

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE RIGHTS OF THE CHILD 43RD SESSION ETHIOPIA, 3RD REPORT

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Information submitted to the Committee

Ethiopia submitted its third report on its obligations as a State party to the *Convention on the Rights of the Child* (the Convention) due in 2003 to the Committee on the Rights of the Child (the Committee). In addition, the written answers to the Committee's list of issues¹ were also submitted. The slightly delayed report elaborates on a number of different issues related to the rights of children including implementation measures, legal definitions, family life, civil and political rights, and education. The report contains 25 tables providing statistical information supporting the draft text. Furthermore, the five annexes provide general statistical data on the country and its population.

Parallel reports were submitted by the following non government organisations (NGOs): Child Helpline International, Global Initiative to End All Corporal Punishment of Children and Oroma Human Rights Relief Organisation.² These reports focus on the need for a child helpline, corporal punishment of children and harassment, violence and killings of school children. Information from NGO's has been examined during the 43rd pre-sessional working group.

Ethiopia ratified the Convention in 1991 without any reservations. However, it has not ratified the *Optional Protocol on the sale of children* (OPSC), *child prostitution and child pornography* nor the *Optional Protocol on the involvement of children in armed conflict* (OPAC).

¹ The state report, list of issues, answers to the list of issues, General Comments, and the Concluding Observations of the Committee as well as the reservations, declarations and understanding of the State party are available at <http://www.ohchr.org/english/bodies/crc/crcs43.htm>

² NGO reports are available on the Child Rights Information Network at <http://www.crin.org/docs/resources/treaties/crc.25/annex-vi-crin.asp>

Themes and issues

The Ethiopian delegation consisted of five people who are experts in the areas of women's affairs, social affairs, the Federal Supreme Court, and human rights. The Chief Commissioner of the National Human Rights Commission was part of the delegation. National human rights institutions are not a part of the delegation, but they are allowed to give comments on the situation in the State party if the delegation allows so. The working method of the Committee is based on a high level of interaction between delegation and Committee members, with the chair or other committee members often interrupting the delegation to pose follow up questions or get clarification on a particular issue.

Implementation of the Convention

The country Rapporteur, Ms Joyce Alouch, expressed her concern about the lack of concrete measures taken to implement the Committee's Concluding Observations following the last examination in 2001. She was also concerned that the Optional Protocols to the Convention had not been ratified and she enquired as to whether the Convention can be invoked in domestic courts. On a related issue Mr Kamel Filali asked why Ethiopia had not ratified the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. Mr. Filali also commented on Ethiopia's lack of reporting to other treaty bodies. This is an important point as collaboration is sought between the different treaty bodies. The delegation claimed that the Committee's Concluding Observations are being consulted when the government takes relevant initiatives. It added that the two Optional Protocols are currently being reviewed with the aim of being ratified. Regarding the role of the Convention in domestic legislation, the delegation noted that the constitution stipulated that ratified international treaties become law of the land. Currently many judges were filling gaps in domestic legislation with provisions of international law, including the Convention.

Another issue addressed by a number of Committee members was the role of the National Human Rights Commission and the Ombudsman. The Committee sought information on the level of independence of these institutions and how they dealt with complaints regarding state violence during post election demonstrations in 2005. The delegation replied that the two-year-old institutions are fully independent, and are in a position to set up commissioners for women and children affairs.

In its Concluding Observations the Committee urged the State party to ratify the two Optional Protocols and take measures to fully implement the recommendations of the Committee. Furthermore, it recommended that the State party, through a comprehensive legislative review should ensure the full compliance of domestic law with the provisions of the Convention. Regarding the National Human Rights Commission and the Ombudsman, the Committee recommended that the State party ensure the full compliance of these institutions with the Paris Principles. It was also recommended that these institutions submit additional reports directly to the Committee in the future.

Definition of children

The committee addressed the issue of the definition of children during comments on the legal and de facto minimum ages for criminal liability, marriage, work, and the child's right to be heard. The Committee expressed its concern about the lack of coherence between the very low minimum ages of criminal liability, children marrying, child workers and the 14-year minimum age for the child to be heard.³ The very low minimum age for criminal liability (nine years old) was of special concern to the Committee and Ms Alouch

³ The age for criminal liability is 9 years. A person who is 15 years old can be tried as an adult. While the minimum age for marriage is 18 years, children as young as 8 years were marrying due to traditional practices. The Committee was especially concerned about reports that 5 yr old children are working in the informal sector.

asked how the courts determined the age of a child being prosecuted as there is no effective birth registration in Ethiopia. The delegation explained that the child's age is determined through various indicators such as registration in churches, enrolment in schools and expert medical examinations. At the same time, parliament was considering the establishment of birth registration. Regarding juvenile justice, there was a special criminal procedure for persons between 15 and 18 years of age as well as other special measures such as free mitigation which allows the judge to lower the sentence to the one applicable for a child under the age of 15 as well as the use of special units in prisons for juvenile offenders. In relation to the problem of traditional practices which allow marriages involving children as young as 8, the delegation noted that a number of NGO's were working in the area of awareness raising, and a high number of marriages had been declared invalid. The child's right to be heard was being advanced through special child councils, as well as new practices encouraging judges to attach more importance to statements made by children.

On all the above-mentioned areas the Committee took positive note of the efforts made so far by Ethiopia but continued to express its concern. The Committee recommended that the State party strengthen its measures in all of these areas to ensure compliance with the Convention. More specifically, the Committee gave a number of very tangible recommendations in the area of juvenile justice and referred the State party to the recommendations adopted following the general discussion on the right of the child to be heard, conducted during this 43rd session.

Trafficking of children and adoption

In relation to the issue of trafficking of children, given that Ethiopia have not ratified the OPSC, the Committee enquired on the extent of monitoring mechanisms that are in place to insure compliance with international standards. The Committee mainly focused on problems relating to intercountry adoption and expressed its concern that Ethiopia has not ratified the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption* (the Hague Convention). This instrument would be ideal for guiding Ethiopia in addressing the issue. Ethiopia is in the top 10% of African countries trafficking children.⁴ The Committee was very interested in the monitoring mechanisms in place for the intercountry adoptions as it was concerned that adoptions might be used as a cover for the sale and trafficking of children. The Committee took a specific interest in the means of revoking adoptions and whether mechanisms are in place to register adoptions. The delegation of Ethiopia explained that it had reviewed the provisions of the Hague Convention, and Ethiopia was assessing all possibilities to implement it. The delegation further explained that as all intercountry adoptions were being registered, the government required yearly status letters on the child's upbringing until the child has reached the age of 18. Further, it was claimed by the delegation that no money is involved in adoption cases as the government pays officials. It remains unclear whether the provisions for revoking adoptions also apply to cases of intercountry adoption. Finally, the government has set up a monitoring committee focusing on trafficking. Sometimes the government sends delegations to certain countries to monitor the process. A range of problems relating to domestic adoption was identified during the discussion but these will not be addressed in this report.

The Committee noted the rise in intercountry adoptions and urged Ethiopia to ratify the Hague Convention. The committee also recommended that the government should encourage domestic over intercountry adoptions and strengthen its domestic monitoring. On the issue of child trafficking, the Committee expressed its grave concern and made a number of recommendations to the State party.

Other issues

⁴ Numbers as high as 20.000 per year were mentioned.

A number of other issues were addressed during the meeting but not mentioned in this report. These include corporal punishment, HIV/AIDS especially mother to child transmission, access to education, discrimination against vulnerable groups such as disabled persons, girls or HIV/AIDS infected children and lack of information on budgetary funding. The Committee also briefly touched upon allegations of violence and killings against children committed by police officials during post election protests. Unfortunately, the Committee did not find time to explore this particular issue at any great length during the meeting. It was, however, addressed in the Committee's Concluding Observations.

Conclusions and next steps

During the discussion the Committee managed to address a wide range of issues of concern. However, the Committee's practice of encouraging extensive interactive dialogue resulted in a lack of time to focus on the issue of children being targeted by police officials during post election protests.

Despite this, the Committee managed to address the most important issues if not during the discussion then in the Concluding Observations. Amongst these were the role of the Convention in domestic law, the definition of a child, trafficking and adoption, police brutality, discrimination against vulnerable groups, and corporal punishment.

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ABOUT THE PUBLICATION

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