



THE LUTHERAN WORLD FEDERATION

A COMMUNION OF CHURCHES – EINE KIRCHENGEMEINSCHAFT – UNA COMUNIÓN DE IGLESIAS – UNE COMMUNION D'ÉGLISES

LUTHERISCHER WELTBUND – FEDERACIÓN LUTERANA MUNDIAL – FÉDÉRATION LUTHÉRIENNE MONDIALE

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

ETHIOPIA

75th session (3-28 August - 2009)

I. Documents

The following documents are available:

1. State's reports and country situations:

<http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ETH.15.doc>

2. List of Issues & Written replies:

<http://www2.ohchr.org/english/bodies/cerd/docs/AdvanceVersions/CERD-C-ETH-Q-15.doc>

3. Concluding Observations:

<http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD.C.ETH.CO.15.doc>

NOTE: *These documents are also available from the LWF Office for International Affairs and Human Rights on request.*

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LWF Summary Report

On the 19th and 20th of August 2009, the Committee on the Elimination of Racial Discrimination has considered the combined seventh to sixteenth periodic reports of Ethiopia on its implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

SUMMARY OF THE REPORT

Availability of the Convention

The Committee notes with concern that the Convention is not available in the working language of the Federation and in local languages, thus limiting the possibilities for people to protect their rights. According to the delegation, it is difficult to translate the convention in all languages. Moreover it might lead to more confusion and misinterpretation.

The State party should make the convention available in the working language of the Federation and in other local languages used in the federal regions.

Legislation on discrimination

The Committee noted with concern that Ethiopia has no specific legislation on racial discrimination. According to the delegation, racial discrimination is already outlawed in Ethiopia's constitution.

The State party should adopt specific legislation on racial discrimination implementing the provisions of the Convention, including a legal definition of racial discrimination.

Discrimination against castes

The Committee noted with concern that some castes involving racial and ethnic minorities were discriminated in the way one greeted another or the way one sat at a table. Objects belonging to members of the higher caste and which had been touched by members of a lower caste had to be broken afterwards.

The State party should undertake a study of the spread and causes of the discrimination against castes and implement a strategy to eliminate it.

Protection of the rights of racial and ethnic groups

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

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

Refugees and internally displaced people

The Committee welcomed that the State party has enacted legislation to ensure the protection of refugees but regrets the lack of detailed information provided by the State party on the

extent to which refugees and internally displaced people enjoy their rights set out in Article 5 of the Convention.

a) The State party should better implement its legislation to ensure that refugees and internally displaced persons enjoy their rights.

b) The State Party should consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Freedom of Association

The Committee noted with concern that charities created by nationals of the State party are not allowed to receive more than 10 per cent of their funds from foreign sources whereas charities are widely dependent on foreign donors. Moreover, charities established by residents under the State Party's law with an exclusively Ethiopian membership are not allowed to take part in the promotion of human and democratic rights, the promotion of gender equality and the promotion of the efficiency of the justice and law enforcement services. According to the delegation, this would not affect NGOs as Ethiopian charities can receive more than 10% funding from foreign donors, but then their status would change as they won't be considered as Ethiopian anymore.

The State party should review this legislation to ensure that due consideration is given to the important role of civil society organizations in the promotion and protection of human rights, including in the area of racial discrimination.

Ethnic Conflicts

The Committee is concerned with the frequency of ethnic conflicts in Ethiopia. The State party stressed that Ethiopia could not be described as a country with ethnic conflict. When conflicts arise, it resolves them through mechanisms such as referendum, conflict settlement and prevention tool including early warning system and investigation on the causes of these conflicts. The delegation added that a national strategy for dispute prevention and resolution is currently under debate.

The State party should enhance its efforts to address the root causes of ethnic conflicts on its territory.

Violation of Human Rights by the military

The Committee is concern with the reports of military targeting civilians and ethnic groups in particular without thorough investigation following human rights violations. According to the delegation, the army and the police already receive ongoing trainings in human rights and international humanitarian law.

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

Political parties

The Committee is concerned that as political parties are often structured on ethnic lines, it might contribute to increase ethnic tension in the State party.

The State party should encourage the development of integrationist multi-racial organizations, including political parties.

Religious and customary law

The Committee welcomed the information that religious and customary law was recognised on the condition that it respects Ethiopian Constitution and international human rights and that the individuals concerned consent to the application of these laws. However, the Committee did not receive information on the measures taken by the State Party to ensure that the application of this law does not lead to de facto racial discrimination against members of ethnic groups or against women for example in the case of family disputes: The State should ensure that women who have the right to exit Sharia courts and go to a civil court freely decide their legal regime in the process of litigation.

The State party should ensure that all citizens are enabled to exercise their free choice of legal system to govern their personal affairs, particularly marginalized and vulnerable persons such as women in traditional societies.

Harmful traditional practices

The Committee is concerned that illegal customary practices such as forced marriages and female genital mutilation still persist in some communities whereas it is prohibited by the national legislation since 2005. According to the delegation, efforts are already made to reduce these practices. Female genital mutilation decreased by 15 per cent in Ethiopia between 1997 and 2007 and decreased by 40% between 2000 and 2005.

The State party should reinforce the measures adopted to eradicate harmful traditional practices through awareness-raising strategies, and in consultation with communities engaging in these practices.

National Human Rights Institution

The Committee welcomed the establishment of the Commission for Human Rights and the Institution of the Ombudsman but noticed the lack of information on the competencies and effectiveness of these two institutions. Furthermore, the Committee noticed that the Commission for Human Rights had no department dealing specifically with cases of racial discrimination. The Committee is also concerned that offices of the Commission are mainly situated in urban areas so that people residing in rural areas can hardly access them. In addition, these two institutions do not make enough effort to provide information to the public on their activities and on solutions available in the case of racial discrimination. According to the delegation, the Commission already investigated all cases of discriminations, and organised information seminars and workshops on human rights. The Commission had also made efforts to be more accessible to the public and to have branches in all of the regions of the country.

The State party should:

a) provide, in its next periodic report, information on the competencies and effectiveness of the activities of the Commission for Human Rights and the Institution of the Ombudsman;

b) strengthen the Commission for Human Rights in line with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights and provide it with adequate resources;

c) disseminate more widely information on the existence of the Commission for Human Rights and the Institution of the Ombudsman, particularly their mandate to investigate violations of human rights; and

d) ensure the effective accessibility of the Commission for Human Rights to persons living in rural or other peripheral areas.

Human rights' education

The Committee noticed the lack of information on the extent to which equal rights and non-discrimination is integrated into school curricula.

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

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