suffered most from the extremely adverse climatic conditions did not die of hunger, especially by facilitating the transport and distribution of international humanitarian assistance. In addition to emergency measures, the Government had also launched a long-term plan in a bid to guarantee food security.

40. The national Growth and Transformation Plan (2011–2015) had ambitious goals. It aimed to strengthen the democratic basis of the State and create the conditions for stable and sustainable growth, notably by achieving the Millennium Development Goals. It contained measures to strengthen and improve education, health services and social services and included a specific chapter on the protection of vulnerable people, particularly children. It also prioritized increased agricultural productivity, which was an essential prerequisite for achieving food security. The goals were all time-bound and the budgetary allocations needed to implement the Plan had been set aside.

41. **Mr. Iwasawa** said that the Committee was preparing a draft general comment on freedom of expression, in which it highlighted the fact that article 19, paragraph 3, of the Covenant contained three conditions that must all be fulfilled before restrictions could be placed on freedom of expression. The restrictions must be “provided by law”; they may only be imposed for one of the reasons set out in subparagraphs (a) and (b) of paragraph 3 (for respect of the rights or reputations of others and for the protection of national security or of public order (*ordre public*), or of public health or morals); and they must be justified by the State party, which must demonstrate that they are “necessary” for one of those reasons. In defining the criterion of necessity, the Committee emphasized the principle of proportionality and stressed that the State party must demonstrate in specific and individualized fashion the precise nature of the threat, and establish a direct and immediate connection between the expression and the threat. The Committee had recently started broadcasting its public sessions, such as the current meeting, on the web. He asked the delegation whether people in Ethiopia had in fact been able to watch the meetings on the consideration of Ethiopia’s initial report, given that some websites were blocked in the country.

42. **Sir Nigel Rodley** asked whether the delegation could confirm that access to a lawyer was guaranteed for all detained persons, including those who were suspected of terrorism, from the very outset of deprivation of liberty. He also invited the delegation to specify whether birth certificates were issued for all children, including the children of refugees.

43. **Ms. Waterval** said she had been surprised to hear the delegation state that it would be difficult to promise that the minimum age of criminal responsibility established in law would be raised. Should the Committee take that to indicate that the Government did not even plan to consider the issue?

44. **Mr. Getahun** (Ethiopia) said that, while his delegation had taken due note of the Committee’s concern about the minimum age of criminal responsibility, it could not say for

sure what legislative measures might be taken in that regard. As for birth registration, the law provided that birth certificates were issued to all children who were born on Ethiopian territory. If differences in treatment did exist in practice, the authorities would be sure to look into the problem. Access to a lawyer was guaranteed for all detained persons, irrespective of the charges that were brought against them.

45. **Mr. Thelin**, turning back to the issue of access to the Internet, which certain sources had alleged the Ethiopian authorities had blocked, he wished to know if that was indeed the case and whether it was true that in Ethiopia, it was impossible to connect to websites carrying the live broadcast of the Committee's meetings on the consideration of the report.

46. **Mr. Yimer** (Ethiopia) said that the delegation had no information about live broadcasts of the Committee's debates on the web. He appreciated the constructive and enriching dialogue that had ensued from the consideration of the initial report of Ethiopia and thanked the Committee members for all their comments and questions, to which his delegation had tried to respond as fully and honestly as possible.

47. **The Chairperson** said that the Committee welcomed the State party's commitment to fulfilling its international obligations, as illustrated by the composition of the high-level delegation and the quality of the dialogue that had just been held. However, she noted that there were several areas of concern, including the implementation of the Covenant by domestic courts, practices that were harmful to women, restrictions on freedom of expression and association, the effects of counter-terrorism legislation and reports of the widespread use of torture. Over the course of the dialogue, areas had been pointed out to the delegation in which improvements could be made to the situation on the ground in order to increase protection for the rights of individuals.

48. *The delegation of Ethiopia withdrew.*

The meeting was suspended at 5.45 and resumed at 5.50 p.m.

Organizational and other matters

49. **The Chairperson** invited the members of the Committee to use the remaining meeting time for comments and suggestions following the previous day's meeting with NGOs.

50. **Mr. Flinterman** highlighted the extent to which the relationship between the treaty bodies and NGOs had developed over the years and said that it would be useful to sum up the Committee's long experience in that field in a statement on the issue, such as the one that the Committee on the Elimination of Discrimination against Women had recently issued. The text could be used subsequently as the basis for a joint statement from the different treaty bodies on the contribution NGOs made to their work.

51. **Mr. Thelin** supported Mr. Flinterman's suggestion and proposed that the Bureau should start examining the specific modalities of such a declaration.

The meeting rose at 6 p.m.